

MEMORANDUM

Agenda Item No. 5(A)

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

DATE:

(Public Hearing 2-19-20)

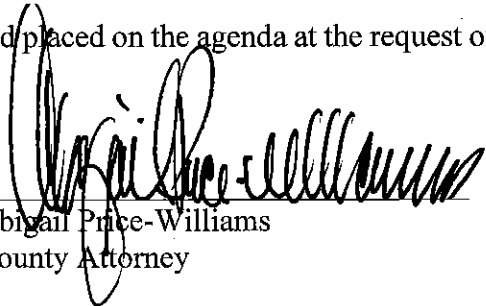
January 22, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT:

Ordinance relating to the Fixed-Guideway Rapid Transit System—Development Zone (“RTZ”); amending section 33C-2 of the Code; defining the Rapid Transit Corridor Station Areas and the Rapid Transit Corridor Bicycle and Pedestrian Area; authorizing additional uses and providing process for approval of such uses, including commercial uses, civic uses, recreational uses, and signage within bicycle and pedestrian area; authorizing alcohol sales not subject to standard County code limitations on spacing from other uses or establishments or on hours or days of operation; clarifying processes for approval in the RTZ in incorporated areas generally and in the City of Miami; making technical amendments to processes for approval within RTZ; creating section 33C-13 providing regulations for signage in the Rapid Transit Zone; deleting divisions 6 and 7 of article VI of chapter 33; and deleting obsolete redundant provisions relating to signage regulation in rapid transit system and busway rights-of-way

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: 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".

Subject: Fiscal Impact Statement for Ordinance Relating to the Fixed-Guideway Rapid Transit System – Development Zone – Corridor Station Areas and the Rapid Transit Corridor Bicycle and Pedestrian Area

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

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Jack Osterholt
Deputy Mayor

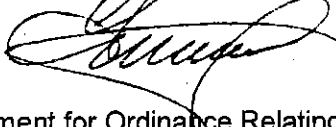
FIS03120 (200082)

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 Relating to the Fixed-Guideway Rapid Transit System-Development Zone

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) defining the Rapid Transit Corridor Station Areas and the Rapid Transit Corridor Bicycle and Pedestrian area; creates Section 33C-13 of the Code providing regulations for signage in the RTZ; deletes obsolete and redundant provisions of the County Sign Code as set forth in Divisions 6 and 7 of Article VI of Chapter 33, and deletes obsolete provisions for Douglas Road Station.

Chapter 33C of the Code specifies allowable uses and procedures for approval of uses in the area underneath the Metrorail's fixed guideways, among other portions of the RTZ. The Board of County Commissioners (BCC) has taken steps and obtained grants and other funding to develop the Underline, which is envisioned to be an enhanced bicycle and pedestrian trail underneath the Metrorail's fixed guideways, containing a variety of commercial, civic and recreational uses to attract pedestrians and bicyclists.

The proposed ordinance aligns with the County's effort of broadening land uses surrounding mass transit stations and corridors by providing standards to enhance the use of the Rapid Transit Corridor as a connection to the stations, by providing for additional wayfinding, recreational, commercial and civic use. No other specific social equity or benefit can be determined at this time.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

200082



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. 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)
2-19-20

ORDINANCE NO. _____

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM—DEVELOPMENT ZONE (“RTZ”); AMENDING SECTION 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING THE RAPID TRANSIT CORRIDOR STATION AREAS AND THE RAPID TRANSIT CORRIDOR BICYCLE AND PEDESTRIAN AREA; AUTHORIZING ADDITIONAL USES AND PROVIDING PROCESS FOR APPROVAL OF SUCH USES, INCLUDING COMMERCIAL USES, CIVIC USES, RECREATIONAL USES, AND SIGNAGE WITHIN BICYCLE AND PEDESTRIAN AREA; AUTHORIZING ALCOHOL SALES NOT SUBJECT TO STANDARD COUNTY CODE LIMITATIONS ON SPACING FROM OTHER USES OR ESTABLISHMENTS OR ON HOURS OR DAYS OF OPERATION; CLARIFYING PROCESSES FOR APPROVAL IN THE RTZ IN INCORPORATED AREAS GENERALLY AND IN THE CITY OF MIAMI; MAKING TECHNICAL AMENDMENTS TO PROCESSES FOR APPROVAL WITHIN RTZ; CREATING SECTION 33C-13 PROVIDING REGULATIONS FOR SIGNAGE IN THE RAPID TRANSIT ZONE; DELETING DIVISIONS 6 AND 7 OF ARTICLE VI OF CHAPTER 33; AND DELETING OBSOLETE REDUNDANT PROVISIONS RELATING TO SIGNAGE REGULATION IN RAPID TRANSIT SYSTEM AND BUSWAY RIGHTS-OF-WAY; 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, among other things, provide for rail facilities and public transportation systems and prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, in 1978, this Board created the Fixed-Guideway Rapid Transit System—Development Zone, commonly known as the Rapid Transit Zone (RTZ); and

WHEREAS, the County exercises planning, zoning, building, and other regulatory jurisdiction over those lands occupied by the fixed guideways, stations, and surrounding areas the RTZ, as codified in chapter 33C of the Code of Miami-Dade County, Florida (the “Code”); and

WHEREAS, chapter 33C specifies allowable uses and procedures for approval of uses in the area underneath the Metrorail’s fixed guideways, among other portions of the RTZ; and

WHEREAS, this Board has taken steps and obtained grants and other funding to develop the Underline, which is envisioned to be an enhanced bicycle and pedestrian trail underneath the Metrorail’s fixed guideways, containing a variety of commercial, civic, and recreational uses to attract pedestrians and bicyclists and build a strong sense of community; and

WHEREAS, this Board seeks to amend chapter 33C to permit a wide variety of additional uses on properties underneath the Metrorail’s fixed guideways between Metrorail stations, referred to herein as the “Rapid Transit Corridor Bicycle and Pedestrian Area;” and

WHEREAS, the additional uses that would be permitted include, for example, restaurants, personal services, recreational and civic uses, and signs; and

WHEREAS, the additional uses also include alcohol sales, not subject to standard restrictions in chapter 33 of the Code on hours or days of sale or on spacing from schools or religious institutions or from other locations where alcohol is sold, which is similar to the exemptions this Board has adopted for development within the RTZ’s Downtown Intermodal District Corridor, Brickell Station, Government Center, and Historic Overtown/Lyric Theatre subzones and on RTZ development outside of Metrorail stations within the City of Miami, as set forth in sections 33C-8 through 33C-12; and

WHEREAS, all of the property within the Rapid Transit Corridor Bicycle and Pedestrian Areas is owned by Miami-Dade County and is subject to certain restrictions from the Federal Transit Administration (“FTA”), stemming from the federal government’s grant agreement with the County related to the acquisition and construction of the Metrorail; and

WHEREAS, as such, this ordinance contains certain protections, such as a requirement that uses be approved by the FTA before administrative site plan approval, as well as provisions which prohibit approvals for use of County property from providing third parties with any entitlements or rights to use County property; and

WHEREAS, this Board also wishes to codify departmental interpretation of the RTZ approval process—specifically, that applications for variances and other zoning relief within certain subzones that include incorporated areas are heard by the Rapid Transit Developmental Impact Committee, and applications for development within and around the Douglas Road Metrorail Station are governed by section 33C-8; and

WHEREAS, this Board also wishes to make technical changes to the procedures for approval of uses within the RTZ and its various subzones, to eliminate obsolete or redundant provisions; and

WHEREAS, this Board also wishes to eliminate obsolete and redundant provisions of the County Sign Code, as set forth in divisions 6 and 7 of article VI of chapter 33, which address signage in the rapid transit system and busway rights-of-way, because those matters are addressed in chapter 33C,

**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:¹

Sec. 33C-2. Rapid Transit Zone.

(A) *Definitions.* Terms used throughout this article shall take their commonly accepted meaning unless otherwise defined in Chapters 18-A, 28, or 33. Terms requiring interpretation specific to this article are as follows:

- (1) The “Rapid Transit Zone” or “RTZ” consists of all land area, including surface, subsurface, and appurtenant airspace, heretofore or hereafter designated by the Board of County Commissioners as necessary~~[[:]]~~ for the construction~~>>~~, operation, maintenance and support~~<<~~ of the ~~[[fixed-guideway portion of the Stage-I]]~~ ~~>>~~County’s~~<<~~ Rapid Transit System ~~[[, including all station sites, parking areas and yard and maintenance shop facilities; or to support the continued operation and expansion of the metropolitan mass transit system]].~~
- (2) ~~>>~~The Rapid Transit Corridor Station Areas” or “RTCSAs” consist of County-owned land areas within the Rapid Transit Zone that are used for bus lanes, station sites, parking areas for public transit system, or maintenance shop facilities.
- (3) The “Rapid Transit Corridor Bicycle and Pedestrian Area” or “RTCBPA” consists of County-owned land areas within the Rapid Transit Zone that are located underneath the fixed guideway structures and within the Metrorail corridor right-of-way, excluding lands within the Rapid Transit Corridor Station Areas.”

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.

(4)<< The “Department” means the Miami-Dade County Department of Regulatory and Economic Resources or its successor department.

>>(5)<<[[3]] The “Director” means the Director of the Department, or the Director’s designee.

>>(6)<<[[4]] The “DTPW” means the Miami-Dade County Department of Transportation of Public Works or its successor department.

>>(7)<<[[5]] The “MDAD” means the Miami-Dade Aviation Department or its successor department.

* * *

(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 >>chapter<< [[article]].

(1) >>Administrative designation of RTCSAs and RTCBPA. The Director may designate or redesignate County-owned land areas as either RTCSA or RTCBPA, and in that event, shall thereafter maintain maps on file showing the respective boundaries of the RTCSA and the RTCBPA.

(2)<< *Permitted* [[land]] *uses.* The following [[land]] uses are permitted within the Rapid Transit Zone >>, including the RTCSAs, RTCBPA, and all subzones<<:

(a) Fixed guideways for the Rapid Transit System.

(b) Stations for the Rapid Transit System >>or bus rapid transit system<<, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, kiosk signs only to the extent permitted by >>section<< [[Section]] 33-107, in-station advertising displays, stairs, elevators, walkways, concessions, vending machines, and other service-related businesses offering goods and services for sale to passengers, and other similar uses as are necessary for or ancillary to the proper functioning of a rapid transit station.

(c) Parking lots and parking structures.

- (d) Bus stops and shelters.
- (e) Streets and sidewalks.
- (f) Maintenance facilities for the Rapid Transit System, including yard and shops, and associated tracks and facilities.
- (g) Landscaping.
- (h) Bikeways, parks, community gardening, >>and<< playgrounds >>.<<[[;]]
- >>(i) Power<< [[power]] substations >>.<< [[and other]]
- >>(i) Other<< uses necessary for the construction, operation >>.<< [[and]] maintenance of the Rapid Transit System.

>>(3)<<[[~~(2) Other uses; procedures for approval of such uses within the Rapid Transit Zone.~~]] >>Additional permitted uses within Rapid Transit Corridor Bicycle and Pedestrian Area. Notwithstanding subsection (E) below or any other provisions to the contrary, unless expressly permitted in section (2) above, uses within the RTCBPA shall be governed exclusively by the following standards and procedures.

- (a) The following additional uses may be permitted within the Rapid Transit Corridor Bicycle and Pedestrian Area, only after administrative site plan approval of said uses, including, but not limited to, all structures and decorative features, by the Director of the Department in accordance with section 33-310.4, and subject to the conditions and approvals specified herein. Except where otherwise specified, the uses shall be as defined in section 33-284.83(B) and shall be subject to the applicable restrictions from said section unless specifically provided to the contrary herein.
 - (i) General retail and personal service establishments.
 - (ii) Food and beverage establishments, including alcoholic beverages. The restrictions set forth in chapter 33, article X regarding hours and days of sale of alcoholic beverages, distance from other premises used for the sale of alcoholic beverages, and distance

- from schools or religious facilities shall not apply to alcoholic beverage uses in this area.
- (iii) Civic uses.
 - (iv) Roller skating and skateboard rinks, bicycle, skateboard, and rollerblade courses, and other similar entertainment or recreational facilities or uses.
 - (v) Temporary uses including seasonal tent sales, stands for the sale of flowers, fruit, and similar uses, and festivals and farmers' markets.
 - (vi) Signs, only in accordance with section 33C-12.
- (b) The foregoing uses shall only be permitted in areas that are not within roadway rights-of-way.
 - (c) The foregoing uses shall only be permitted to the extent appropriate to and compatible with both the rapid transit operations and the surrounding area.
 - (d) The foregoing uses shall be exempt from all minimum parking requirements.
 - (e) The foregoing uses shall only be permitted to the extent authorized in writing by the Federal Transportation Agency or successor agency. As part of the administrative site plan review, the Director of the Department shall verify whether the Federal Transportation Agency or successor agency has approved the specific uses proposed, including whether structures may be permanent or must be temporary, and administrative site plan approval shall not be granted unless and until the Federal Transportation Agency's written approval for said uses has been provided to the Director.
 - (f) Notwithstanding any provision to the contrary, all approvals granted in the RTCBPA are revocable at will by the Director and shall not form the basis, in whole or in part, of any entitlement or right by any party to use RTCBPA property, or any portion thereof, for any purpose.

(4) Additional permitted uses in areas outside the RTCSAs and RTCBPA. In addition to those uses listed in (1) above, the<< ~~[[The]]~~ following additional uses shall be permitted >>outside the Rapid Transit Corridor Station Areas and outside the Rapid Transit Corridor Bicycle and Pedestrian Area,<< in conformance with the requirements set forth >>in this chapter<< ~~[[herein]]~~:

- (a) Such other uses, including commercial, office, hotel, governmental, institutional, health care facilities, rental car facilities, and residential uses, as may be appropriate to and compatible with the operation of the Rapid Transit System or an Intercity Passenger Rail System and the convenience of the ridership thereof.
- (b) Intercity Passenger Rail Systems, both public and private, including all uses permitted for the Rapid Transit System pursuant to >>subsection (D)(1) above<< ~~[[subparagraphs (1)(a) through (h) herein]]~~ and including ancillary facilities associated with the maintenance and operations of a rail system. "Intercity Passenger Rail System" means a rail system that provides passenger service on a guideway system between two or more cities, between several destinations within one city, or both.

>>(E) Processes for approval.

(1)<< ~~[[e]]~~ Subzones in the unincorporated area; development regulations, standards and criteria. >>Except where provided otherwise in this chapter or other applicable regulations, the following process shall govern development in the Rapid Transit Zone in the unincorporated area.

- (a)<< In the unincorporated areas of the Rapid Transit Zone, subzones shall be created by separate ordinances which shall become part of this chapter. Said ordinances shall identify the boundaries of the individual subzones and shall establish development regulations and site plan review standards and criteria for

those land uses permitted pursuant to ~~>>this chapter<< [[subsections (2)(a) and (2)(b) herein]].~~

>>(b) Except where provided for otherwise in the applicable subzone ordinance, requests~~<< [[Requests]]~~ for approval of development in the unincorporated area of those land uses permitted pursuant to this ~~>>chapter<< [[subsection herein]]~~ shall be made by filing an application in accordance with the provisions of ~~>>section<< [[Section]]~~ 33-304. Said application shall be considered a special exception for site plan approval to be considered and acted upon directly by the Board of County Commissioners pursuant to the criteria established in ~~>>section<< [[Section]]~~ 33-311~~[[d]]~~ and the provisions of the applicable subzone.

>>(2)~~<< [[d]]~~ *Process for incorporated areas generally.*
 >>Except where provided for otherwise in the applicable subzone ordinance or other applicable ordinance of the Board of County Commissioners, the following process shall govern development in the Rapid Transit Zone in the incorporated area.~~<<~~

>>(a)~~<<~~ Whenever uses authorized by ~~>>this chapter<< [[subparagraphs (2)(a) and (2)(b) 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 administered through the Rapid Transit Developmental Impact Committee, shall prepare proposed master plan development standards for such proposed uses.

>>(b)~~<<~~ 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.

>>(c)~~<<~~ 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.

>>(d)<< Amendments to said Master Land Use Plans shall be subject to the >>foregoing<< procedures ~~[[specified in this subparagraph]].~~

>>(e)<< Applications for a site plan approval and other related zoning actions under a Master Land Use Plan that was approved by a municipality >>, and applications for variances or other zoning relief from the requirements of any such Master Land Use Plan or for any other zoning action on land within this area, << ~~[[on or before September 30, 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 >>and DTPW << ~~[[of Regulatory and Economic Resources or its successor Department and the Miami Dade Transit Agency]].~~

>>(f)<< 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<< ~~[[Section]]~~ 33-314 ~~[[, Miami Dade County Code]].~~

>>(g)<< 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 actions in regard to the uses provided for in this subsection.

>>(h)<< An aggrieved party may seek judicial review of the County Commission's action in accordance with >>section<< ~~[[Section]]~~ 33-316 ~~[[, Miami Dade County Code]].~~

>>(3)<< ~~[[e)]]~~ *Process for City of Miami.*

>>(a)<< ~~[[1) After March 15, 2008, whenever]]~~ >>Whenever<< uses authorized by >>this chapter<< ~~[[subparagraphs (2)(a) and (2)(b) above]]~~ are proposed within portions of the Rapid Transit Zone located within the City of Miami >>that, as of March 15, 2008, were<<

- not ~~[yet]~~ subject to ~~[[an approved]]~~ ~~>>a<<~~ set of development standards ~~>>approved~~ pursuant to paragraph (E)(2) above~~<<~~, the master plan development standards set forth in ~~>>section<<~~ ~~[[Section]]~~ 33C-8 ~~[[herein]]~~ shall control such proposed uses. ~~>>Notwithstanding any other provisions to the contrary, development within and around the Douglas Road Metrorail Station shall be governed by section 33C-8.~~
- (b) In an area that, as of March 15, 2008, was subject to a Master Land Use Plan adopted pursuant to paragraph (E)(2) above, that Plan~~<<~~ ~~[[Said land use plans]]~~ shall control all public actions involving or affecting land use or development, including action on applications for zoning relief.
- ~~>>(c)<<~~ Amendments to said Master Land Use Plans shall be subject to the procedures specified in ~~>>paragraph (E)(2) above<<~~ ~~[[this subparagraph]]~~.
- ~~>>(d)<<~~ Applications for site plan approval and other related zoning actions under a Master Land Use Plan ~~>>~~, and applications for variances or other zoning relief from the requirements of any such Plan or for any other zoning action on land within this area~~<<~~ shall be considered ~~>>~~in accordance with paragraph (E)(2) above.~~<<~~ ~~[[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 Regulatory and Economic Resources or its successor Department 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 City of Miami a certified copy of the decision of the Rapid~~

~~Transit Developmental Impact Committee and the actions of the Board of County Commissioners in regard to the uses provided for in this subsection. An aggrieved party may seek judicial review of the County Commission's action in accordance with Section 33-316, Miami Dade County Code.~~

(2)] >>(e)<< *Downtown Intermodal District Corridor.* Notwithstanding any other provision of this >>code<< [[Code]] to the contrary, whenever uses authorized by >>subparagraph (D)(4)<< [[subparagraphs (D)(2)(a) and (D)(2)(b) above]] are proposed within the Downtown Intermodal District Corridor Subzone of the Rapid Transit Zone as designated in subsection 33C-9 herein, the procedures and development standards adopted pursuant to subsection 33C-9 shall control.

>>(f)<<[[3)]] *Brickell Station Subzone.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by >>subparagraph (D)(4)<< [[subparagraphs (D)(2)(a) and (D)(2)(b)]] above are proposed within the Brickell Station Subzone of the Rapid Transit Zone as designated in subsection 33C-10 herein, the procedures and development standards adopted pursuant to subsection 33C-10 shall control.

>>(g)<<[[4)]] *Government Center Subzone.* Notwithstanding any other provision of this >>code<< [[Code]] to the contrary, all development within the Government Center Subzone shall be governed solely by >>section<< [[Section]] 33C-11.

>>(F)<< [[(F)]] The uses provided in this subsection shall, where applicable, be subject to municipal ordinances relating to occupational license taxes, and such taxes be and they are hereby expressly reserved to such municipalities.

~~[(g) Douglas Road Metrorail Station. County government office development in the Rapid Transit Zone within municipalities. Whenever County office development is proposed for that portion of the Rapid Transit Zone surrounding the Douglas Road Metrorail Station, the directors of the Departments of Regulatory and Economic Resources or its successor Department, the Miami Dade Transit Agency and the department proposing the development shall develop proposed master plan development standards for such proposed uses. The standards shall contain, at a minimum: (a) maximum height of the building; (b) maximum floor area ratio; (c) maximum parking provided; (d) minimum open space; (e) minimum setbacks from property lines; (f) gross and net land area; (g) criteria for pedestrian and vehicular circulation systems; (h) signage criteria; (i) criteria for parking layouts and drives; and (j) features demonstrating conformity with the guidelines for development of urban centers contained in the Comprehensive Development Master Plan, conformity with the Miami Dade County Urban Design Manual, and consistency with the Metrorail Compendium of Design Criteria. Upon the consent of the County Mayor, the proposed standards shall be submitted to the affected municipality's governing board for review and approval.~~

~~In reviewing the standards, the municipality shall consider the type of function involved, the public need therefor, the existing land use pattern in the area and the nature of the impact of the facility on the surrounding property. The municipal governing board shall have the power to approve or reject the standards, but shall not modify the standards as submitted. Unless extended by agreement with the County Mayor, failure of the municipal governing board to reach a final decision on the proposed development standards within 60 days after receipt of the standards may be deemed by the County to be a lack of objection to the standards as proposed. If the municipal governing board rejects the proposed development standards, the proposed County office development shall not be permitted at the site unless~~

~~the Board of County Commissioners determines after duly noticed public hearing that the proposed development is of County wide necessity and significance; and upon such determination approves the development standards in accordance with the criteria applicable to the municipal governing board.~~

~~After approval of the development standards, a site plan consistent with the approved development standards shall be submitted to the Director of the Regulatory and Economic Resources or its successor Department. After review by the Directors of the Departments of Regulatory and Economic Resources or its successor Department, the Miami Dade Transit Agency and the department seeking development approval, the County Manager may submit the site plan to the Board of County Commissioners with a recommendation for approval.~~

~~The Board of County Commissioners may authorize the development and approve the site plan by resolution following public hearing. The public hearing shall be held upon 15 days' notice of the time and place of the hearing published in a newspaper of general circulation in Miami Dade County, which publication shall include the time and place of hearing before the Board of County Commissioners. A courtesy notice containing general information as to the date, time and place of the hearing, the property location and general nature of the proposed development may be mailed to the property owners of record within a radius of three hundred (300) feet of the property described in the application, or such greater distance as the County Mayor may provide; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property may be posted by a sign or signs indicating the action desired and the time and place of public hearing thereon. Failure to post the property shall not affect any action taken hereunder. At the public hearing, the Board shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the~~

~~facility and the nature of the impact of the development on the surrounding property.~~

~~This process shall apply only to that portion of the Rapid Transit Zone surrounding the Douglas Road Metrorail Station.~~

(E)] >>(G)<< *Effect on existing land uses.* All land areas included by this section within the Rapid Transit Zone upon which uses other than those specified in subsection (D) of this section were authorized or permitted prior to October 27, 1978 may be used as follows:

* * *

Section 3. Section 33C-13 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**Sec. 33C-13. - Signs.**

- (A) Except where expressly provided otherwise in this section or chapter, all signs within the Rapid Transit Zone, shall be governed by section 33-284.87 and shall be subject to administrative site plan review in accordance with section 33-310.4
- (B) Notwithstanding any provisions to the contrary, within the RTCBPA, only the following signs may be permitted, and only to the extent the use is permitted pursuant to 33C-2, comply with the following standards and criteria, and are compatible with the surrounding uses:
- (1) Signs up to 6 square feet, consisting solely of standard recreational and cultural interest icons, as shown on pages 3-110 through 3-113 of the Federal Highway Administration's Standard Highway Signs, 2004 Ed., or icons substantially similar thereto, as determined by the Director of the Department. Such signs may be attached or detached.
 - (2) Mile marker signs up to 24 square feet. Such signs may be attached or detached.

- (3) Signs stating only “Underline” or “The Underline,” up to 24 square feet. Such signs may be attached or detached.
- (4) Attached Class B (Point-of-sale) signs for such uses as concessions or personal services establishments, as authorized by section 33-284.87 of the Code.
- (5) Off-site advertising signs, including donor recognition signs, provided that any such sign is no larger than 2 square feet, is oriented towards the bicycle and pedestrian uses of the RTCBPA, and provided that the message of any such sign cannot be seen or read from any road or adjacent property. This subsection may be used to authorize, for example, small signs on benches. Such signs may be attached or detached.
- (6) Illumination may be allowed, in accordance with section 33-284.87 of the Code, only where compatible with the surrounding area.
- (7) Administrative site plan review required. All signs shall be presented for administrative site plan review in accordance with section 33-310.4 as part of a comprehensive sign program to ensure a consistent aesthetic throughout the RTCBPA.
 - (a) Site plans and submittals shall include all relevant information pertaining to the location, size, copy, illumination, and orientation of the proposed signs and to the characteristics of the surrounding properties, and shall include written approval from the Federal Transit Administration and any other information requested by the Director.
 - (b) Notwithstanding any of the above-referenced maximum dimensions or other provisions to the contrary, the Director may require that the proposed size and number of signs be reduced, and that the proposed orientation, illumination, and location of proposed signs be modified, to maintain compatibility with surrounding properties, including, but not limited, to single-family residences.
 - (c) As part of the administrative site plan review, the Director shall also require the submittal of confirmation from the Florida Department of Transportation’s Outdoor Advertising Division that the proposed sign or signs do

- not require a permit under chapter 479, Florida Statutes.
- (d) If a permit under chapter 479, Florida Statutes, is required for a sign, said sign shall not be approved by the Director, or, where applicable, the Director shall revoke the sign approval and the sign shall be removed forthwith.<<

Section 4. Divisions 6 and 7 of article VI of chapter 33 of the Code of Miami-Dade County, Florida, are hereby deleted in their entirety.

Section 5. 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 6. 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 7. 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:



Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Eileen Higgins