

# MEMORANDUM

Agenda Item No. 7(B)

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**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

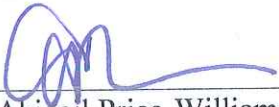

**DATE:** (Second Reading 1-22-20)  
October 3, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to the fixed-guideway Rapid Transit System-Development Zone; amending section 33C-2 of the Code; expanding the Government Center Subzone of the Rapid Transit Zone to encompass County property between the I-95 expressway and NW N River Drive and between NW 2nd Street and W Flagler Street; clarifying the County's regulatory jurisdiction over subdivision approvals

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney 

APW/smm

# Memorandum



**Date:** January 22, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style with a large, sweeping flourish at the end.

**Subject:** Fiscal Impact Statement for Ordinance Relating to the Fixed Guideway Rapid Transit System-Development Zone; Government Center Subzone

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the proposed changes would not require additional staffing resources or operational costs.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive style with a large, sweeping flourish at the end.

*for* Jack Osterholt  
Deputy Mayor


FIS02120 192425

# Memorandum



**Date:** January 22, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Social Equity Statement for Ordinance Relating to the Fixed-Guideway Rapid Transit System-Development Zone

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The proposed ordinance relating to the Fixed-Guideway Rapid Transit System-Development Zone (RTZ) amends Section 33C-2 of the Code of Miami-Dade County (Code) expanding the Government Center Subzone of the RTZ to include County-owned property located between the I-95 expressway and NW N River Drive and between NW 2<sup>nd</sup> Street and W Flagler Street.

On July 24, 2018, the Board adopted Ordinance No. 18-81 creating the Government Center Subzone (GCS) of the RTZ, consisting of the Stephen P. Clark Center and surrounding County-owned properties, allowing the County to exercise land use regulatory jurisdiction over properties within the GCS, and provided procedures for zoning approval within the GCS.

The proposed ordinance expands the GCS of the RTZ to include additional County-owned properties located at 395 NW First Street and 25 NW North River Drive and clarifies that regulatory jurisdiction over all development permits within the RTZ includes subdivision approvals.

The proposed expansion of the RTZ furthers the County's policy of enabling more density and mix of uses to encourage the efficient use of resources and infrastructure as well as housing and business options and would enable development/re-development of County owned properties adjacent to the rapid transit station, which in turn could result in additional housing and business opportunities. No other specific social equity or benefit can be determined at this time.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive style and is positioned above a horizontal line.

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Jack Osterholt  
Deputy Mayor

192425



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** January 22, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(B)

Please note any items checked.

- "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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required



Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(B)  
1-22-20

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AMENDING SECTION 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXPANDING THE GOVERNMENT CENTER SUBZONE OF THE RAPID TRANSIT ZONE TO ENCOMPASS COUNTY PROPERTY BETWEEN THE I-95 EXPRESSWAY AND NW N RIVER DRIVE AND BETWEEN NW 2ND STREET AND W FLAGLER STREET; CLARIFYING THE COUNTY'S REGULATORY JURISDICTION OVER SUBDIVISION APPROVALS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Ordinance No. 18-81 created the Government Center Subzone (GCS) of the Rapid Transit Zone (RTZ), which consisted of the Stephen P. Clark Center and surrounding County-owned properties, provided for the County to exercise land use regulatory jurisdiction over properties within the GCS, and provided procedures for zoning approval within the GCS; and

**WHEREAS**, the County's Comprehensive Development Master Plan (CDMP) calls for the coordination of land uses and transportation facilities to, among other things, attract transit ridership, produce short trips, and minimize transfers; and

**WHEREAS**, providing for increased density and transit-oriented development adjacent to the County's existing mass transit system will increase ridership on the County's public transportation system and further the health, safety, order, convenience, prosperity and welfare of the present and future citizens of the County; and

**WHEREAS**, the CDMP calls for the highest level of development density and intensity within the downtown anchored by the Government Center Metrorail/Metromover Station; and

**WHEREAS**, Ordinance No. 18-81 provided for boundaries for the GCS coinciding with County-owned properties adjacent to the Government Center Metrorail/Metromover Station; and

**WHEREAS**, as described in Exhibit A attached hereto, the County owns additional properties that are less than a 5-minute walk of the GCS, separated from the GCS's current western boundary primarily by the right-of-way under the I-95 expressway; and

**WHEREAS**, those County-owned properties, located at 395 NW First Street and 25 NW North River Drive, are currently subject to the City of Miami's land use regulations; and

**WHEREAS**, this Board seeks to expand the GCS to include the 395 NW First Street and 25 NW North River Drive properties; and

**WHEREAS**, in section 33C-2 of the Code, this Board previously expressed that it was exercising exclusive land use regulatory jurisdiction within the Rapid Transit Zone, as follows: "[j]urisdiction for purposes of building and zoning approvals (including, but not limited to. . . all other types of functions typically performed by Building and/or Zoning Departments or other departments that review or issue development permits) . . . ."; and

**WHEREAS**, pursuant to section 33G-3 of the Code, which is the concurrency management ordinance that governs all review and issuance of development approvals, subdivision approvals issued pursuant to chapter 28 of the Code, such as tentative plats and final plats, are development permits; and

**WHEREAS**, accordingly, the County's jurisdiction within the Rapid Transit Zone includes subdivision approvals; and

**WHEREAS**, this Board now wishes to clarify and make express that its assertion of regulatory jurisdiction over all development permits within the Rapid Transit Zone includes subdivision approvals,

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

**Section 1.** The foregoing recitals are incorporated into this ordinance and are approved.

**Section 2.** Section 33C-2 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:<sup>1</sup>

**Sec. 33C-2. Rapid Transit Zone.**

\* \* \*

(B) *Designation of lands included.* The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979, Exhibit 10, May 26, 1983, Exhibit 17, February 13, 2014, Exhibit 18, June 15, 2018, and Exhibit 19 ~~[[August 3, 2018]]~~ >> [insert effective date] << certified by the Clerk of the Board as a portion of this chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Regulatory and Economic Resources or its successor Department, as the Rapid Transit Zone for the Stage I Fixed - Guideway Rapid Transit System. The Director shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.

(C) *Jurisdiction of County.* Jurisdiction for purposes of building and zoning approvals (including, but not limited to, site plan approvals, issuance of building permits, building inspections, construction-related fire permits and inspections (but not fire suppression or fire rescue services or annual inspections for fire safety), compliance with the

<sup>1</sup> 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.



Florida Building Code, Florida Fire Prevention Code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, district boundary changes, building and/or zoning moratoria, >>subdivision approvals,<< and all other types of functions typically performed by Building and/or Zoning Departments or other departments that review or issue development permits), water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks where applicable) and utility regulation, all of which relate to the uses specifically delineated in subsection (D) below, shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provisions to the contrary. Where a municipality continues to provide other services to a property in the Rapid Transit Zone, the municipality shall be responsible for ensuring that all matters relating to enforcement of land use, zoning, or building code requirements that may arise in the course of providing municipal services are referred to the County's Building Official, and the municipality shall coordinate with the County to ensure that affected property owners and tenants are also informed as to these jurisdictional matters.

\* \* \*

**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:

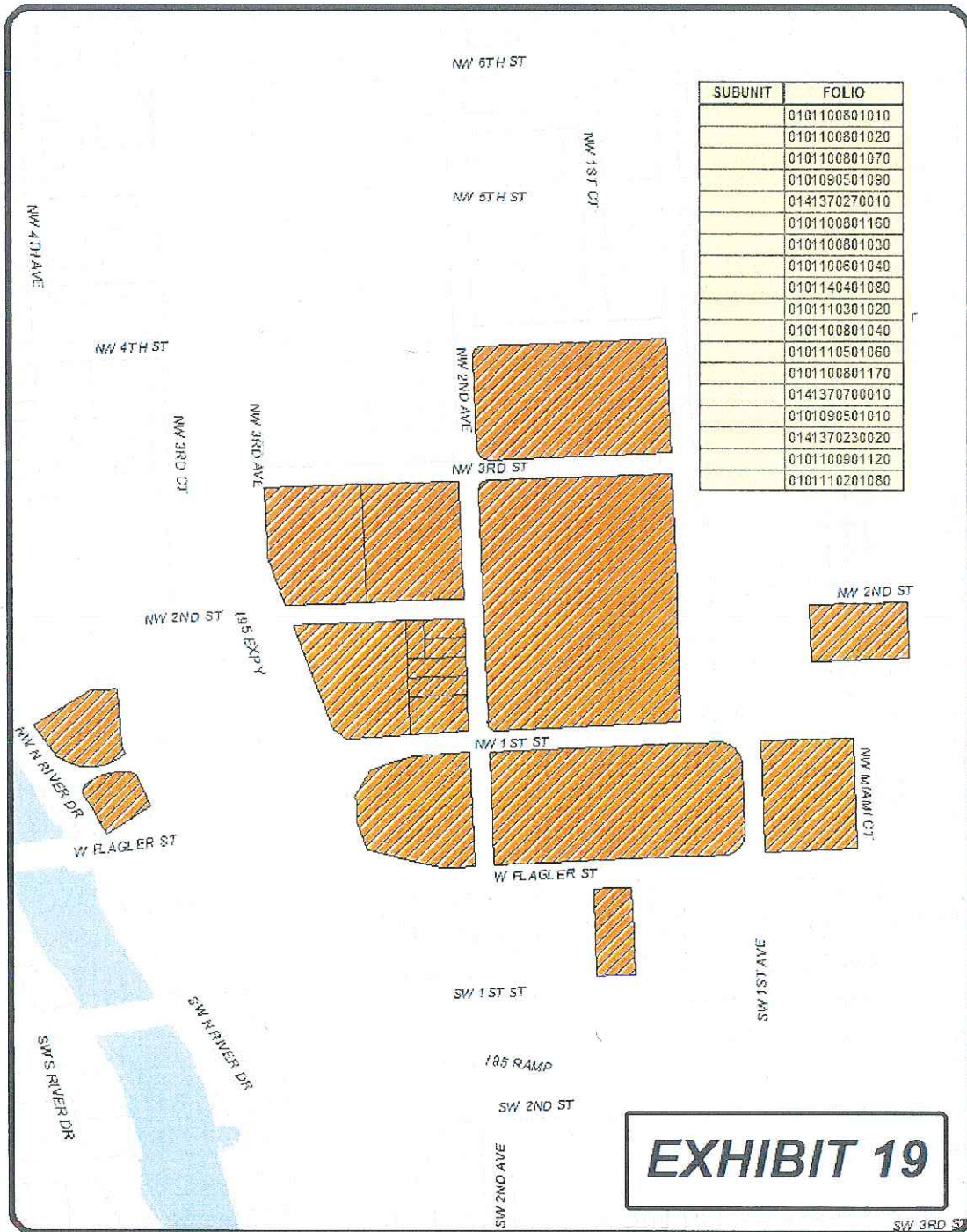
Prepared by:

Lauren E. Morse

Prime Sponsor: Commissioner Eileen Higgins



EXHIBIT A



**EXHIBIT 19**

⌘ This map and the information depicted herein are provided "as is" and may contain inaccuracies.  
 ⌘ No assurance of merchantability or fitness for a particular purpose is given.

W-RTZ FOLIOSE MKD



13.04.2019