

MEMORANDUM

Agenda Item No. 7(I)

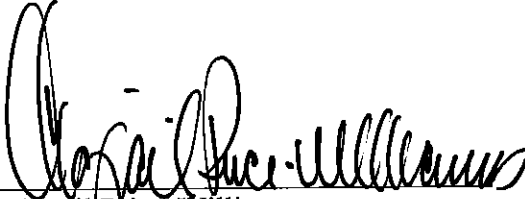
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 2-19-20)
October 29, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning;
amending section 33-452 and
creating section 33-452.5 of the
Code; revising regulations
relating to stadium district;
requiring approval after public
hearing for automotive races in
stadium district

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/lmp

Memorandum



Date: February 19, 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 initial "C".

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning; Stadium District

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 initial "J".

for Jack Osterholt
Deputy Mayor

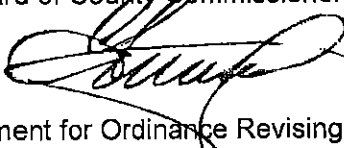
FIS02220 192543

Memorandum



Date: February 19, 2020

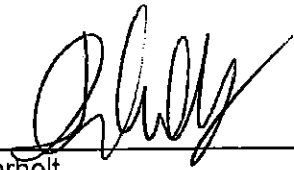
To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Revising Regulations Relating to the Stadium Zoning District

The proposed ordinance revising regulations relating to the Stadium Zoning District amends Section 33-452 and creates Section 33-452.5 of the Code of Miami-Dade County (Code). Specifically, the proposed ordinance removes "auto races" from the list of permitted automotive uses in the Stadium Zoning District (S) and establishes a special exception approval/public hearing requirement for said use. The proposed ordinance also provides criteria/requirements to be used as part of the special exception review.

Implementation of the proposed ordinance would require approval of auto racing uses in the S District to be subject to a public hearing and to address some potential community impacts as part of that process.



Jack Osterholt
Deputy Mayor

192543



MEMORANDUM
(Revised)

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

DATE: February 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(I)

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(I)
2-19-20

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-452 AND CREATING SECTION 33-452.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REGULATIONS RELATING TO STADIUM DISTRICT; REQUIRING APPROVAL AFTER PUBLIC HEARING FOR AUTOMOTIVE RACES IN STADIUM DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, motor vehicle racing is an exciting and popular sporting event; and

WHEREAS, while motor vehicle races can have a positive impact on a community in the form of increased publicity, tourism and economic development, such races can also have an overriding detrimental impact on a community if the race course is held near residential neighborhoods or bedroom communities, as the motor vehicles are very loud and may release exhaust fumes, and the duration of the race and closed roads may cause traffic congestion and inconvenience to residents; and

WHEREAS, the Board adopted a stadium district ordinance after the City of Miami Gardens filed a lawsuit against the County with respect to certain regulatory jurisdiction over the stadium and certain surrounding properties, and after the County entered into a settlement agreement with the City and certain entities related to the Miami Dolphins; and

WHEREAS, pursuant to section 33-451(1) of the Code of Miami-Dade County (“the Code”), the stadium district ordinance applies to the area bounded by N.W. 203 Street on the north, the Florida Turnpike on the east, N.W. 195th Street on the south, and N.W. 27th Avenue on the west, and the stadium district is also referred to as the “S District” in the ordinance, and

WHEREAS, there are residential neighborhoods or bedroom communities in the vicinity of the properties that are governed by the stadium district zoning regulations; and

WHEREAS, pursuant to the settlement agreement, the City also adopted the stadium district ordinance, and changes to the stadium district ordinance require approval by both the Board of County Commissioners and the City Commission; and

WHEREAS, in addition, as provided in section 33-462 of the Code, zoning applications and zoning inquiries for the stadium district must be submitted to the City and would be decided by the City, although appeals of certain City decisions may come before the Board of County Commissioners; and

WHEREAS, pursuant to section 33-462(3) of the Code, “[i]f the City Council denies an application for zoning action by an owner or such authorized applicant after public hearing, or approves an application for zoning action after public hearing with conditions that are not agreed to by the owner or authorized applicant, the owner or authorized applicant shall have the right to appeal the City Council’s decision to the Board of County Commissioners for its review after public hearing;” and

WHEREAS, the Stadium District ordinance currently includes automotive races in the list of allowable uses in section 33-452 of the Code; and

WHEREAS, this Board wishes to create a required public hearing process for automotive race-related uses, including automotive race special events, so that an applicant’s site plan and proposals to mitigate noise and exhaust impacts to residential neighborhoods may be considered at the public hearing,

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

Section 1. Section 33-452 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-452. - Uses permitted.

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 the S District except for one or more of the following uses, subject to the prohibited uses enumerated in subsection (18) below:

* * *

- (2) *Automotive Uses.* Sales of new and used automobiles (not including open lot car sales new or used); automotive shows, ~~[[races;]]~~ and exhibitions; and gas stations or other form of stations used for the powering/charging of automobile vehicles. Upon approval as a Special Exception by the City, pursuant to Section 34-48 of the City Code, the following uses may also be permitted: establishments specializing in the service or repair of automobiles; automobile tire sales and replacement; and automobile parts sales and installation. For auto service, auto repair or drive-throughs to be located within .25 miles of a premium transit corridor or premium transit station, administrative site plan approval shall be required to assure that the proposed site plan is conducive to public transit ridership. >>In addition, automotive race uses, including, but not limited to, automotive races and automotive racing special events, may only be approved as a special exception after public hearing, pursuant to section 33-452.5.<<

* * *

Section 2. Section 33-452.5 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 33-452.5. – Approval after public hearing required for automotive race uses.

Automotive race uses, including, but not limited to, automotive races and automotive racing special events, may only be approved in the S District as a special exception after public hearing. In addition to demonstrating compliance with the standards applicable to special exceptions as set forth in section 33-311 of the County Code, an applicant for an automotive race use shall submit the following materials:

- (1) a site plan, which at a minimum shows:
 - a. the proposed race track or route;

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.

- b. safety features to confine accidents and other race impacts to the track itself and away from adjoining or adjacent properties; and
 - c. distance of the race track and spectator areas from single-family residential properties, and
- (2) a plan for mitigating potential impacts to single-family residential properties from noise, odors, accidents, congregation of people, and other impacts inherent to spectator sports and automobile race uses, as determined by the Director.<<

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.

Section 6. The provisions of this ordinance shall not be enforced unless and until the City Commission of the City of Miami Gardens has adopted the same amendment to the Stadium District.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Barbara J. Jordan

APW
ASR