

# MEMORANDUM

Agenda Item No. 5(A)

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

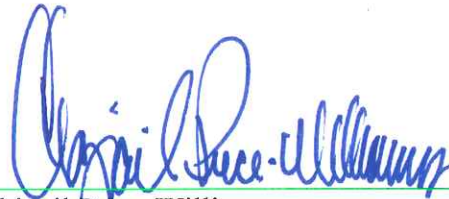
(Public Hearing 12-17-19)  
December 3, 2019

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

**SUBJECT:** Ordinance relating to the Fixed-Guideway Rapid Transit System-Development Zone; amending chapter 33C of the Code; providing for expansion of the Rapid Transit Zone and creating the Historic Overtown/Lyric Theatre Subzone; incorporating by reference the uses, standards and procedures for approval of applications from existing subzones and applying them to the Historic Overtown/Lyric Theatre Subzone; requiring supermajority votes by the Board in certain circumstances; amending section 33-314; providing for Board of County Commissioners jurisdiction over applications relating to subzone; making technical changes

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Audrey M. Edmonson.



Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** December 17, 2019

**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 fluid and cursive, with a large, sweeping initial 'C'.

**Subject:** Fiscal Impact Statement for Ordinance Relating to the Fixed-Guideway Rapid Transit System – Development Zone; Creating the Historic Overtown/Lyric Theatre 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 cursive and somewhat stylized, with a large initial 'J'.

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Jack Osterholt  
Deputy Mayor


FIS02420 192913

# Memorandum



**Date:** December 17, 2019

**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 of the Code of Miami-Dade County (Code) providing for the expansion of the RTZ and creating the Historic Overtown/Lyric Theatre Subzone.

The proposed expansion aligns with the County's effort of intensifying land uses surrounding mass transit stations and corridors 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 cursive script, appearing to read "Jack Osterholt".

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Jack Osterholt  
Deputy Mayor

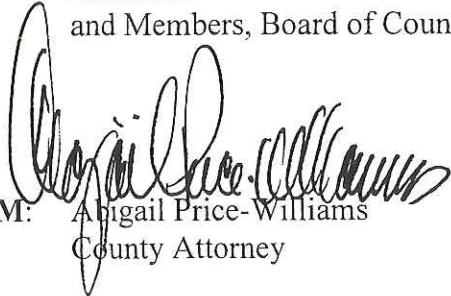
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**MEMORANDUM**  
(Revised)

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

**DATE:** December 17, 2019

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

**SUBJECT:** Agenda Item No. 5(A)

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. 5(A)  
12-17-19

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

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AMENDING CHAPTER 33C OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR EXPANSION OF THE RAPID TRANSIT ZONE AND CREATING THE HISTORIC OVERTOWN/LYRIC THEATRE SUBZONE; INCORPORATING BY REFERENCE THE USES, STANDARDS AND PROCEDURES FOR APPROVAL OF APPLICATIONS FROM EXISTING SUBZONES AND APPLYING THEM TO THE HISTORIC OVERTOWN/LYRIC THEATRE SUBZONE; REQUIRING SUPERMAJORITY VOTES BY THE BOARD IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 33-314; PROVIDING FOR BOARD OF COUNTY COMMISSIONERS JURISDICTION OVER APPLICATIONS RELATING TO SUBZONE; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade County Home Rule Charter grants to the County the power to carry on a central metropolitan government and to provide for rail facilities and public transportation systems; and

**WHEREAS**, the Board of County Commissioners has found that the coordinated review and analysis of mass transit facilities is necessary to carry on a central metropolitan government in Miami-Dade County and that coordinated review and analysis of the mass transit system is most effectively carried on under a uniform plan of regulation applicable to the County as a whole; and

**WHEREAS**, maximum coordination of transportation and land use policy decisions is essential to optimize the role of transportation as a potent tool for implementing the desired patterns of metropolitan development consistent with the Comprehensive Development Master Plan; 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 area surrounding the Overtown Transit Village Metrorail Station is located within the Downtown Regional Urban Center identified in the County's Comprehensive Development Master Plan (CDMP); and

**WHEREAS**, the CDMP calls for the highest level of development density and intensity within the Downtown Regional Urban Center; and

**WHEREAS**, the adoption of uniform regulation to encourage private sector development of market rate, attainable, and workforce housing around the Historic Overtown/Lyric Theatre Metrorail station is in the best interest of the County; and

**WHEREAS**, as such, this Board wishes to include the area surrounding the Overtown Transit Village Metrorail Station within the Rapid Transit Zone; and

**WHEREAS**, this Board also wishes to clarify and remove redundancies from the existing provisions governing the approval process before the Rapid Transit Development Impact Committee,

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

**Chapter 33C - FIXED-GUIDEWAY RAPID TRANSIT SYSTEM—DEVELOPMENT ZONE**

\* \* \*

**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]]~~ >>20<<, 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, >>and Exhibit 20, [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.

\* \* \*

(D) *Uses.* No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Rapid Transit Zone, except as provided in this article.

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<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.

\* \* \*

(2) *Other uses; procedures for approval of such uses within the Rapid Transit Zone.* The following additional uses shall be permitted in conformance with the requirements set forth herein:

\* \* \*

(e) *Process for City of Miami.*

\* \* \*

>>(5) Historic Overtown/Lyric Theatre Subzone. Notwithstanding any other provision of this code to the contrary, whenever uses authorized by subparagraphs (D)(2)(a) and (b) above are proposed within the Historic Overtown/Lyric Theatre Subzone as designated in subsection 33C-12 herein, the procedures and development standards adopted pursuant to subsection 33C-12 shall control.<<

\* \* \*

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

(a) There is hereby established a Rapid Transit Developmental Impact Committee Executive Council 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]]~~ >>the applicable municipality when the subject property is located within one of the following municipalities<<: City of South Miami, City of Coral Gables, City of Miami, and the City of Hialeah.

>>(b) Notwithstanding any other provisions to the contrary,<< ~~[[It is provided, however, that]]~~ for developments located within the Downtown Intermodal District Corridor Subzone established by >>section<< ~~[[Section]]~~ 33C-9 >>,<< ~~[[and]]~~



the Brickell Station Subzone established by >>section<< ~~[[Section]]~~ 33C-10, >>and the Historic Overtown/Lyric Theatre Subzone established by section 33C-12<< ~~[[however]]~~, the Rapid Transit Developmental Impact Committee shall be composed of the County's Developmental Impact Committee Executive Council and three ~~[[3]]~~ representatives from the City of Miami. In addition, there shall be an RTDIC Staff Council composed of members of the County Departments identified in >>section<< ~~[[Section]]~~ 33-303.1(A) ~~[[of this Code]]~~ and three ~~[[3]]~~ representatives from the City of Miami.

>>(c)<< The Rapid Transit Developmental Impact Committee shall, subject to the procedures specified in >>section<< ~~[[Section]]~~ 33-303.1, ~~[[Miami Dade County Code,]]~~ perform the duties specified in >>this section and sections<< ~~[[Section]]~~ 33C-2 and ~~[[Section]]~~ 33C-4 ~~[[of this chapter]]~~.

>>(d)<< ~~[[b]]~~ Except >>as expressly provided in this section<< ~~[[for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 and the Brickell Station Subzone established by Section 33C-10 herein]]~~, mailed notice of hearings before the Rapid Transit Developmental Impact Committee pursuant to Section 33C-2~~[[D]](2)(d)]~~ shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to >>section<< ~~[[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<< ~~[[Section]]~~ 33-304.

>>(e)<< ~~[[e]]~~ Notwithstanding any other provision of this code to the contrary, for the Downtown Intermodal District Corridor Subzone established by >>section<< ~~[[Section]]~~ 33C-9>>, ~~[[and]]~~ the Brickell Station Subzone established by >>section<< ~~[[Section]]~~ 33C-10 ~~[[herein]]~~, >>and the Historic Overtown/Lyric Theatre Subzone established by section 33C-12<<, notice of meetings before the Rapid Transit Developmental Impact Committee shall comply with the procedures set forth in those respective sections.

**Sec. 33C-4. Rapid Transit Development Impact Zone.**

- (a) The Rapid Transit Development Impact Zone consists of those lands in such close proximity to the Rapid Transit System as to have a significant impact thereon. The Station Area Design and Development (SADD) Program (authorized by Miami-Dade County Resolution No. R-829-77), a joint municipal-County program administered through the Rapid Transit Development Impact Committee, shall prepare proposed development standards for the Rapid Transit Development Impact Zone for those stations not subject to >>section<< [[Section]] 33C-2[[~~(D)~~(2)(e)(1)]] >>or otherwise provided for in this chapter<<. Such proposed development standards shall be submitted to the Rapid Transit Development Impact Committee established by >>section<< [[Section]] 33C-3 [[~~of this chapter~~]] for review, comment and any recommendations.
- >>(b)<< The Rapid Transit Development Impact Committee report, including the proposed development standards, shall be submitted to the appropriate municipality or, in the unincorporated areas, to the County for review and adoption as the land use plan for developments within the Rapid Transit Developmental Impact Zone.
- >>(c)<< The foregoing notwithstanding, after completion of the initial task by the SADD Program, for those stations not subject to >>section<< [[Section]] 33C-2[[~~(D)~~(2)(e)(1)]] >>or otherwise provided for in this chapter,<< the Rapid Transit Impact Committee shall prepare all future development standards for the Rapid Transit Development Impact Zone for review and adoption by the Board of County Commissioners if located in unincorporated Miami-Dade County or the appropriate municipality if located in incorporated Miami-Dade County.
- >>(d)<< 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, within the Rapid Transit Developmental Impact Zone. Amendments to said land use plans shall be subject to the procedures specified in this section.

>>(e)<< The County may seek judicial review of any official municipal acts relating to lands within the Rapid Transit Development Impact Zone.

~~[[ (b) Except for the Downtown Intermodal District Corridor Subzone established by Section 33C-9 and the Brickell Station Subzone established by Section 33C-10 herein, and notwithstanding anything to the contrary herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33-2(D)(2)(e)(1) 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 hearings 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. ]]~~

\* \* \*

>>**Sec. 33C-12. Historic Overtown/Lyric Theatre Station Subzone.**

(A) Purpose and Intent. The following development review standards and criteria shall govern applications for Initial Plan Approval of the general site development plan, and applications for Final Site Plan Review, for all development to be located within the boundaries of the Historic Overtown/Lyric Theatre Subzone established in this section. The standards set forth herein further the unique land use characteristics of this area, which lies within the City of Miami Urban Core, as defined in section 33-84, and within the Downtown Regional Urban Center, as designated on the Land Use Plan Map of the County's Comprehensive Development Master Plan. These standards are consistent with, and support the County's and the City's commitment to, principles of urban planning, including responding to the existing conditions of the downtown area and its natural features, infrastructure, and buildings, improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl. Development in this subzone also addresses government service and infrastructure needs of this quickly growing area, and therefore projects within this subzone are encouraged to incorporate public service, public

infrastructure, or public benefit components, including, but not limited to, a police or fire station, regional sewer pump station, and affordable housing.

- (B) Boundaries. The Historic Overtown/Lyric Theatre Subzone of the Rapid Transit Zone is hereby established and the boundaries of the subzone are identified in Exhibit 20 to section 33C-2. The legal description and a full-scale map of the boundaries are on file with the Department.
- (C) Permitted Uses: Permitted uses shall be in accordance with section 33C-10(C) relating to the Brickell Station Sub-Zone, which are incorporated by reference herein.
- (D) Procedures for approval and development standards. Applications for development in the subzone shall be governed by the pre-application and application procedures and development standards relating to the Brickell Station Sub-Zone, including the requirements for a supermajority vote of the Board in certain circumstances, as set forth in section 33C-10(D), (E), (F), (G), and (H), which are incorporated by reference herein. Notwithstanding the foregoing, County-owned properties in the subzone, as identified on Exhibit 20, shall be governed by the pre-application and application procedures and development standards relating to the Government Center Subzone, as set forth in section 33C-11(D), (E), (F), and (G), which are incorporated by reference herein.
- (E) Platting. Separate parcels located within the subzone and made subject to a unity of title or covenant in lieu of unity of title shall not be deemed a subdivision and shall be exempt from the platting requirements of chapter 28.
- (F) Conflicts. The development review procedures, standards, and criteria set forth in this section shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this code or with the Miami-Dade County Public Works Manual.<<

**Section 3.** Section 33-314 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**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:

\* \* \*

(10) Upon application for, hear and decide appeals of decisions of the Rapid Transit Developmental Impact Committee pertaining to site plan approvals and related zoning actions issued pursuant to >>sections<< ~~[[Section]]~~ 33C-2(D)(2)(d) and (2)(e), ~~[[Section]]~~ 33C-9, ~~[[or Section]]~~ 33C-10 >>, or 33C-12<<.

\* \* \*

**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 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 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.

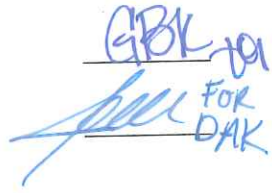
PASSED AND ADOPTED:

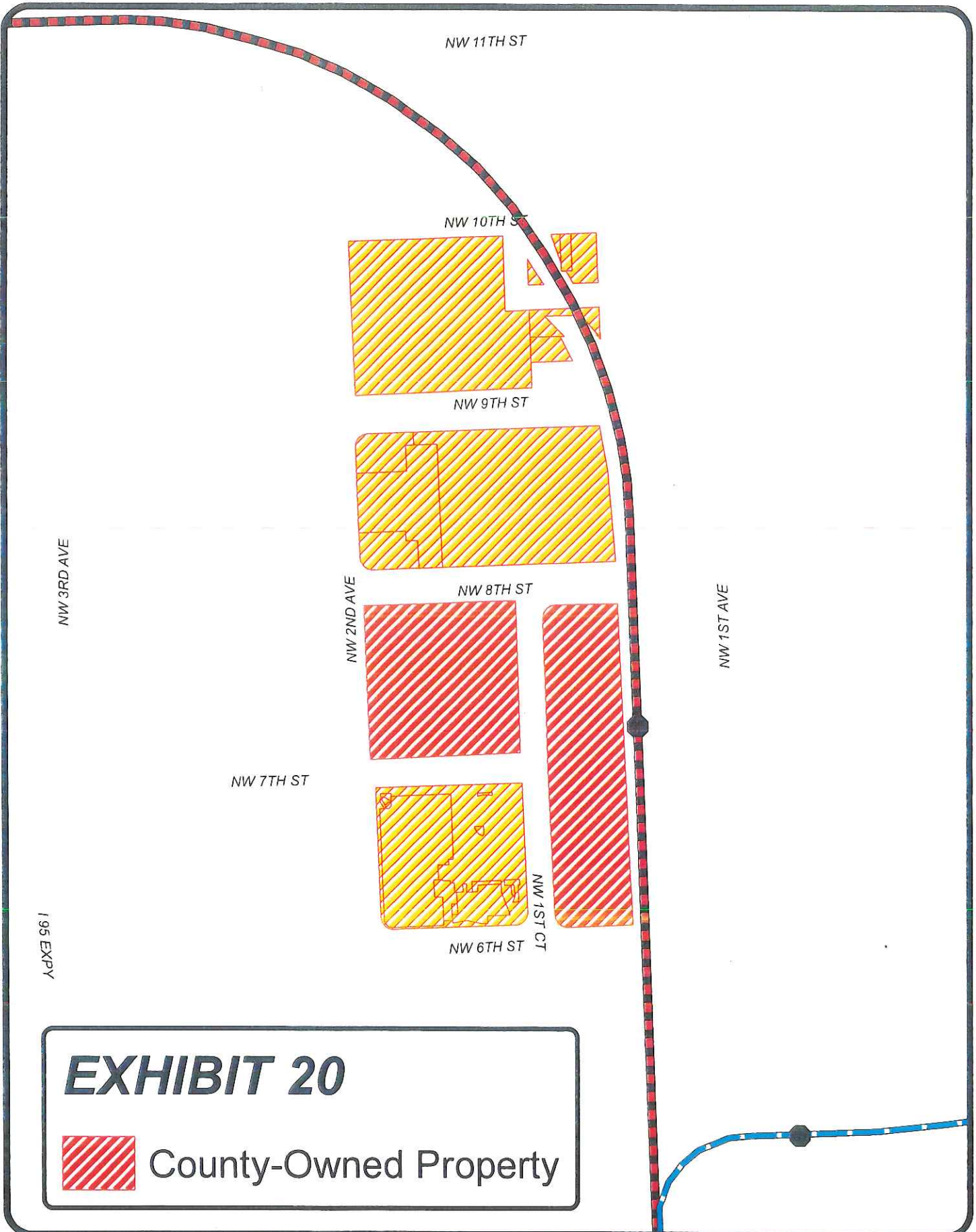
Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Chairwoman Audrey M. Edmonson





# EXHIBIT 20



County-Owned Property

⊗ 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.

