

MEMORANDUM

Agenda Item No. 6(G)

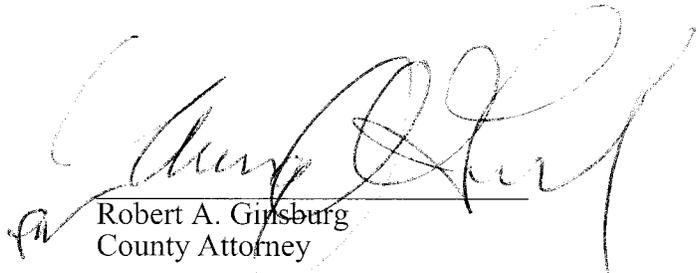
TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: (Second Reading 5-6-03)
March 11, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to Fixed-
Guideway Rapid Transit System
Development Zone

The accompanying ordinance was prepared and placed on the agenda at the request of Chairperson Dr. Barbara Carey-Shuler and Commissioner Bruno A. Barreiro.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: May 6, 2003

FROM: Steve Shiver
County Manager

SUBJECT: Ordinance pertaining to
Fixed-Guideway Rapid
Transit System Development
Zone

The proposed ordinance pertaining to the Fixed-Guideway Rapid Transit System Development Zone will have no fiscal impact to Miami-Dade County.



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: May 6, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(G)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(G)
5-6-03

ORDINANCE NO. _____

ORDINANCE PERTAINING TO FIXED-GUIDEWAY RAPID TRANSIT SYSTEM DEVELOPMENT ZONE; TRANSFERRING PUBLIC HEARING PROCESS FOR SITE PLAN APPROVAL AND OTHER ZONING ACTIONS FOR STATION SITES IN MUNICIPALITIES FROM THE BOARD OF COUNTY COMMISSIONERS TO THE RAPID TRANSIT ZONE DEVELOPMENTAL IMPACT COMMITTEE ("RT-DIC"); PROVIDING FOR APPEAL FROM DECISION OF THE RT-DIC; PROVIDING FOR MAKE-UP OF RT-DIC; AMENDING SECTIONS 33-314, 33C-2 AND 33C-3 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-314 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

>>(11) Upon application for, hear and decide appeals of decisions of the Rapid Transit Developmental Impact

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.

Committee pertaining to site plan approvals and related zoning actions issued pursuant to Section 33C-2(D)(9)(d) of the Code of Miami-Dade County.<<

* * *

Section 2. Section 33C-2 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33C-2. Rapid Transit Zone.

* * *

(D) *Permitted land uses.* The following land uses are permitted within the Rapid Transit Zone and no others:

* * *

(9) (a) Such other uses, including commercial, office and residential uses, as may be appropriate to and compatible with the operation of the Rapid Transit System and the convenience of the ridership thereof.

* * *

(d) Whenever uses authorized by subparagraph (a) above are proposed within portions of the Rapid Transit Zone passing through municipalities, the Station Area Design and Development Program process, a joint municipal-County program, shall prepare proposed master plan development standards for such proposed uses. Such proposed master plan development standards shall be submitted to the appropriate municipality for review and adoption as the Master Land Use Plan for such uses. Once adopted, said land use plans shall control all public actions involving or affecting land use or development, including action on applications for zoning relief. Amendments to said Master Land Use Plans shall be subject to the procedures specified in this subparagraph. >>Applications for a site plan approval and other related zoning actions under a Master Land Use Plan that was approved by a municipality on or before May 16, 2003, shall be considered by the Rapid Transit Developmental Impact

Committee under the standards and requirements established by such plan, upon receipt of the recommendations of the Department of Planning and Zoning and the Miami-Dade Transit Agency. Decisions of the Rapid Transit Developmental Impact Committee upon such applications shall be subject to appeal to the Board of County Commissioners in accordance with the requirements of Section 33-314, Miami-Dade County Code.<< It shall be the duty of the Clerk of the Board of County Commissioners to immediately transmit to the relevant municipality a certified copy of the >>Rapid Transit Developmental Impact Committee's and the<< County Commission's action>>s<< in regard to the uses provided for in this subsection. The municipality may seek judicial review of the County Commission's action in accordance with Section 33-316, Miami-Dade County Code.

* * *

Section 3. Section 33C-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33C-3. Rapid Transit Developmental Impact Committee.

There is hereby established a Rapid Transit Developmental Impact Committee composed of the County's Developmental Impact Committee >>Executive Council<< (established by Section 33-303.1, Miami-Dade County Code) and two (2) representatives from each of the following municipalities: City of South Miami, City of Coral Gables, City of Miami, and the City of Hialeah. The Rapid Transit Developmental Impact Committee shall, subject to the procedures specified in Section 33-303.1, Miami-Dade County Code, perform the duties specified in >>Section 33C-2 and<< Section 33C-4 of this chapter.

>>Mailed notice of hearings before the Rapid Transit Developmental Impact Committee pursuant to Section 33C-2(D)(9)(d) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.<<

Section 4. 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 5. 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 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 6. 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:

RA6

Prepared by:

JAC

Joni Armstrong Coffey

Sponsored by Chairperson Dr. Barbara Carey-Shuler and
Commissioner Bruno A. Barreiro