

ORDINANCE NO. 2011-26-268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REZONING THOSE CERTAIN PROPERTIES DESCRIBED ON EXHIBIT "A" ATTACHED HERETO FROM PLANNED CORRIDOR DEVELOPMENT ZONING DISTRICT ("PCD") TO R-1 SINGLE FAMILY RESIDENTIAL; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, there are twenty-four (24) developed single family lots located on the south side of the Carol Mart property, and

WHEREAS, the City previously rezoned these single family homes from single family residential to Planned Corridor Development Zoning District (PCD) when the City adopted the new land development regulations in 2010, and

WHEREAS, City staff is in the process of proposing a new Town Center which is not expected to include the residential properties, and

WHEREAS, it is therefore being recommended by City staff that the City Council rezone the properties from PCD to R-1 Single Family to ensure zoning consistency with existing single family character of the lots,

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. AUTHORIZATION: The City Council of the City of Miami Gardens, Florida hereby rezones those certain properties described on Exhibit "A"

attached hereto from Planned Corridor Development Zoning District ("PCD") to R-1 Single Family Residential.

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 CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.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 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 5TH DAY OF OCTOBER, 2011.

PASSED ON SECOND READING ON THE 2ND DAY OF NOVEMBER, 2011.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 2ND 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

Moved by: Councilman Gilbert
Second by: Vice Mayor Campbell

VOTE: 6-0

Mayor Shirley Gibson	<u>X</u> (Yes)	_____ (No)
Vice Mayor Aaron Campbell, Jr.	<u>X</u> (Yes)	_____ (No)
Councilman David Williams Jr	<u>X</u> (Yes)	_____ (No)
Councilwoman Lisa Davis	<u>X</u> (Yes)	_____ (No)
Councilman Oliver Gilbert, III	<u>X</u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u>X</u> (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (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>	<input checked="" type="checkbox"/> Resolution	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other
Fiscal Impact: <i>(Enter X in box)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing: <i>(Enter X in box)</i>	2 nd Reading	
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Contract/P.O. Required:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	RFP/RFQ/Bid #:		
Strategic Plan Related:	<input type="checkbox"/> Yes	<input type="checkbox"/> 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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
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, REZONING THOSE CERTAIN PROPERTIES DESCRIBED ON EXHIBIT "A" ATTACHED HERETO FROM PLANNED CORRIDOR DEVELOPMENT ZONING DISTRICT ("PCD") TO R-1 SINGLE FAMILY RESIDENTIAL; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

The site includes 24 developed single family lots located on the south side of the Carol Mart property. These lots were rezoned from single family residential to Town Center Zoning District (TCZD) in 2006. That action caused these lots to become non-conforming uses which could cause complications in case of the need to replace the structure due to a hurricane, fire, etc. The lots were then converted to Planned Corridor Development Zoning District (PCD) when the City adopted the new Zoning Code/LDRs in 2010.

**ITEM 9-B) ORDINANCE
SECOND READING/PUBLIC HEARING
Rezoning of Certain Properties**

Current Situation

As part of re-establishing the Town Center Master Plan, City Staff recognized that these residential properties should be zoned consistent with their use, and that the existing PCD district and the proposed Town Center Overlay would be inconsistent with the existing homes.

The City Council approved the proposed rezoning on first reading at its October 5, 2011 meeting.

Proposed Action:

Recommend that City Council adopt an ordinance to rezone the subject sites from PCD to R-1, Single Family Residential to ensure zoning consistency with the existing single family character of the lots.

Attachments:

- Exhibit "A", Legal Description
 - Exhibit "B", Staff Recommendation
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EXHIBIT “A” LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION

Single Family Residences
 To Be Rezoned from PCD to R-1

CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 1 LOT SIZE 105.000 X 110 OR 16579-2038 1194 4 F/A/U 30-2109-012-0010	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 2 LOT SIZE 85.000 X 110 OR 17478-3008 1296 4 F/A/U 30-2109-012-0020	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 3 LOT SIZE 85.000 X 110 OR 19122-1227 0500 3 F/A/U 30-2109-012-0030	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 4 LOT SIZE 89.500 X 110 OR 18452-4761 0199 1 F/A/U 30-2109-012-0040	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 5 LOT SIZE 75.000 X 110 OR 11267-2622 1181 1 F/A/U 30-2109-012-0050	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 6 LOT SIZE 75.000 X 110 OR 15190-1120 0991 4 F/A/U 30-2109-012-0060	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 7 LOT SIZE 75.000 X 110 OR 9690-1203 F/A/U 30-2109-012-0070	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 8 LOT SIZE 75.000 X 110 OR 19531-4283 0201 1 F/A/U 30-2109-012-0080	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 9 LOT SIZE 75.000 X 110 OR 11581-845 0982 5 F/A/U 30-2109-012-0090	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 10 LOT SIZE 75.000 X 110 F/A/U 30-2109-012-0100	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 11 LOT SIZE 75.000 X 118 OR 15579-1095 0792 3 F/A/U 30-2109-012-0110
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CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 12 LOT SIZE 77.300 X 110 F/A/U 30-2109-012-0120	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 13 LOT SIZE 80.000 X 110 F/A/U 30-2109-012-0130	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 14 LOT SIZE 80.000 X 110 OR 18248-151606984 COC 21500-3102 08 2003 1	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 15 LOT SIZE 78.000 X 110 OR 15506-1552 0492 1 F/A/U 30-2109-012-0150	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 16 LOT SIZE 80.000 X 110 OR 10437-0827 0679 1 F/A/U 30-2109-012-0160	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 17 LOT SIZE 80.000 X 110 OR 11149-2101 0781 1 F/A/U 30-2109-012-0170	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 18 LOT SIZE 80.000 X 110 OR 16874-1874 0795 5 F/A/U 30-2109-012-0180	CAROL CITY CENTER ESTATES REVISED PB 65-128 LOT 19 LOT SIZE 114.600 X 110 OR 19179-0375 0500 4 F/A/U 30-2109-012-0190
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MYRTLE GROVE PB 53-90 LOT 16 BLK 1 LOT SIZE 79.670 X 110 OR 10313-2105 0279 1 F/A/U 30-2109-002-0160 COC 24919-0583 06 2006 1	MYRTLE GROVE PB 53-90 LOT 15 BLK 1 LOT SIZE 75 X 110 OR 10558-2211 1079 5 F/A/U 30-2109-002-0150 OR 00000-0000 0876 00	9 52 41 MYRTLE GROVE PB 53-90 LOT 14 BLK 1 LOT SIZE 75.000 X 110 OR 16220-5319 1293 1 F/A/U 30-2109-002-0140	MYRTLE GROVE PB 53-90 LOT 13 BLK 1 LOT SIZE 75.000 X 110 OR 14949-683 0391 3 F/A/U 30-2109-002-0130 OR 00000-0000 0391 01	MYRTLE GROVE PB 53-90 LOT 12 BLK 1 LOT SIZE 75.000 X 110 OR 11789-1701 0583 6 F/A/U 30-2109-002-0120 OR 11789-1701 0583 03
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EXHIBIT “B” STAFF RECOMMENDATION

STAFF RECOMMENDATION
PH-2010-000067

APPLICATION INFORMATION

Applicant: City of Miami Gardens
Property Location: Twenty-four (24) lots adjacent to NW 179th Street and NW 27th Court
Property Size: Approximately 4 acres
Future Land Use: Commerce
Existing Zoning: PCD, Planned Corridor Development
Requested Action(s): Rezone to R-1, Single Family Residential

RECOMMENDATION:

Staff recommends approval of an ordinance to rezone the subject property from PCD, Planned Corridor Development to R-1, Single Family Residential to insure zoning consistency with the existing single family character of the lots.

REVIEW AND ANALYSIS:

Neighborhood Land Use Characteristics

Property	Future Land Use Designation	Zoning Classification	Existing Use
Site	Commerce	PCD, Planned Corridor Development	Single Family Homes
North	Commerce	PCD, Planned Corridor Development	Commercial – Shopping Center
South	Neighborhood	R-1, Single Family Residential	Single Family Homes
East	Commerce	PCD, Planned Corridor Development	Commercial
West	Neighborhood	R-1, Single Family Residential	Single Family Residential

The subject properties are single family lots that include homes ranging from 1,100 to 2,600 square feet. They are located adjacent to existing commercial uses including the Carol City Shopping Center to the north and strip commercial lots to the east along NW 27th Avenue. The lots are part of a single family neighborhood expanding to the south and west.

Zoning History

The site includes 24 developed single family lots located on the south side of the Carol City Shopping Center. They were rezoned from single family residential to TCZD, Town Center Zoning

District in 2006 per Ordinance No. 2006-09-90. That action caused these lots to become non-conforming uses. The TCZD did not permit single family dwellings which could cause complications in case of the need to replace the structure due to a hurricane, fire, etc. The lots were then converted to PCD, Planned Corridor Development zoning when the City adopted the new Zoning Code/LDRs in 2010. PCD zoning also does not permit single family dwellings.

Consistency with City of Miami Gardens Comprehensive Development Master Plan

The subject parcel is 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 1.3.6 states:

“Uses that consistent with the Commerce land use category include mixed use developments such as Urban Center, Urban Core and Golden Glades-Palmetto Area, single use developments including Urban Commercial and Office, Urban Industrial, residential development including Medium Density Residential, Medium-High Density Residential, High Density Residential, and Very High Density Residential, plus Public and Semi-Public uses”.

Conclusion: One of the major intents and purposes of the Future Land Use Element is to protect single family uses and single family neighborhoods. As such, while the Commerce designation does not permit new single family dwellings, there are a number of such uses in Commerce areas that are currently zoned for single family residential use and protected as such. The site in question, with its existing single family dwellings, should have remained zoned for single family use. Therefore, correcting this situation in order to protect the integrity of these lots and the adjacent neighborhood is consistent with the basic goals and objectives of the CDMP. It is also noted that when the Town Center Master Plan was developed, it was anticipated that these lots would have transitioned to commercial use as the adjacent shopping center and commercial uses expanded and redeveloped.

Zoning Review and Analysis

The City Council may grant or deny approval of a rezoning as set forth in Section 34-49 of the City’s Zoning Code/LDRs must determine the following standards:

- (1) The development permitted by the application, if granted, . . . is generally consistent with applicable area and neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;*
- (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 rezoning is generally consistent with the protection of neighborhood planning of the City.
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.

Conclusion

As part of reestablishing the Town Center Master Plan, staff recognized that these residential properties should be zoned consistent with their use and that the existing PCD, Planned Corridor Development zoning district and the proposed Town Center Overlay would be inconsistent with the existing homes.

Anticipated Facilities Impact

General: There are no facilities or services impact because the properties are already developed.

Public Notification/Comments

In accordance with the Land Development Regulations, two (2) notifications of the applicant's requests were mailed to property owners within a five hundred (500) foot radius of the subject site to provide them an opportunity to comment on the application. No comments 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

Letter of Intent



The City of Miami Gardens

Planning and Zoning Department

September 27, 2011

The Honorable Mayor and City Council
City of Miami Gardens
1515 NW 167 Street
Miami Gardens, FL 33169

SUBJECT: Rezone of 24 Lots from PCD, Planned Corridor Development to R-1, Single Family

Dear Mayor and City Council:

There are now 24 developed single family lots located on the south side of the Carol City Shopping Center that are adjacent to commercial use. They were rezoned from single family residential to TCZD, Town Center Zoning District in 2006. That action caused these lots to become non-conforming uses which could cause complications in case of the need to replace the structure due to a hurricane, fire, etc. The lots were then converted to PCD, Planned Corridor Development zoning when the City adopted the new Zoning Code/LDRs in 2010.

As part of reestablishing the Town Center Master Plan, staff recognized that these residential properties should be zoned consistent with their use and that the existing PCD, Planned Corridor Development zoning district and the proposed Town Center Overlay would be inconsistent with the existing homes.

Therefore, Staff recommends that the City Council approve an ordinance to rezone these lots from the current PCD, Planned Corridor Development to R-1, Single Family Residential to insure zoning consistency with the existing single family character of the lots and neighborhood.

Signed,

Jay R. Marder, AICP
Development Services Director