

ORDINANCE NO. 2011-25-267

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 34-13 OF THE CITY'S LAND DEVELOPMENT REGULATIONS (LDRS) TO ESTABLISH THE TOWNE CENTER OVERLAY DISTRICT; AMENDING SECTION 34-14 OF THE LDRS TO ESTABLISH THE PURPOSE AND INTENT OF THE TOWNE CENTER OVERLAY DISTRICT; AMENDING SECTION 34-17 OF THE LDRS TO AMEND THE OFFICIAL ZONING MAP TO DEPICT THE TOWNE CENTER OVERLAY DISTRICT; AMENDING SECTION 34-287 OF THE LDRS TO INCORPORATE THE TOWNE CENTER OVERLAY PERMITTED USE LIST; AMENDING SECTION 34-288(32) OF THE LDRS TO ADD REGULATIONS FOR PLACES OF PUBLIC ASSEMBLY IN THE TOWNE CENTER OVERLAY DISTRICT; AND AMENDING SECTION 34-474 OF THE LDRS TO INCLUDE REGULATIONS RELATING TO THE MIAMI GARDENS TOWNE CENTER MASTER PLAN; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2005, the City of Miami Gardens approved a Towne Center Master Plan for the general area of NW 27<sup>th</sup> Avenue and NW 183<sup>rd</sup> Street, the legal description of which is depicted on Exhibit "A", and

WHEREAS, Towne Center Zoning District was created in 2006 and was in effect until the City adopted its new Land Development Regulations in 2010, and

WHEREAS, when the City adopted its new Land Development Regulations, the Towne Center Zoning District was replaced with the Planned Corridor Development Zoning District, and

WHEREAS, City staff is proposing a revised Towne Center Master Plan which will be adopted by resolution, and which will incorporate some of the

pedestrian-friendly facilities and discourage automobile related uses as was previously outlined in the City's 2005 Towne Center Master Plan, and

WHEREAS, City staff is proposing that various provisions of the LDRs be amended to incorporate the Towne Center Overlay Zoning District in accordance with Exhibit "B" attached hereto

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENTS TO LAND DEVELOPMENT REGULATIONS: The City Council of the City of Miami Gardens hereby adopts those certain amendments to the Land Development Regulations attached hereto as Exhibit "B" and incorporated herein by reference.

Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall

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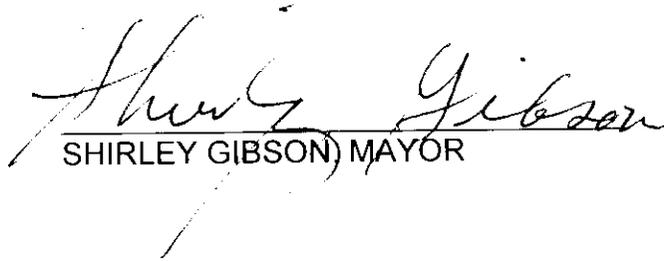
become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 5<sup>th</sup> DAY OF OCTOBER, 2011.

PASSED ON SECOND READING ON THE 2<sup>nd</sup> DAY OF NOVEMBER, 2011.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 2<sup>nd</sup> DAY OF NOVEMBER, 2011.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Ordinance No. 2011-25-267

Moved by: Councilman Gilbert  
Second by: Vice Mayor Campbell

**VOTE:** 6-0

Mayor Shirley Gibson	<u>  X  </u> (Yes)	<u>      </u> (No)
Vice Mayor Aaron Campbell, Jr.	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman David Williams Jr	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Lisa Davis	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman Oliver Gilbert, III	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Felicia Robinson	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman Andre' Williams	<u>      </u> (Yes)	<u>      </u> (No) (not present)



## City of Miami Gardens Zoning Agenda Memo

Zoning Board Meeting Date:	November 2, 2011		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other
					X	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 <sup>st</sup> Reading		2 <sup>nd</sup> Reading
		X				X
			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes    No
				X		
Funding Source:	<i>(Enter Fund &amp; Dept)</i>		Advertising Requirement:	Yes		No
				X		
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:			
		X				
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: N/A		
		X				
Sponsor Name:	Dr. Danny Crew, City Manager		Department:	Planning and Zoning Department		

### Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 34-13 OF THE CITY'S LAND DEVELOPMENT REGULATIONS (LDRS) TO ESTABLISH THE TOWNE CENTER OVERLAY DISTRICT; AMENDING SECTION 34-14 OF THE LDRS TO ESTABLISH THE PURPOSE AND INTENT OF THE TOWNE CENTER OVERLAY DISTRICT; AMENDING SECTION 34-17 OF THE LDRS TO AMEND THE OFFICIAL ZONING MAP TO DEPICT THE TOWNE CENTER OVERLAY DISTRICT; AMENDING SECTION 34-287 OF THE LDRS TO INCORPORATE THE TOWNE CENTER OVERLAY PERMITTED USE LIST; AMENDING SECTION 34-288(32) OF THE LDRS TO ADD REGULATIONS FOR PLACES OF PUBLIC ASSEMBLY IN THE TOWNE CENTER OVERLAY DISTRICT; AND AMENDING SECTION 34-474 OF THE LDRS TO INCLUDE REGULATIONS RELATING TO THE MIAMI GARDENS TOWNE CENTER MASTER PLAN; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

**ITEM 9-A) ORDINANCE  
SECOND READING/PUBLIC HEARING  
Amending the LDR**

**Staff Summary:**

**Background**

The City established a vision for the area around the intersection of NW 27th Avenue and NW 183rd Street in 2005 that resulted in the Town Center Master Plan. The City’s leadership formulated an idea to develop a central center for that area in terms of land use mix, densities and intensities, amenities and civic/governmental needs. A Town Center Zoning District was adopted in 2006 and was in effect until the City adopted its new Land Development Regulations/Zoning Code in 2010.

**Current Situation**

When the City adopted a new Zoning Code in 2010, the Town Center Zoning District (TCZD) was replaced with the Planned Corridor Development Zoning District (PCD). Upon comparing the PCD with the old TCZD, the emphasis on pedestrian-friendly facilities and the discouragement of automobile oriented uses was no longer in evidence in the PCD.

As such, a revised Town Center Master Plan is proposed to be adopted under Sec. 34-474 of the PCD, Planned Development Corridor zoning district which allows the City to adopt special master plans for specific areas. The Master Plan becomes an appendix to the code; it provides the basis for inserting the TCO, Town Center Overlay, into the code’s permitted use table to discourage automobile oriented uses as well as certain other uses such as pawnshops. Requirements such as building setbacks, height limits and landscape buffers will remain as set forth in the underlying Planned Corridor Development and Government Property zoning districts that are already established in the Town Center Area.

The City Council approved this proposed ordinance on first reading at its meeting of October 5, 2011 with no changes.

**Proposed Action:**

Recommend that the Council adopt an ordinance that adopts the Town Center Master Plan and the TCO, Town Center Overlay Zoning District with permitted uses that encourage pedestrian friendly activities while restricting auto-oriented uses and modifying various sections of the Zoning Code/LDRs to incorporate the Town Center Overlay.

**Attachments:**

- Exhibit “A”, Legal Description
- Exhibit “B”, Staff Recommendation

**EXHIBIT “A”**  
**LEGAL DESCRIPTION**

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## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

#### **GENERAL PROPERTY LOCATION DESCRIPTION:**

Portions of Section 10 Township 52 Range 41, Section 9 Township 52 Range 41, Section 4 Township 52 Range 41 and Section 3 Township 52 Range 41.

Area 1 - To a beginning point of NW 189 Street and lying to the east of NW 27th Avenue C/L a distance of  $\pm 666'$  and thence southerly for a distance of  $\pm 1,989'$  and thence westerly a distance of  $\pm 666'$  to the C/L of NW 27th Avenue and thence northerly for a distance of  $\pm 1,989'$  to close.

And Area 2 – Beginning at the intersection of NW 183rd Street and NW 27th Avenue C/L's, then westerly for a distance of  $\pm 770'$  and thence northerly for a distance of  $\pm 865'$  (along Carol City Canal) and thence to the westerly for a distance of  $\pm 700'$  and thence southerly for a distance of  $\pm 865'$  (NW 27th Avenue C/L) to close.

And Area 3 - Beginning at the intersection of NW 183rd Street and NW 27th Avenue C/L's, thence westerly for a distance of  $\pm 1,634'$  (along NW 183rd Street C/L) thence southerly for  $\pm 1,143'$  to the northwest corner of Lot 19, Carol City Center Estates Revise PB 65-128 and thence easterly for a distance of  $\pm 1,625'$  (along the northerly lot lines of Lots 1 through 19, Carol City Center Estates Revise PB 65-128 to the NW 27 Avenue C/L and thence northerly for a distance of  $\pm 1,151'$  (along NW 27th Avenue C/L) to close.

And Area 4 – Beginning at the intersection of NW 27th Avenue and NW 179th Street C/L's, westerly for a distance of  $\pm 182'$  (along NW 179th Street C/L to the intersection of the extension of the northerly lot line of Lots 12 through 16, Myrtle Grove PB 53-90) thence westerly for a distance of  $\pm 139'$  (along the southern lot line of Lot 12, Myrtle Grove PB 53-90), thence southerly for a distance of  $\pm 904'$  (along NW 27th Court C/L) to the intersection of NW 27th Court and NW 175th Street C/L's and thence proceed easterly for a distance of  $\pm 329'$  (along the NW 175th Street C/L) to the intersection of NW 27th Avenue and NW 175th Street C/L's and thence northerly for a distance of  $\pm 1,318'$  (along NW 27th Avenue C/L) to close.

And Area 5 - Beginning at NW 27th Avenue and NW 175th Street CL's, proceed east for a distance of  $\pm 329'$  (along the NW 175th Street C/L) and thence north for a distance of  $\pm 2,653'$  and thence west for a distance of  $\pm 329'$  (along NW 183rd Street C/L) and thence south for a distance of  $\pm 2,653'$  (along NW 27th Avenue C/L) to close.

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1515 NW 167 Street, Building 5 Suite 200  
Miami Gardens, Florida 33169

**EXHIBIT “B”**  
**STAFF RECOMMENDATION**

STAFF RECOMMENDATION  
 PH-2011-000070

APPLICATION INFORMATION

Applicant: City of Miami Gardens  
 Property Location: Area around the intersection of N.W. 183 Street and N.W 27<sup>th</sup> Avenue  
 Property Size: Approximately 130acres  
 Future Land Use: Commerce  
 Existing Zoning: PCD, Planned Corridor Development; GP, Government Property  
 Requested Action(s): Establish the Town Center Overlay District

**RECOMMENDATION:**

The City Council approved this proposed ordinance on first reading at its meeting of October 5, 2011 with no changes.

Recommend that the Council approve an ordinance that adopts the Town Center Master Plan and the TCO, Town Center Overlay Zoning District with permitted uses that encourage pedestrian friendly activities while restricting auto-oriented uses and modifying various sections of the Zoning Code/LDRs to incorporate the Town Center Overlay.

**REVIEW AND ANALYSIS:**

Neighborhood Land Use Characteristics

Property	Future Land Use Designation	Zoning Classification	Existing Use
Site	Commerce	PCD, Planned Corridor Development; GP, Government Property	Various uses including retail commercial, automobile uses, offices and public offices and facilities
North	Commerce and Neighborhood	PCD, Planned Corridor Development, R-1, Single Family Residential, R-25, Multiple Family Residential	Various Commercial Uses, Single Family Residential, Multiple Family Residential
South	Commerce and Neighborhood	PCD, Planned Corridor Development, R-1 Single Family Residential	Various Commercial uses, Single Family Residential
East	Neighborhood	R-1 Single Family Residential	Single Family Residential, Places of Religious Assembly

<b>Property</b>	<b>Future Land Use Designation</b>	<b>Zoning Classification</b>	<b>Existing Use</b>
<b>West</b>	Neighborhood	R-1 Single Family Residential	Residential, Public Service Facilities, Schools

The subject property or Town Center Area is approximately 130 acres located around the intersection of N.W. 183 Street and N.W. 27 Avenue. It includes old shopping centers, various businesses, and several public facilities such as a fire station as well as the proposed Miami Gardens City Hall. Surrounding properties are primarily developed with single family homes as well as additional commercial uses emanating from NW 27<sup>th</sup> Avenue.

**Project Summary/Background**

- Soon after its incorporation in May 2003, the City began to develop its own vision for future development and redevelopment for the area around the intersection of NW 27th Avenue and NW 183rd Street. As part of the City’s visioning process to develop its own comprehensive plan, the City’s leadership formulated an idea to develop a central town center for that area. Such an area would be defined in terms of land use mix, densities and intensities, amenities and civic/governmental needs.
- The NW 183rd Street/NW 27th Avenue intersection is geographically in the center of the City and was once the community’s focal point. The City established a vision for this area in 2005 as part of a collaborative process resulting in the Town Center Master Plan. The City spearheaded several design charrettes with significant input from the public and land owners. The graphic Vision of the Town Center Master Plan is included in the new Town Center Master Plan document attached to this memorandum.

**Zoning History**

The “original” Town Center Zoning District was adopted in 2006 per Ordinance No. 2006-09-90 and was in effect until the City adopted its new Land Development Regulations/Zoning Code in 2010 per Ordinance No. 2010-10-218. The new Zoning Code replaced the Town Center Zoning District (TCZD) with the Planned Corridor Development Zoning District (PCD) which covers major commercial areas in the City’s three main corridors. The PCD includes automobile oriented uses. Upon comparing the PCD with the old TCZD, the emphasis on pedestrian friendly facilities to the discouragement of automobile oriented uses was apparent in the original TCZD.

**Consistency with City of Miami Gardens Comprehensive Development Master Plan**

The subject parcels are designated Commerce on the adopted 2006-2016 Land Use Plan (LUP) Map of the Future Land Use Element (FLUE) of the Comprehensive Development Master Plan (CDMP) of the City of Miami Gardens.

Policy 1.5.17: Miami Garden’s Planned Town Center Area states:

*“The area around NW 183rd Street/Miami Gardens Drive and NW 27th Avenue represents the geographic center of the City of Miami Gardens. The City envisions this area as redeveloping into the community focal point that it was thirty to forty years ago, with high quality goods and services being available and convenient. In addition, a strong residential component consistent with urban mixed use/transit oriented development is envisioned and encouraged. The City shall*

*develop a master plan for the area and implement land development standards for a mixed use, pedestrian oriented area. Locational standards and criteria for an Urban Center set forth in this Plan shall apply to this area and provide a basic outline for more detailed requirements for this and other similar Commerce areas.”*

**Conclusion:** The City’s Comprehensive Development Master Plan clearly contemplates the development of a master plans and specific additional requirements for the Town Center area. Therefore, the proposed Town Center Master Plan and the TCO, Town Center Overlay are consistent with the Comprehensive Development Master Plan.

### **Zoning Review and Analysis**

The City Council may grant the rezoning of the properties subject to meeting the criteria set forth in Section 34-49(f) of the City’s Land Development Regulations:

- (1) The development permitted by the application, if granted, conforms to the City’s Comprehensive Development Master Plan; is consistent with applicable area or neighborhood studies or plans . . .*
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of the city . . .;*
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the city;*
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;*
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities . . .*

Findings of the request pursuant to the rezoning criteria set forth above are as follows:

1. The TCO is an overlay zone that is generally consistent with Comprehensive Development Master Plan.
2. The rezoning will not affect natural resources in the City.
3. The rezoning will not have an appreciable impact upon the City’s economy.
4. The rezoning will not impact water, sewer, drainage, education or recreation facilities.
5. The rezoning will not impact public transportation facilities other than encouraging transit oriented rather than auto-oriented development.

In addition, the Council may establish master plans such as the Town Center Master Plan in the PCD, Planned Corridor Development area pursuant to [Section. 34-474](#) as follows:

*“The city council may, from time to time, adopt master development plans for specific corridor areas and intersections for the purpose of establish development and design guidelines consistent with the purpose and intent of the PCD. Developments in designated master plan areas shall be subject to review under the development guidelines, but said master plans and guidelines shall not be construed to waive or vary the development regulations set forth in this article or otherwise in this chapter.”*

The following summary outlines the specific sections of the Zoning Code/LDRs that are proposed to be amended to establish the Town Center Overlay District (TCO):

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- Section 34-13, Zoning districts established – to establish the TCO
- Section 34-14, Purpose and intent of zoning districts – to establish the purpose and intent of the TCO
- Section 34-17, Zoning Map – amending the official zoning map to depict the TCO
- Section 34-287, Use regulations generally, Table 1 – incorporating the TCO permitted use list
- Section 34-288(32), Uses permitted with extra requirements, Places of Assembly – adding regulations to places of assembly in the TCO
- Section 34-474, Master plans – adding language that the Miami Gardens Town Center Master Plan has been adopted and the applicable regulations

**Conclusion:** The Town Center Master Plan and the resulting TCO zoning district meet the criteria of rezoning set forth in the Zoning Code/LDRs.

### **Anticipated Facilities Impact**

There is no anticipated facilities impact due to the proposal. Concurrency determinations are not finalized during the zoning approval process.

### **Public Notification/Comments**

In accordance with the Land Development Regulations, notice of the applicant's requests was mailed to property owners within a half mile (1/2) radius of the subject site to provide them an opportunity to comment on the application. Several telephone inquiries requesting information and clarification were received from property owners within that radius at the date of this writing. (See Mailed Notice Radius Map, attached).

#### Attachments:

- Letter of Intent
- Hearing Map-Zoning
- Hearing Map-Aerial
- Mailed Notice Radius Map
- Town Center Master Plan
- Town Center Overlay Zoning District

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