

**Miami River Commission's
Urban Infill and Greenways Subcommittee
September 8, 2023**

Miami River Commission's (MRC) Urban Infill and Greenways Subcommittee Chairman Jim Murley convened a public meeting on September 8, 2023, 1407 NW 7 ST, at 10:30 AM. The sign in sheet is attached.

I. Miami-Dade County's Proposed Zoning Amendment Along NW South River Drive from the Tamiami Canal to Salinity Dam

Chairman Murley stated he is employed by the applicant, Miami-Dade County, therefore will not be issuing his standard non-binding recommendation for the full MRC board's consideration. Jess Linn, Miami-Dade County Planning Department, presented and provided copies of the following draft ordinance being sponsored by County Commissioner Cabrera.

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

Subject: 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 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 waterdependent 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 is scheduled to be presented to the MRC Urban Infill Committee on September 8, 2023 and the full MRC on October 2, 2023. _____ Jimmy Morales Chief Operations Officer

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 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 mixeduse development that includes one of the uses listed in paragraphs (i) through ([iii]) 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 waterdependent uses, except that entryways and elevator lobbies necessary to access the residential uses above shall also be permitted.

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”

Mark Bailey provided the following statements:

“Statement submitted to: Miami River Commission/Urban Infill-Greenway Committee.

From: Miami River Marine Group, 3033 NW North River Drive, Miami, FL – Mark Bailey, Ex. Director

Re: Miami-Dade County Legislation: File Number 231424. Rezoning Riverside Sub-District – South River Drive waterfront properties – allowing for residential housing development.

Date: Friday, September 8, 2023

A proposed local Miami-Dade County Ordinance - File Number 231424 - re-zones all Miami Riverfront properties ("Riverside Sub-District" Palmer Lake Metropolitan Urban Center District) on the Upper River along South River Drive to allow for residential housing.

The Miami River Marine Group (MRMG) is opposed to this single, sweeping re-zoning ordinance - encompassing all waterfront properties on this Upper River section of South River Drive.

If passed, this proposed ordinance will allow for residential housing development on the Miami River waterfront on this short, yet important, section of the waterway-dependent Miami River industrial working waterfront. This proposed ordinance reverses Miami-Dade County's long-standing support of Miami's Industrial working waterfront.

This South River Drive segment of the Miami River area must be retained and protected as water-dependent an Industrial/Working waterfront. The proposed zoning ordinance "revising" the Palmer Lake Metropolitan Urban District properties adjoining the Miami River - "Riverside Sub-district" - is an incompatible encroachment on the water-dependent Miami River Industrial/Working waterfront that will have an unrepairable negative impact on key elements of the marine industry and the neighboring riverfront properties. This proposed ordinance renounces the Miami-Dade County Comprehensive Development Master Plan. Simply put, the proposed ordinance is inconsistent and incompatible with the current and future working waterfront uses at this location – an incursion of the diverse Miami River Industrial/Working riverfront.

Key elements, concerns and implications of this proposed ordinance: Miami-Dade County - Legislative Item: File Number 231424

The entire Miami Riverfront on South River Drive section of the Palmer Lake Metropolitan Urban Center District "Riverside Sub-District" will be rezoned with one sweeping ordinance, at one time. All Miami Riverfront properties in this "Riverside Sub-district" on South River Drive will be directly affected.

The Palmer Lake Metropolitan Urban Center District -- including the "Riverside Sub-District" -- was established and agreed upon in 2013, as a result of heavily-attended community workshops and careful consideration of all property owners and stakeholders. The currently proposed ordinance included no public community/stakeholder workshops, no public input and no public

research/justification for rezoning. This proposed ordinance disregards each individual property owner 2 representing over 20 separate properties and its overall impact to the diverse Miami River marine industrial riverfront.

The proposed ordinance may likely impact local property taxes for these riverfront properties in this area. While Florida's Constitution protects the working waterfront from adverse tax implications, rezoning the "Riverside Sub-District" along this section of South River Drive would remove those protections.

While the proposed ordinance includes a reference to require that water-dependent businesses must be retained on the ground floor of any housing development. It's unclear the practicality of this requirement for marine industrial operations.

The proposed ordinance does consider the neighboring industrial businesses in the immediate area and other Miami Riverfront properties.

The well-established, longstanding, and broadly supported/adopted Miami River Corridor Urban Infill Plan established a vision for the Miami River -- identifying this Upper River riverfront as an Industrial/Working waterfront. Miami-Dade County has been a longtime supporter of the Miami River Corridor Urban Infill Plan. This proposed ordinance rejects the diverse marine industry and its Miami River cargo shipping industry -- its impact on international trade and the lifeline it provides for Haiti and Western Hemisphere nations.

The proposed ordinance is entirely inconsistent and totally rejects the adopted Miami-Dade County Comprehensive Development Master Plan (CDMP) PORT OF MIAMI RIVER SUBELEMENT."

Brett Bibeau, Managing Director of the Miami River Commission, distributed copies of the Miami River Commission's 2022 Annual Report. The report shows the Miami River Commission's recommended following three geographic sections of the Miami River as adopted in the Miami River Corridor Urban Infill Plan in 2003:

"Upper River, 22 Ave to the Salinity Dam, Shipping and Marine Industrial Zone: Center of Port Miami River's trade and industry. The Miami Intermodal Center links rail, air, freight, transit, pedestrian and vehicular traffic.

Middle River, 5 ST Bridge to the 22 Ave Bridge, Residential / Mixed Use Zone: Includes River Landing, historic neighborhoods, marine-industrial businesses, parks, etc.

Lower River, Biscayne Bay to the 5 ST Bridge, Downtown Zone: High-density residential, offices and restaurants. Riverwalks link historic landmarks and parks along the river".

Director Bibeau stated the cover picture of the MRC's 2022 Annual Report is one of the best pictures he has ever taken because it shows the Miami River's mixed uses including international shipping, residential, public Riverwalks, and Miami Circle Park, which is a designated National Historic Landmark.

II. Informational Presentation Regarding 1080 Spring Garden Road (non-voting item)

Carlos Diaz, Greenberg Traurig, distributed and presented plans for a new residential development on Wagener Creek, north of Spring Garden neighborhood, featuring the public Riverwalk as required in Section 3.11 and the Baywalk / Riverwalk Design Standards and Guidelines. The subject vacant site is located north of the very low fixed NW 11 ST Bridge, in a non-navigable portion of Wagner Creek, therefore the City Code defines the site as a “waterbody” not a riverfront “waterway”. Therefore the MRC is only having this non-voting item as an informational presentation at public meetings.

III. New Business

The public meeting adjourned.

Miami River Commission Urban Infill and Greenways Subcommittee

Public Meeting

September 8, 2023 – 10:30 AM

1407 NW 7 ST, Arts and Crafts Boardroom (facing Miami River)

Name Organization Telephone Email

Horacio Stuart Aguirre MRC 3056135880

Brett Bibeau " 305 6440544

Mark Bailey Mian. River Marine Group 305 637-2517
 Erleen Broten MRC markbailey@miamirivermarinegroup.org

Jim Murtagh MDC/MRP James.murtagh@miamidade.gov

Carlos Diaz Greenbay Trueng 305-579-0502 diazcc@gtlan.com

Jess Limn ~~MDC~~ PER 305 375 1109 limnja@miznibzcl-gou

Orio Black 5th Street March 305-324-2090 orio@5THST.MARCH.MIAMI.COM

MARWIN TAPIA MARWIN FOR MIAMI 305-308-6643 TAPIA.MARWIN@YAHOO.COM