

MEMORANDUM

TMPC

Agenda Item No. 1(G)1 SUB

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 9, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Ordinance relating to the Fixed-Guideway Rapid Transit System-Development Zone in the incorporated and unincorporated areas; amending chapter 33C of the Code; revising legislative intent, findings, and purpose of chapter 33C; providing for expansion of the Rapid Transit Zone (RTZ) to include existing metromover corridor and stations and certain adjacent or nearby properties; clarifying County jurisdiction over lands within RTZ; creating the Rapid Transit Zone Zoning District and assigning to the RTZ District all land use approvals granted pursuant to chapter 33C as of a certain date; revising regulations pertaining to effect of addition to RTZ on pending applications, existing zoning district regulations, and non-conforming lots, uses, and structures; revising membership of and procedures for Rapid Transit Developmental Impact Committee; creating the Metromover Subzone; incorporating by reference the uses, standards, and procedures for approval of applications from existing subzones and applying them to the Metromover Subzone; amending section 33-314; providing for Board of County Commissioners jurisdiction over applications relating to RTZ District; renumbering sections and making other technical changes

This substitute item differs from the original item in that it:

- revises exhibits 22(A) and 22(B) to add additional properties to the Metromover Subzone;
- revises section 33C-1 to: provide that legislative intent and policies apply to all rapid transit systems generally, including Metromover, bus, and rail systems; insert specific projected effective date; and update history of Station Area Design and Development Program in subsection (D) to address stations for which standards were proposed but not adopted;
- revises section 33C-2 to: conform definition of Rapid Transit System in subsection (A) to revised legislative intent; specify in subsection (C) that the County's jurisdiction under this chapter only extends to lands included within the Rapid Transit Zone pursuant to subsection (B); and clarify that the County's jurisdiction over street maintenance includes bicycle paths;
- revises section 33C-5, regarding the County's administration of existing land uses until a zoning hearing is held pursuant to chapter 33C, to provide that administrative site plan review will be required for development of undeveloped lands, but that a modification to existing development or vested development approval will only require review of the proposed modification;
- revises section 33C-11 to specify that the purpose and intent of the Government Center Subzone includes providing physically cohesive developments, more meaningful open spaces, enhanced pedestrian environments, and affordable housing;
- revises section 33C-15 to provide that all properties in the Metromover Subzone will be subject to the uses and procedures for the Government Center Subzone rather than the Brickell Station Subzone;
- in section 2 of the ordinance, which amends section 33-314, includes existing code provisions to show the Board's current jurisdiction over Rapid Transit Zone applications, and revises section 33-314 to specify that the Board has direct jurisdiction over the Metromover Subzone;
- makes additional technical changes; and
- makes conforming changes to the preamble.

Rule 5.06(i) of the Board's Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item and the substitute is provided in lieu of double underlining and double strike-through for this item.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsor Commissioner Sally A. Heyman.




Geri Bonzon-Keenan
Successor County Attorney



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No.

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

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE IN THE INCORPORATED AND UNINCORPORATED AREAS; AMENDING CHAPTER 33C OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING LEGISLATIVE INTENT, FINDINGS, AND PURPOSE OF CHAPTER 33C; PROVIDING FOR EXPANSION OF THE RAPID TRANSIT ZONE (RTZ) TO INCLUDE EXISTING METROMOVER CORRIDOR AND STATIONS AND CERTAIN ADJACENT OR NEARBY PROPERTIES ; CLARIFYING COUNTY JURISDICTION OVER LANDS WITHIN RTZ; CREATING THE RAPID TRANSIT ZONE ZONING DISTRICT AND ASSIGNING TO THE RTZ DISTRICT ALL LAND USE APPROVALS GRANTED PURSUANT TO CHAPTER 33C AS OF A CERTAIN DATE; REVISING REGULATIONS PERTAINING TO EFFECT OF ADDITION TO RTZ ON PENDING APPLICATIONS, EXISTING ZONING DISTRICT REGULATIONS, AND NON-CONFORMING LOTS, USES, AND STRUCTURES; REVISING MEMBERSHIP OF AND PROCEDURES FOR RAPID TRANSIT DEVELOPMENTAL IMPACT COMMITTEE; CREATING THE METROMOVER SUBZONE; INCORPORATING BY REFERENCE THE USES, STANDARDS, AND PROCEDURES FOR APPROVAL OF APPLICATIONS FROM EXISTING SUBZONES AND APPLYING THEM TO THE METROMOVER SUBZONE; AMENDING SECTION 33-314; PROVIDING FOR BOARD OF COUNTY COMMISSIONERS JURISDICTION OVER APPLICATIONS RELATING TO RTZ DISTRICT; RENUMBERING SECTIONS AND MAKING OTHER TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board wishes to accomplish the purposes set out in the “[l]egislative intent, findings and purpose” provisions of chapter 33C of the Code of Miami-Dade County Florida (“Code”), governing the Rapid Transit System – Development Zone, as amended herein; and

WHEREAS, in furtherance of the purposes of better coordinating land uses and transportation facilities within the Downtown Regional Urban Center identified in the County's Comprehensive Development Master Plan and of recognizing that transit-oriented developments should be located on parcels within a close radius of rapid transit stations, it is appropriate to include the existing Metromover corridor and stations and certain properties adjacent or nearby thereto within the Rapid Transit Zone, over which the County exercises regulatory and other jurisdiction pursuant to chapter 33C; and

WHEREAS, it is appropriate to create a new Metromover Subzone and to provide for development on such properties in accordance with the standards previously adopted for the Government Center Subzone; and

WHEREAS, to better identify on the County's zoning maps the properties related to the rapid transit zone over which the County exercises regulatory jurisdiction, this Board wishes to create a new zoning district, the Rapid Transit Zone (RTZ) District, which will include all land subject to, and all land use approvals granted pursuant to, chapter 33C as of the effective date of this ordinance; and

WHEREAS, chapter 33C also requires reorganization and other technical changes, to consolidate redundant provisions and delete obsolete provisions regarding the adoption of development standards for lands within the Rapid Transit Zone since the completion of the Station Area Design and Development Program, to clarify County regulatory and other jurisdiction over lands within the district, and to update the membership of and procedures used by the Rapid Transit Developmental Impact Committee; and

WHEREAS, these updates and clarifications are not intended to alter the historic jurisdictional relationship between the County and the municipalities related to the Rapid Transit

Zone, except as previously modified for the Downtown Intermodal District Corridor, Brickell Station, Government Center, Historic Overtown/Lyric Theatre, and Santa Clara Subzones in the City of Miami; and

WHEREAS, this Board also wishes to revise the current regulations that govern the effect that being added to the Rapid Transit Zone has on existing land uses and pending applications, by extending the regulations regarding existing land uses and pending applications adopted for the Santa Clara Subzone in Ordinance No. 20-50 to all properties in the Rapid Transit Zone, with additional revisions to clarify the treatment of vacant properties as opposed to properties with existing structures or vested development approvals; and

WHEREAS, those provisions give greater flexibility to continue to develop properties based on previously approved building or zoning approvals, provide applicable development standards until a property obtains zoning approval in accordance with chapter 33C, and allow renovation of non-conforming lots, uses, or structures as provided for the County's urban center and urban area districts; and

WHEREAS, this Board also wishes to provide for its jurisdiction to hear zoning applications related to the RTZ District,

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

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

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.

**Chapter 33C – ~~[[FIXED-GUIDEWAY]]~~ RAPID TRANSIT
SYSTEM—DEVELOPMENT ZONE**

Sec. 33C-1. - Legislative intent, findings and purposes.

The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that ~~[[the]]~~ >>:

- (A) The<< uncoordinated use of lands within the County threatens the orderly development and the health, safety, order, convenience, prosperity and welfare of the present and future citizens of this County. >>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 and operate rail and bus terminals and public transportation systems and prepare and enforce comprehensive plans for the development of the County.<< Pursuant to >>section 2-114 of this code and section 163.3184, Florida Statutes,<< [[Ordinance No. 75-22]], the Board adopted and accepted the Comprehensive Development Master Plan for Miami-Dade County >>(CDMP), which, among other goals, objectives, and policies, calls for the coordination of land uses and transportation facilities to: attract transit ridership, produce short trips, and minimize transfers; establish a more compact and efficient urban form within the Urban Development Boundary; and promote vertical and horizontal mixed-use development and redevelopment of properties along existing and planned transit corridors and designated urban centers, to provide for transit-oriented development. In addition, the CDMP's Statement of Legislative Intent specifically provides that municipalities are subject to CDMP policies for development of urban centers and its policies providing for County authority to maintain, site, construct, and operate public facilities in incorporated and unincorporated areas, as these policies are fundamental growth management components that are necessary to carry on a central metropolitan government.<< ~~[[whereby it specifically declared that it was the continuing policy of Miami-Dade County, in cooperation with federal, State, regional and local governments, and other concerned public and private organizations, to use all reasonable means and measures to:~~
- ~~(a) Foster and promote the general welfare;~~
 - ~~(b) To create and maintain conditions under which man and nature can exist in productive harmony; and~~

(e) ~~To fill the social, economic and other requirements of the present and future generations of citizens of Miami Dade County, Florida.~~

~~The board further found that the Comprehensive Development Master Plan was enacted to assure for all people of Miami Dade County an attempt to create safe, healthful, productive and aesthetically and culturally pleasing surroundings; to attain the widest range of beneficial uses of the environment without unreasonable degradation, risk to the health or safety, or other undesirable and unintended consequences, to preserve important historic, cultural and natural aspects of our national heritage; to maintain, wherever possible, an environment which supports diversity and variety of individual choice; to achieve a balance between population and resources which will permit the high standards of living and a wide sharing of life's amenities, and to enhance the quality of renewal resources and approach the maximum attainable recycling of depletable resources.]]~~

>>(B)<< In furtherance of these goals >>,and objectives, >>and policies,<< the Board finds that the coordinated review and analysis of its mass transit facilities is necessary to carry on a central metropolitan government in Miami-Dade County, Florida. Coordinated review and analysis of the mass transit system is susceptible to, and would be most effectively carried on, under a uniform plan of regulation applicable to the County as a whole. The planning of major transportation facilities, combined with other plan implementation tools, can be effectively used in meeting social, economic and environmental needs and in creating a major influence on metropolitan development patterns and life styles. The capability of a transportation network, acting in conjunction with other urban services to establish general development trends, is well recognized. A maximum coordination of transportation and land use policy decisions is therefore essential to optimize the role of transportation as a potent tool for implementing the desired patterns of metropolitan development.

>>(C)<< The Board further finds that the Stage I Fixed-Guideway Rapid Transit System has, since 1973, undergone extensive planning, review, analysis, and engineering design efforts. The Stage I System ~~[[has]]~~ received design approval from both the federal and State governments >>and, as of March 12, 2021, consists of a 25-mile dual track rail system that provides service to Miami International Airport (MIA) and

runs from Kendall through South Miami, Coral Gables, and downtown Miami; to the Civic Center/Jackson Memorial Hospital area; and to Brownsville, Liberty City, Hialeah, and Medley in northwest Miami-Dade, with connections to Broward and Palm Beach counties.<< ~~[[and is in the process of final design, procurement and construction activities]].~~ The Stage I System, including proposed improvements in other forms of surface transportation facilities, represents a concerted, coordinated effort to improve not only the transportation facilities within Miami-Dade County, but the overall quality of life enjoyed by citizens of and visitors to Miami-Dade County. Finally, the Stage I System represents one ~~[[4]]~~ of the largest public works projects ever undertaken in Miami-Dade County and the Southeastern United States. As such, the Stage I Fixed-Guideway Rapid Transit System may only be planned, engineered, implemented, and administered on a County-wide basis, in a manner which will:

>>(1)<< ~~[[a]]~~ Provide maximum opportunities for development to serve as financial assistance to the system; and

>>(2)<< ~~[[b]]~~ Provide incentives for joint development with the private sector.

>>(D) Prior to March 15, 2008, land use plans within the Rapid Transit Zone were prepared pursuant to the Station Area Design and Development (SADD) Program, a joint municipal-County program administered through the Rapid Transit Development Impact Committee (RTDIC), which was authorized by Miami-Dade County Resolution No. R-829-77. The SADD Program proposed land use plans for the Rapid Transit Development Impact Zone, which was defined as those lands in such close proximity to the Rapid Transit System as to have a significant impact thereon. The SADD Program resulted in the creation of the following station area land use plans adopted by the applicable municipality after recommendation by the RTDIC in accordance with then-applicable provisions of this chapter: Resolution No. 01-83 of the Miami City Commission, approving development standards for the Santa Clara Metrorail Station Project; Resolution No. 03-815 of the Miami City Commission, approving development standards for the Overtown/Arena Rapid Transit Zone; Resolution No. 62-02-11411 of the Mayor and City Commission of the City of South Miami, approving development standards for the South Miami Station; and Ordinance No. 06-76 of the Mayor and City

Council of the City of Hialeah, approving development standards for the Okeechobee Station Area. Not all SADD recommendations were ultimately adopted by the applicable municipalities. In Resolution No. 23224, adopted on February 10, 1981, the City of Coral Gables rejected the recommendation of the SADD Program regarding development of areas surrounding the University Station, deciding instead to continue existing land uses in accordance with the City's land use plans. And although the RTDIC issued recommended development standards for the Coconut Grove Station on January 24, 2007, the City of Miami did not adopt them. Subsequently, those recommendations were superseded by Ordinance No. 08-28, which this Board adopted on March 4, 2008, creating section 33C-8 to provide development standards for non-Metrorail development within the City of Miami that was not already subject to a land use plan adopted pursuant to the SADD Program; section 33C-8 governs development surrounding the Allapattah, Civic Center, Culmer, Vizcaya, Coconut Grove, and Douglas Road Metrorail Stations.

- (E) Beginning in April 2014, this Board has expanded the Rapid Transit System-Development Zone through legislation creating the following subzones: the Downtown Intermodal District Corridor (DIDC) Subzone, which was accompanied by Resolution No. R-353-14, approving an interlocal agreement with the City of Miami regarding that subzone; the Brickell Station Subzone, which was accompanied by Resolution No. R-613-18, approving an interlocal agreement with the City of Miami regarding that subzone; the Government Center Subzone; the Historic Overtown/Lyric Theatre Subzone; the Santa Clara Subzone; and the Metromover Subzone.
- (F) The Board further finds that providing for increased density and for transit-oriented development adjacent to the Stage I Fixed-Guideway Rapid Transit System will increase mass transit ridership and thereby further the health, safety, order, convenience, prosperity, and welfare of present and future County residents and visitors.
- (G)<< The Board further finds that the legislative intent, findings and purposes set forth herein also apply to public or private Intercity Passenger Rail Systems>>, the Metromover system, and other rapid transit systems.<<.

Sec. 33C-2. Rapid Transit Zone>>: definitions; designation of lands included; County jurisdiction; municipal services; occupational license taxes<<.

(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 >>in this section<< ~~[[by the Board of County Commissioners]]~~ as necessary for the construction, operation, maintenance and support of the County’s Rapid 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.”
- (4) ~~[[The]]~~ “Department” means the Miami-Dade County Department of Regulatory and Economic Resources or its successor department.
- (5) >>“DERM” means the Department’s Division of Environmental Resources Management or its successor department.
- ~~(6)<<~~ ~~[[The]]~~ “Director” means the Director of the Department, or the Director’s designee.
- >>~~(7)<<~~ ~~[[~~(6)~~ The]]~~ “DTPW” means the Miami-Dade County Department of Transportation of Public Works or its successor department.
- >>~~(8)<<~~ ~~[[~~(7)~~ The]]~~ “MDAD” means the Miami-Dade Aviation Department or its successor department.
- >>~~(9)~~ “MDFR” means the Miami-Dade Fire Rescue Department or its successor department.
- ~~(10)~~ “PROS” means the Miami-Dade County Parks, Recreation and Open Spaces Department or its successor department.

- (11) “TPO” means the Miami-Dade Transportation Planning Organization or its successor agency.
- (12) “Rapid Transit System” includes the Stage I Fixed-Guideway Rapid Transit System (also referred to as the Metrorail) and the Metromover system, public or private Intercity Passenger Rail Systems, and other rapid transit systems within Miami-Dade County.
- (13) “WASD” means the Miami-Dade County Water and Sewer Department or its successor department.<<

(B) *Designation of lands included >>in the Rapid Transit Zone<<*

>>(1)<< The Board of County Commissioners hereby designates >>, as necessary for the construction, operation, maintenance, and support of the County’s Rapid Transit System, and includes within the Rapid Transit Zone,<< all land areas (including surface, subsurface, and appurtenant airspace) shown on [[Exhibits 1 through 20,]] >>the following exhibits<< bearing the following effective dates >>,_i certified by the Clerk of the Board as a portion of this chapter, incorporated herein by reference, and transmitted to the custody of the Department<<: 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, February 1, 2020; Exhibit 19, February 1, 2020; Exhibit 20, December 27, 2019; [[and]] Exhibit 21, >>June 12, 2020; and Exhibits 22(A) and 22(B), March 12, 2021<< [[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 as the Rapid Transit Zone for the Stage I Fixed-Guideway Rapid Transit System]].

>>(2)<< 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 >>of the Board of County Commissioners<< [[, after a public hearing within each municipality affected]].

(C) *Jurisdiction of County.* ~~[[Jurisdiction for purposes of building and zoning]]~~ >> For lands included within the Rapid Transit Zone pursuant to subsection (B) above, jurisdiction over the following, all of which relate to the uses expressly authorized in this chapter, shall be and is hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provisions to the contrary:

- (1) Regulatory decisions,~~[[approvals (-)]]~~ including, but not limited to ~~[[;]]~~ >>: comprehensive planning; district boundary changes, special exceptions, variances, unusual uses,~~[[site plan approvals]]~~, and other zoning approvals; historic preservation; compliance with environmental regulations;~~[[;]]~~ 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 Florida Building Code >>and the~~[[;]]~~ Florida Fire Prevention Code>>;~~[[;]]~~ issuance of certificates of occupancy >>;~~[[(-) zoning applications, special exceptions, variances, district boundary changes;]]~~ building >>or~~[[and/or]]~~ zoning moratoria >>;~~[[;]]~~ subdivision approvals ~~[[;]]~~ >>;~~[[;]]~~ and all other types of >>planning, zoning, subdivision, or building functions or other~~[[functions typically performed by [[Building and/or Zoning Departments or other]] departments]]~~ departments >>, boards, or other entities~~[[;]]~~ that review or issue development permits >>or development orders.~~[[;]]~~
- >>(2) Water~~[[water]]~~ and sewer installations ~~[[; compliance with environmental regulations;]]~~ >>.
- (3) Street~~[[street]]~~ maintenance (including sidewalks >>and bicycle paths~~[[;]]~~ where applicable)>>.
- (4) Utility~~[[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]]~~.

>>(D) *Municipal Services.*~~[[;]]~~ << Where a municipality continues to provide ~~[[other]]~~ services to a property in the Rapid Transit Zone >>other than those under the County's jurisdiction in subsection (C) above~~[[;]]~~, the municipality shall be

responsible for ensuring that all matters relating to enforcement of ~~>>requirements within the County's jurisdiction<< [[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.

- >>(E) Reservation of municipal business tax receipts. It is the intent of the County that business tax receipts be, and hereby are, expressly reserved to the municipalities, where applicable. Accordingly, the uses provided in this chapter shall, where applicable, be subject to municipal ordinances relating to business tax receipts.

Sec. 33C-3. Rapid Transit Zone (RTZ) District.

- (A) Zoning Designation. All lands subject to this chapter shall be assigned to the zoning district named "Rapid Transit Zone (RTZ) District" and, if applicable, to the appropriate subzone identified in this chapter.
- (1) All lands that, prior to March 12, 2021, were the subject of review by the Station Area Design and Development Program process or other review by the Rapid Transit Developmental Impact Committee in accordance with then-applicable provisions of this chapter, or that received site plan approval, a special exception, or other zoning action or relief pursuant to then-applicable provisions of this chapter, shall be included within the RTZ District and assigned to the applicable subzone.
- (a) This includes, without limitation, the lands subject to land use plans that were approved in accordance with the then-applicable provisions of this chapter, as set forth in section 33C-1.
- (b) All such approved land use plans shall govern the respective lands, except as otherwise provided for in this chapter or as otherwise amended or varied in accordance with this chapter or other applicable process.
- (2) The boundaries of the RTZ District and its subzones shall be shown upon the district boundary maps

maintained on file with the Department in accordance with section 33-3.

- (3) Notwithstanding any other provisions to the contrary, all portions of the Rapid Transit Zone that are included within the boundaries of an urban center or urban area district pursuant to chapter 33 shall be governed by the applicable urban center or urban area district regulations rather than this chapter.

(B)<< ~~[(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]]~~ >>RTZ District<<, except as provided in this chapter.

- (1) *Administrative designation of RTCSAs and RTCPBA.* The Director may designate or redesignate County-owned land areas as either RTCSA or RTCPBA, and in that event, shall thereafter maintain maps on file showing the respective boundaries of the RTCSA and the RTCPBA.
- (2) *Permitted uses.* The following uses are permitted within the Rapid Transit Zone, including the RTCSAs, RTCPBA, and all subzones:

* * *

- (3) *Additional permitted uses within Rapid Transit Corridor Bicycle and Pedestrian Area.* Notwithstanding ~~[[subsection (E) below,]]~~ >>section 33C-4<< or any other provisions to the contrary, unless expressly permitted in section (2) above, uses within the RTCPBA 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; it is provided, however, that, for any Metrorail segments constructed after February 29, 2020, such

additional uses may only be permitted by ordinance of the Board of County Commissioners. 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.

* * *

(vi) Signs, only in accordance with section >>33C-13<< [~~33C-12~~].

* * *

(4) *Additional permitted uses in areas outside the RTCSAs and RTCBPA.* In addition to those uses listed in (1) above, the following additional uses shall be permitted >>in the RTZ District<< 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:

- (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 >>, as authorized pursuant to an applicable subzone or other provision of this chapter<<.
- (b) Intercity Passenger Rail Systems, both public and private, including all uses permitted for the Rapid Transit System pursuant to subsection >>(B)(2)<< [~~(D)(4)~~] above 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) 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.~~
- ~~(b) Except where provided for otherwise in the applicable subzone ordinance, requests for approval of development in the unincorporated area of those land uses permitted pursuant to this chapter shall be made by filing an application in accordance with the provisions of 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 33-311 and the provisions of the applicable subzone.~~
- ~~(2) 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 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.~~

~~(e)]~~

>>Sec. 33C-4. Rapid Transit Zone (RTZ) District: general processes for stations and subzones created prior to April 8, 2014.

(A) Process within incorporated areas subject to a land use plan adopted pursuant to SADD Program. Except where provided for otherwise in this chapter, the following process shall govern development within lands subject to a land use plan approved through the Station Area Design and Development Program prior to March 15, 2008.

(1)<< 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.

>>(2)<< ~~[(e)]~~ Amendments to said Master Land Use Plans shall be subject to the ~~[[foregoing]]~~ procedures >>applicable to the initial adoption of such land use plans<<.

>>(3)<< ~~[(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, shall be considered by the Rapid Transit Developmental Impact Committee >>in accordance with the procedures set forth in section 33C-6<< under the standards and requirements established by such plan, upon receipt of the recommendations of the Department and DTPW.

>>(4)<< ~~[(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 33-314.

- >>(5)<< ~~[(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 >>pursuant to<< ~~[[in regard to the uses provided for in]]~~ this subsection.
- >>(6)<< ~~[(h)]~~ An aggrieved party may seek judicial review of the County Commission's action in accordance with section 33-316.

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

>>(1)<< ~~[(a)]~~ Whenever uses authorized by this chapter are proposed within portions of the Rapid Transit Zone located within the City of Miami that, as of March 15, 2008, were not subject to a >>land use plan approved by the City through the Station Area Design and Development Program and are not designated as RTCSA, RTCBPA, or as part of a specific subzone<< ~~[[set of development standards approved pursuant to paragraph (E)(2) above]]~~, the master plan development standards set forth in section 33C-8 shall control such proposed uses. Notwithstanding any other provisions to the contrary, development within and around the >>Allapattah, Civic Center, Culmer, Vizcaya, Coconut Grove, and<< Douglas Road Metrorail >>Stations<< ~~[[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 shall control all public actions involving or affecting land use or development, including action on applications for zoning relief.~~
- ~~(e) Amendments to said Master Land Use Plans shall be subject to the procedures specified in paragraph (E)(2) above.~~
- ~~(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.~~

(e)]

>>(2)<< *Downtown Intermodal District Corridor.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by >>section 33C-3(B)(4)<< ~~[[subparagraph (D)(4)]]~~ are proposed within the Downtown Intermodal District Corridor Subzone of the Rapid Transit Zone as designated in section 33C-9 herein, the procedures and development standards adopted pursuant to section 33C-9 shall control.

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

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

>>(5)<< ~~[[h)]]~~ *Historic Overtown/Lyric Theatre Subzone.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by >>section 33C-3(B)(4)<< ~~[[subparagraph (D)(4) above]]~~ are proposed within the Historic Overtown/Lyric Theatre Subzone as designated in section 33C-12 herein, the procedures and development standards adopted pursuant to section 33C-12 shall control.

>>(6)<< ~~[[i)]]~~ *Santa Clara Subzone.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by >>section 33C-3(B)(4)<< ~~[[subparagraph (D)(4) above]]~~ are proposed within the Santa Clara Subzone as designated in section 33C-14 herein, the procedures and development standards adopted pursuant to section 33C-14 shall control.

>>(7) *Metromover Subzone.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by section 33C-3(B)(4) are proposed within the Metromover Subzone as designated in section 33C-15 herein, the procedures and

development standards adopted pursuant to section 33C-15 shall control.<<

- ~~[(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) *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:~~
- ~~(1) *Existing structures.* All existing buildings or structures and all uses for which building permits have already been issued prior to the effective date of this article and which have complied with the applicable provisions of the South Florida Building Code, may be continued or constructed in accordance with the approved plans and specifications therefor. Alterations, improvements, or expansions of existing structures shall be subject to the provisions of paragraph (2) hereof.~~
- ~~(2) *All other lands.* No applications for site or plan approvals and/or building permits shall be issued for new facilities within the Rapid Transit Zone except in the following circumstances:~~
- ~~(a) The estimated construction cost does not exceed ten thousand dollars (\$10,000.00) in any consecutive two-year period; or]]~~

>>Sec. 33C-5. - Rapid Transit Zone (RTZ) District: pending regulatory applications, existing zoning district regulations, and non-conformities.

- (A) *Pending applications.* Notwithstanding any provision to the contrary, an applicant with an active application that would be subject to this chapter but that was filed with a municipality or the County prior to the subject property being included in the Rapid Transit Zone may continue under the pending process until the application is decided or the permit is closed, including issuance of any final certificates of occupancy for building permits.

- (1) Once the pending process is concluded, all future applications shall be subject to the County's jurisdiction as set forth in section 33C-2.
- (2) Uses or structures established in accordance with such a pending application shall be subject to the provisions in this section regarding existing zoning designations and nonconformities.

(B) Existing zoning designations; administrative site plan review required. Until a special exception or other zoning approval for development is approved pursuant to this chapter, lands within the RTZ District shall remain subject to the applicable County or municipal zoning district regulations that existed prior to inclusion in the RTZ District, in accordance with the following:

- (1) All such prior regulations shall be administered by the County pursuant to its regulatory jurisdiction as set forth in this chapter.
 - (2) Notwithstanding any such prior regulations or other provisions to the contrary, no applications for development permits or development orders on undeveloped land shall be approved until the Department has approved a site plan following administrative site plan review in accordance with section 33-284.88 and the following additional requirements:
 - (a) The Department determines that the site plan maximizes density or intensity to the greatest extent practicable, to further the purpose of this chapter to coordinate land uses with transportation facilities.<<
 - (b) [[The Miami Dade Transit Agency]] >>DTPW<< certifies that approval of the application will not have an adverse impact upon a material element of the >>Rapid Transit System. DTPW<< [[Stage I System. The Miami Dade Transit Agency]] shall, with respect to any application for which certification is refused, provide a detailed written explanation supporting the refusal to certify and specifying the corrective actions, if any, which would lead to certification.
- >>(3) Notwithstanding any such prior regulations or other provisions to the contrary, no applications for development permits or development orders to

modify existing development or vested development approvals shall be approved until:

(a) The Department has determined that the proposed modification complies to the greatest extent practicable with the purpose and requirements of this chapter to coordinate land uses with transportation facilities; and

(b) DTPW issues the certification required in paragraph (2)(b) above.

(4) Denial of an application pursuant to this section<< ~~[[The decision of the Agency]]~~ may be appealed to the Board of County Commissioners >>in accordance with section 33-314 for appeals of administrative decisions<< ~~[[within thirty (30) days from the date of the written explanation by filing a notice of appeal with the Clerk of the Board of County Commissioners. The Board of County Commissioners, after giving public notice as required by Chapter 33 of the Code, shall hear the appeal and either affirm, deny or modify the decision of the Agency. Appeals from the Board of County Commissioners' action shall be in accordance with Section 33-316 of this Code]].~~

>>(C) Non-conforming lots, uses, and structures. Upon approval of a zoning application pursuant to this chapter, legally established lots, uses, and structures that do not conform to the requirements of this chapter, including approvals granted pursuant to subsections (A) and (B) above, shall be deemed nonconforming and shall be subject to section 33-284.89.2. Notwithstanding any other provisions to the contrary, a non-conforming development may be expanded by any amount to provide a mixed-use development, and in that event, only the new mixed-use development shall be subject to the requirements of this chapter.<<

Sec. >>33C-6<< ~~[[33C-3]]~~. - Rapid Transit Developmental Impact Committee.

>>(A)<< ~~[[+]]~~ There is hereby established a Rapid Transit Developmental Impact Committee ~~[[Executive Council]]~~
>>(RTDIC).

- (1) The RTDIC shall be<< composed of >>:
- (a) two representatives of the Department, which shall be a combination of either the Director, the Assistant Director for zoning, or the DERM Director;
 - (b) a Director or Assistant Director of DTPW, MDFR, WASD, and PROS;
 - (c) the Secretariat of the TPO;
 - (d) the County Mayor or designee;<< ~~[[the County's Developmental Impact Committee Executive Council (established by Section 33-303.1, Miami-Dade County Code)]]~~ and
 - >>(e)<< two representatives >>selected by<< ~~[[from]]~~ 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.
- >>(2) Each member may assign staff of the respective department to act on the member's behalf as needed.

(B)<< ~~[[b)]]~~ Notwithstanding any other provisions to the contrary, >>except as specified within the applicable subzone regulations,<< for developments located within the Downtown Intermodal District Corridor Subzone established by section 33C-9, the Brickell Station Subzone established by section 33C-10, the Historic Overtown/Lyric Theatre Subzone established by section 33C-12, and the Santa Clara Subzone established by section 33C-14, ~~[[the Rapid Transit Developmental Impact Committee]]~~ shall be composed of >>the representatives identified in paragraphs (A)(1)(a)-(d) above and<< ~~[[the County's Developmental Impact Committee Executive Council and]]~~ three 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 33-303.1(A) and three representatives from the City of Miami]].~~

>>(C) The RTDIC shall perform its duties in accordance with<< ~~[[e) The Rapid Transit Developmental Impact Committee shall, subject to]]~~ the procedures specified in section 33-303.1 >>, unless provided otherwise in this chapter<< ~~[[, perform the duties specified in this section and sections 33C-2 and 33C-4]].~~

>>(D)<< ~~[[d]]~~ Except as expressly provided in this >>chapter<< ~~[[section]]~~, mailed notice of hearings before the Rapid Transit Development Impact Committee ~~[[pursuant to Section 33C-2]]~~ shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to section >>33-310<< ~~[[33-310(d)(3) for the special exceptions expressly enumerated in that subsection]]~~.

>>(1)<< Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is located.

>>(2)<< Applications shall comply with the procedural requirements of 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 33C-9, the Brickell Station Subzone established by section 33C-10, the Historic Overtown/Lyric Theatre Subzone established by section 33C-12, and the Santa Clara Subzone established by section 33C-14, 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 33C-2 or otherwise provided for in this chapter. Such proposed development standards shall be submitted to the Rapid Transit Development Impact Committee established by section 33C-3 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.~~

- ~~(e) The foregoing notwithstanding, after completion of the initial task by the SADD Program, for those stations not subject to section 33C-2 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.~~

~~Sec. 33C-5. -- Guideway Aesthetic Zone.~~

~~*Definition:* The Guideway Aesthetic Zone consists of those land areas designated by the Board of County Commissioners which are adjacent to or within the Rapid Transit Developmental Impact Zone. Said lands [include those land areas which] are within the line of sight of the Rapid Transit System fixed guideways and stations and upon which land developments and/or structures (specifically including billboards) will deleteriously affect the aesthetic impact of the Rapid Transit System.~~

~~Sec. 33C-6. -- [Exceptions.]~~

~~The provisions of Sections 33C-2(D)(2) through 33C-5 shall not apply to those portions of the Rapid Transit Zone or Rapid Transit impact zone that are included within the boundaries of an urban center designation in the Comprehensive Development Master Plan and for which specific Urban Center Zoning District regulations have been adopted.]]~~

* * *

**Sec. 33C-9. - Downtown Intermodal District Corridor
>>Subzone<< [[~~Sub-Zone~~]].**

* * *

Sec. 33C-10. - Brickell Station >>Subzone<< [[~~Sub-Zone~~]].

- (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 Brickell Station >>Subzone<< [[~~Sub-Zone~~]] 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<< [[~~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, and are consistent with, and support the City's commitment to, principles of urban planning, including responding to the existing conditions of the City, its downtown corridor, and its natural features, infrastructure, and buildings, improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl. Development in this sub-zone also addresses government service and infrastructure needs of this quickly growing area, and therefore projects within this sub-zone 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 Brickell Station >>Subzone<< [[~~Sub-Zone~~]] of the Rapid Transit Zone is hereby established; the boundaries of the sub-zone are identified in Exhibit 18 of >>section<< [[~~Section~~]] 33C-2(B). The legal description and a full-scale map of the boundaries are on file with the >>Department<< [[~~Miami Dade County Department of Regulatory and Economic Resources or its successor Department (the "Department")~~]].
- (C) *Permitted Uses.* The following uses shall be permitted in the Brickell Station >>Subzone<< [[~~sub-zone~~]], either alone or as mixed uses in horizontal or vertical integration. "Vertical

integration" means any combination of primary uses (such as passenger transit systems or businesses) located on the ground floor, and residential and accommodation uses such as hotels on the upper floors. "Horizontal integration" means any combination of parcels or buildings and structures with different primary uses within the same development.

* * *

(E) *Initial Review.*

(1) *Application.* Following the pre-application conference, a request for approval of a general site development plan for development within the Brickell Station >>Subzone<< [[Sub-zone]], shall be made by filing an application with the RTDIC in accordance with the provisions of >>section<< [[Section]] 33-304. Said application shall be considered a special exception for approval of a general site development plan to be considered and acted upon directly by the Board of County Commissioners pursuant to the development regulations established in this section. Applications shall comply with the procedural requirements of >>section<< [[Section]] 33-304 [[of this Code]].

* * *

Sec. 33C-11. - Government Center Subzone.

(A) *Purpose and Intent.* The following development review standards and criteria shall govern all applications for development of properties located within the boundaries of the Government Center Subzone established in this section. The standards set forth herein further the unique land use characteristics of this area, which lies within the Downtown Regional Urban Center, as designated on the Land Use Plan Map of the CDMP, and within the City of Miami Urban Core, as defined in >>section<< [[Section]] 33-84. The CDMP calls for the highest level of development density and intensity within the Regional Urban Center, which is anchored by the Government Center Metrorail/Metromover Station. These standards implement CDMP policies calling for coordination of land uses and transportation facilities to promote transit-oriented development, attract transit ridership, and establish a more compact and efficient urban

form within the Urban Development Boundary in this high-density, high-intensity area >>as well as policies calling for development of urban centers to be physically cohesive, to provide meaningful open spaces and enhanced pedestrian environments, and to incentivize affordable housing<<.

* * *

(C) *Permitted Uses.*

(1) All uses allowed in >>section 33C-3(B)(2)<< ~~[[Section 33C-2(D)(1)]]~~.

* * *

(G) *Review and approval process.* Notwithstanding any other provisions in this chapter, the review procedure for development within the Government Center Subzone shall be as follows:

(1) *Initial Review.*

* * *

(b) Following the pre-application conference, the uses enumerated in >>section 33C-3(B)(2)<< ~~[[Section 33C-2(D)(1)]]~~, and civic uses permitted under subsection 33C-11(C)(2) that are governmental facilities as defined in >>section<< ~~[[Section]]~~ 33-303(b)(1), may be approved in accordance with the procedures for approval of governmental facilities set forth in >>section<< ~~[[Section]]~~ 33-303.

* * *

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

* * *

(C) *Permitted Uses.* Permitted uses shall be in accordance with >>section<< ~~[[Section]]~~ 33C-10(C) relating to the Brickell Station >>Subzone<< ~~[[Sub-zone]]~~, which are incorporated by reference herein.

(D) *Procedures for approval and development standards.*

>>(1)<< Applications for development in the subzone shall be governed by the pre-application and application procedures and development standards relating to the Brickell Station >>Subzone<< [[Sub-zone]], including the requirements for a supermajority vote of the Board in certain circumstances, as set forth in >>section<< [[Section]] 33C-10(D), (E), (F), (G), and (H), which are incorporated by reference herein.

>>(2)<< 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<< [[Section]] 33C-11(D), (E), (F), and (G), which are incorporated by reference herein.

* * *

Sec. 33C-14. - Santa Clara Station Subzone.

* * *

(C) *Permitted Uses.* Permitted uses shall be in accordance with >>section<< [[Section]] 33C-10(C) relating to the Brickell Station >>Subzone<< [[Sub-zone]], which are incorporated by reference herein. In addition, the follow uses shall be permitted:

* * *

(D) *Procedures for approval and development standards.*

>>(1)<< Applications for development in the subzone shall be governed by the pre-application and application procedures and development standards relating to the Brickell Station >>Subzone<< [[Sub-zone]], including the requirements for a supermajority vote of the Board in certain circumstances, as set forth in >>section<< [[Section]] 33C-10(D), (E), (F), (G), and (H), which are incorporated by reference herein.

>>(2)<< Notwithstanding the foregoing, any County-owned properties in the subzone shall be governed by the pre-application and application procedures and development standards relating to the Government Center Subzone, as set forth in >>section<<

[[Section]] 33C-11(D), (E), (F), and (G), which are incorporated by reference herein.

* * *

- (F) ~~[[Effect on pending building or zoning applications. Notwithstanding any provision to the contrary, an applicant with an active application for zoning approval or building permit that was filed with the City of Miami or the County before the subject property was included within the Rapid Transit Zone may continue under the pending process until the application is approved or the permit is closed, including issuance of any final certificates of occupancy for building permits.~~
- ~~(1) Once the pending building or zoning process is concluded, all future applications for development permits or development orders shall be subject to the County's regulatory jurisdiction in accordance with this chapter.~~
 - ~~(2) Uses or structures established in accordance with such a pending application shall be subject to the provisions in this section regarding nonconformities.~~
- (G) ~~Effect on existing zoning designations; administrative site plan review required. Until a special exception or other zoning approval for development is approved pursuant to this chapter, lands within the Santa Clara Station Subzone shall remain subject to the applicable municipal zoning district regulations that existed prior to inclusion in the Rapid Transit Zone, in accordance with the following:~~
- ~~(1) All such regulations shall be administered by the County pursuant to its regulatory jurisdiction as set forth in this chapter.~~
 - ~~(2) Notwithstanding any such regulations or other provisions to the contrary, no applications for development permits or development orders shall be approved until the Department has approved a site plan following administrative site plan review in accordance with Section 33-284.88 and the following additional requirements:~~
 - ~~(a) The Department determines that the site plan maximizes density or intensity to the greatest extent practicable, to further the purpose of this chapter to coordinate land uses with transportation facilities.~~

- (b) ~~DTPW certifies that approval of the application will not have an adverse impact upon a material element of the Rapid Transit System. DTPW shall, with respect to any application for which certification is refused, provide a detailed written explanation supporting the refusal to certify and specifying the corrective actions, if any, which would lead to certification.~~
- (3) ~~Denial of an application pursuant to this section may be appealed to the Board of County Commissioners in accordance with Section 33-314 for appeals of administrative decisions.~~
- (H) ~~*Non-conforming lots, uses, and structures.* Upon approval of a zoning application pursuant to this section, legally established lots, uses, and structures that do not conform to the requirements of this chapter, including approvals granted pursuant to subsections (F) and (G) above, shall be deemed nonconforming and shall be subject to Section 33-284.89.2. Notwithstanding any other provisions to the contrary, a non-conforming development may be expanded by any amount to provide a mixed use development, and in that event, only the new mixed use development shall be subject to the requirements of this chapter.~~
- (H)] ~~*Conflicts.* The development review procedures, standards, and criteria set forth in this section shall govern in the event of a conflict with other zoning, subdivision, or landscape regulations of this code or with the Miami-Dade County Public Works Manual.~~

* * *

>>**Sec. 33C-15. Metromover 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 Metromover Subzone established in this section. These standards are consistent with, and support the County's and the City's commitment to, principles of urban planning, including improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl.

- (B) Boundaries. The Metromover Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in Exhibit 22 of 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-11(C) relating to the Government Center Subzone, 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 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 a conflict with other zoning, subdivision, or landscape regulations of this code or with the Miami-Dade County Public Works Manual.<<

Section 2. 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:

* * *

(6) Applications for appeals of administrative decisions. Upon application ~~[[for]]~~, hear and decide appeals where it is alleged there is an error in ~~[[the]]~~ any order, requirement, decision~~>>~~₁~~<<~~ or determination made by an administrative official in the interpretation of any portion of the regulations, or of any final decision adopted by resolution, except appeals of administrative site plan review, or appeals of administrative variances pursuant to the provisions of ~~>>~~section~~<<~~ ~~[[Section]]~~ 33-36.1 ~~[[of the Code]]~~, said appeals first being under the jurisdiction of the Community Zoning Appeals Board ~~>>~~CZAB~~<<~~. It is provided, however, that where zoning requests ~~>>~~that~~<<~~ ~~[[which]]~~ would ordinarily be heard before the ~~>>~~CZAB~~<<~~ ~~[[Community Zoning Appeals Board]]~~ are joined with a request for an appeal of an administrative decision, the zoning requests shall remain pending before the ~~>>~~CZAB~~<<~~ ~~[[Community Zoning Appeals Board]]~~ until the appeal of the administrative decision has been determined by the ~~>>~~County Commission~~<<~~ ~~[[Board of County Commissioners]]~~.

* * *

(9) Upon application for, hear and decide appeals of decisions of the Rapid Transit Developmental Impact Committee pursuant to ~~>>~~chapter~~<<~~ ~~[[Chapter]]~~ 33C.

* * *

(20) Applications for special exception for a general site development plan within the Government Center Subzone ~~>>~~or Metromover Subzone~~<<~~ of the Rapid Transit Zone ~~>>~~, or as otherwise provided in chapter 33C~~<<~~ ~~[[, pursuant to section 33C-11]]~~.

* * *

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:

Dennis A. Kerbel

Prime Sponsor: Commissioner Eileen Higgins
Co-Sponsor: Commissioner Sally A. Heyman

