OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(B)

TO: Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners

DATE: April 8, 2014

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Ordinance relating to the Fixed-Guideway Rapid Transit System-Development Zone

Ordinance No. 14-37

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson, and Co-Sponsors Commissioner Bruno A. Barreiro, Vice Chair Lynda Bell, Commissioner Sally A. Heyman and Chairwoman Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to the Fixed-Guideway Rapid Transit System-Development Zone; authorizing intercity passenger rail system within the Fixed Transit System-Development Zone; providing for expansion of the Rapid Transit System-Development Zone; creating the Downtown Intermodal District Corridor Subzone; providing uses, site plan review standards, and procedures for approval of such site plan in the subzone; creating section 33C-9, and amending sections 33C-1, 33C-2, 33C-3, 33C-4, 33C-6, 33C-7 and 33-314 of the code

---

This proposed ordinance creating section 33C-9 and amending sections 33C-1, 33C-2, 33C-3, 33C-4, 33C-6, 33C-7 and 33-314 of the Code of Miami-Dade County, relates to the Fixed-Guideway Rapid Transit System-Development Zone. The Ordinance authorizes for an intercity passenger rail system within the Fixed Transit System-Development Zone, for the expansion of the Rapid Transit System-Development Zone and the creation of the Downtown Intermodal District Corridor Subzone. Implementation of this ordinance will not have a fiscal impact to the County.

Jack Osterholt
Deputy Mayor

Fis6014

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 8, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended Agenda Item No. 7(B)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **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 ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(B)
4-8-14

ORDINANCE NO. 14-37

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AUTHORIZING INTERCITY PASSENGER RAIL SYSTEM WITHIN THE FIXED TRANSIT SYSTEM-DEVELOPMENT ZONE; PROVIDING FOR EXPANSION OF THE RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; CREATING THE DOWNTOWN INTERMODAL DISTRICT CORRIDOR SUBZONE; PROVIDING USES, SITE PLAN REVIEW STANDARDS, AND PROCEDURES FOR APPROVAL OF SUCH SITE PLAN IN THE SUBZONE; CREATING SECTION 33C-9, AND AMENDING SECTIONS 33C-1, 33C-2, 33C-3, 33C-4, 33C-6, 33C-7 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

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

WHEREAS, maximum coordination of transportation and land use policy decisions is essential to optimize the role of transportation as a potent tool for implementing the desired patterns of metropolitan development consistent with the Comprehensive Development Master Plan; and

WHEREAS, the integration of an Intercity Passenger Rail System with the County's existing mass transit system will increase ridership on the County's public transportation system and further the health, safety, order, convenience, prosperity and welfare of the present and future citizens of the County; and

WHEREAS, the integration of an Intercity Passenger Rail System with the County's existing mass transit system will provide new public transportation opportunities for all citizens of the County and particularly for residents of the surrounding community; and

WHEREAS, the adoption of uniform regulation to encourage private sector development of an Intercity Passenger Rail System is in the best interest of the County,

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

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

> **Sec. 33C-1. Legislative intent, findings and purposes.**
> The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that 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. Pursuant to Ordinance No. 75-22, the Board adopted and accepted the Comprehensive Development Master Plan for Miami-Dade County 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

[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.

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

* * *

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:
(a) Provide maximum opportunities for development to serve as financial assistance to the system; and
(b) Provide incentives for joint development with the private sector.
>>The Board further finds that the legislative intent, findings and purposes set forth herein also apply to public or private Intercity Passenger Rail Systems.<<

Section 2. Section 33C-2 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33C-2. Rapid Transit Zone.

* * *

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

* * *

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

>>(1)<< *Permitted land uses.* The following land uses are permitted within the Rapid Transit Zone [[~~and no others~~]]:

[[~~(1)~~]]>>(a)<<Fixed guideways for the Rapid Transit System.

[[~~(2)~~]]>>(b)<<Stations for the Rapid Transit System, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, 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.

[[~~(3)~~]]>>(c)<<Parking lots and parking structures.

[[~~(4)~~]]>>(d)<<Bus stops and shelters.

[[~~(5)~~]]>>(e)<<Streets and sidewalks.

[[~~(6)~~]]>>(f)<<Maintenance facilities for the Rapid Transit System, including yard and shops, and associated tracks and facilities.

[[~~(7)~~]]>>(g)<<Landscaping.

[[~~(8)~~]]>>(h)<<Bikeways, parks, community gardening, playgrounds, power substations and other uses necessary for the construction, operation and maintenance of the Rapid Transit System.

[[~~(9)~~]] >>(2) *Other uses; procedures for approval of such uses within the Rapid Transit Zone.* The following additional uses shall be permitted in conformance with the requirements set forth herein:<<

(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 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.

(c)<<[[~~(b)~~]] *Subzones >>in the unincorporated area<<; development regulations, standards and criteria.* 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 subsection>>s<< [[~~(9)(a)~~]] >>(2)(a) and (2)(b)<< herein>>.<< [[~~and approved pursuant to subsection (9)(c) herein. (c)~~]] Requests for approval of development >>in the unincorporated area<< of those land uses permitted pursuant to >>this<< subsection [[~~(9)(a) herein within a subzone created pursuant to subsection (9)(b)~~]] herein 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(d) and the provisions of the applicable subzone.

(d) >>*Process for incorporated areas generally.*<< Whenever uses authorized by subparagraph>>s<< [[~~(a)~~]] >>(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. 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. 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. Amendments to said Master Land Use Plans shall be subject to the

procedures specified in this subparagraph. Applications for a site plan approval and other related zoning actions under a Master Land Use Plan that was approved by a municipality 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 of [[~~Planning and Zoning~~]] >>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 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. An aggrieved party may seek judicial review of the County Commission's action in accordance with Section 33-316, Miami-Dade County Code.

(e) >>*Process for City of Miami.*
(1)<< After March 15, 2008, [[~~(the effective date of this ordinance),~~]] whenever uses authorized by subparagraph>>s<< [[~~(a)~~]] >>(2)(a) and (2)(b)<< above are proposed within portions of the Rapid Transit Zone located within the City of Miami not yet subject to an approved set of development standards, the master plan development standards set forth in Section 33C-8 herein shall control such proposed uses. Said land use plans shall control all public actions involving or affecting land use or development, including action on applications for zoning relief. Amendments to said Master Land Use Plans shall be subject to the procedures specified in this subparagraph. Applications for site plan approval and other related zoning actions under a Master Land Use Plan 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 of [[~~Planning and Zoning~~]] >>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) *Downtown Intermodal District Corridor.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by 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) 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.

[[~~(10)~~]]>>(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 [[~~Planning and Zoning~~]] >>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 manager~~]] >>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 Manager~~]] >>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 [[~~Planning and Zoning~~]] >>Regulatory and Economic Resources or its successor Department<<. After review by the Directors of the Departments of [[~~Planning and Zoning~~]] >>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 Manager~~]] >>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.

* * *

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

Sec. 33C-3. Rapid Transit Developmental Impact Committee.
>>(a)<< There is hereby established a Rapid Transit Developmental Impact Committee Executive Council composed of the County's Developmental Impact Committee Executive Council (established by Section 33-303.1, Miami-Dade County Code) and two (2) representatives from each of the following municipalities: City of South Miami, City of Coral Gables, City of Miami, and the City of Hialeah. >>It is provided, however, that for developments located within the Downtown Intermodal District Corridor Subzone established by subsection 33C-9, however, the Rapid Transit Developmental Impact Committee shall be composed of

the County's Developmental Impact Committee Executive Council and three (3) representatives from the City of Miami. In addition, there shall be an RTDIC Staff Council composed of members of the County Departments identified in Section 33-303.1(A) of this Code and three (3) representatives from the City of Miami.<< The Rapid Transit Developmental Impact Committee shall, subject to the procedures specified in 33-303.1, Miami-Dade County Code, perform the duties specified in Section 33C-2 and Section 33C-4 of this chapter.

>>(b) Except for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, mailed<< [[~~Mailed~~]] notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33C-2(D)[[~~(9)(d)~~]]>>(2)(d)<< shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.

>>(c) Notwithstanding any other provision of this code to the contrary, for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, notice of meetings before the Rapid Transit Developmental Impact Committee shall comply with the procedures set forth in 33C-9.<<

Section 4. Section 33C-4 of the Code of Miami-Dade County, Florida is hereby amended as follows:

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(D)[[~~(9)(e)~~]]>>(2)(e)(1)<<. Such proposed development standards shall be submitted to the Rapid Transit Development Impact Committee established by Section 33C-3 of this chapter for review, comment and any

recommendations. 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. The foregoing notwithstanding, after completion of the initial task by the SADD Program, for those stations not subject to Section 33C-2(D)[[~~(9)(e)~~]]>>(2)(e)(1)<< 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. 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. The County may seek judicial review of any official municipal acts relating to lands within the Rapid Transit Development Impact Zone.

>>(b) Except for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, and<< [[~~N~~]]>>n<<otwithstanding anything to the contrary herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33-2(D)[[~~(9)(e)~~]]>>(2)(e)(1)<< shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of hearings shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.

Section 5. Section 33C-6 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33C-6 [Exceptions.]
The provisions of Section 33C-2(D)[[~~(9)~~]]>>(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.

* * *

Section 6. Section 33C-7 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33C-7. Dr. Martin Luther King, Jr. Corridor Subzone.

(1) *Boundaries.* Pursuant to the provisions of Section 33C-2(D)[[9~~(b)~~]]>>(2)(c)<<, the Dr. Martin Luther King, Jr. Corridor Subzone (MLK Corridor Subzone) of the Rapid Transit Zone is hereby established; the boundaries of the Subzone include all portions of the Rapid Transit Zone located north of NW 51st Street and east of NW 32nd Avenue, as described in and incorporated into Section 33C-2(B) hereof; said boundaries shall be certified by the Clerk of the Board as a part of this section, and transmitted to the Department of [[~~Planning and Zoning~~]] >>Regulatory and Economic Resources or its successor Department<< for custody.

(2) *Development regulations.* The following development regulations shall apply within the MLK Corridor Subzone, except for the Brownsville and Martin Luther King Jr. Stations, which development shall comply with the Model City Urban Center District regulations set forth in Chapter 33, Article XXXIII(R) of this Code, and except for the Northside Station, which development shall comply with the North Central Urban Area District regulations set forth in Chapter 33, Article XXXIII(S) of this Code:

(a) Mixed uses, as provided by Section 33C-2(D)[[~~(9)(a)~~]]>>(2)(a),<< shall be permitted, said uses including, but not limited to, residential, office, hotel, clubs, restaurants, theaters, retail, etc.

* * *

(h) Sign(s), to direct traffic flow and locate entrances and exits to developments and/or to identify developments within the subzone area and on abutting properties shall be permitted in connection with any permitted use. Said signs shall be reviewed by the Department of [[~~Planning and Zoning~~]] >>Regulatory and Economic Resources or its successor Department<< and Miami-Dade Transit Agency

for compliance with the standards and criteria set forth in Section 33C-7(3) below.

(3) *Site plan review standards and criteria.* The purpose of the site plan review is to encourage logic, imagination and variety in the design process in an attempt to insure the congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards and criteria shall be utilized as a guide by the Developmental Impact Committee or the Department of [[~~Planning and Zoning~~]] >>Regulatory and Economic Resources or its successor Department<< and by the Board of County Commissioners in the consideration of requests for special exception for site plan approvals within the MLK Corridor Subzone, except for Brownsville and Martin Luther King Jr. Stations, which development shall comply with the Model City Urban Center District regulations set forth in Chapter 33, Article XXXIII(R) of this Code, and except for the Northside Station, which development shall comply with the North Central Urban Area District regulations set forth in Chapter 33, Article XXXIII(S) of this Code:

* * *

Section 7. Section 33C-9 of the Code of Miami-Dade County, Florida is hereby created as follows:

>>**Sec. 33C-9. Downtown Intermodal District Corridor 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 Downtown Intermodal District Corridor Subzone (DID Corridor Subzone) established in subsection 33C-9(B) herein. The DID Corridor Subzone shall function as the urban transit hub of a major international tourism and trade destination. The standards set forth herein further the unique land use characteristics of this area, which lies within the City of Miami Urban Core and within a Regional Urban Center, as designated on the Land Use Plan Map of the County's Comprehensive Development Master Plan.

(B) *Boundaries.* The DID Corridor Subzone of the Rapid Transit Zone is hereby established; the boundaries of the Subzone

incorporated into Exhibit 17 of subsection 33C-2(B). The legal description of the boundaries and a full scale map of the boundaries of the DID Corridor Subzone presented in Exhibit 17 are on file with the Miami-Dade Department of Regulatory and Economic Resources or its successor Department.

(C) *Permitted Uses*: The following uses shall be permitted in the DID Corridor Subzone, 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.

(1) hotels;
(2) commercial/retail;
(3) offices;
(4) residential;
(5) bars and restaurants;
(6) intercity passenger rail systems, which provide, but not limited to such uses, elements and activities as stations, passenger platforms and waiting areas, ticket and information booths, luggage handling areas, restrooms, utility rooms, in-station advertising displays, stairs, elevators, escalators, walkways, concessions, vending machines, restaurants, lounges 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 passenger rail station or system;
(7) maintenance facilities for an intercity passenger rail system, including yard and shops, and associated tracks and facilities.
(8) rental car facilities;
(9) parking lots and parking structures, including commercial parking lots and garages that charge fees for parking;
(10) governmental;
(11) convention halls and showrooms;
(12) institutional;
(13) health care facilities>>, except hospitals<<;

(14) other similar uses as approved by the Director of the Department of Regulatory and Economic Resources or its successor Department.

(D) *Pre-application conference.* The applicant shall participate in at least one pre-application conference with the Rapid Transit Development Impact Committee (RTDIC) prior to filing the application. The applicant shall provide a general outline of the proposal through schematics and sketch plans including narrative information sufficient for the understanding of the proposed development.

(E) Initial Review.

(1) Following the pre-application conference, a request for approval of a general site development plan for development within the Downtown Intermodal District Corridor Subzone of the Rapid Transit Zone as provided in subsection 33C-9 herein, shall be made by filing an application with the Rapid Transit Developmental Impact Committee (RTDIC) in accordance with the provisions of 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 Section 33C-9. Applications shall comply with the procedural requirements of Section 33-304 of this code. Within sixty (60) days after the filing of the application, the RTDIC Staff Council shall review the application, and the RTDIC shall issue a recommendation upon such application. The recommendation shall reflect the consensus of the members present. In the event that the City representatives present do not concur with a recommendation for approval, the recommendation shall be for denial. The recommendation shall be transmitted to the Board of County Commissioners for final action. In the event of a recommendation of denial by the RTDIC, approval of the application shall require the affirmative vote of 9 members of the Board of County Commissioners.

(2) *Phased development.* The intermodal characteristics of the DID Corridor Subzone serving the MetroRail, MetroMover, and MetroBus systems may require that the construction of infrastructure to serve future development

be completed in phases. Where a phased development is requested, the Board of County Commissioners, in approving a phased site plan, shall specify building footprints, heights, density, intensity, and gross square footage of buildings that are identified on the site plan as future development parameters granted by the Board of County Commissioners. Specific land uses and design details of said future development may be reviewed and approved by the Rapid Transit Developmental Impact Committee in subsequent phases pursuant to the Final Review criteria enumerated herein, provided the development parameters approved by the Board of County Commissioners in the phased site plan are not exceeded and the development regulations set forth herein are met.

(3) Required exhibits for Initial Development. The following exhibits shall be submitted with the application for a general site development plan:

(a) A narrative describing the project's scope, including but not limited to: vision statement, size of project and location, and prominent components of the development; phasing of the development if necessary; scale; relevance to the region; its connection to the surrounding urban context; economic impact on the local economy; design concept(s); significance of the project as a gateway to the community; and any additional information necessary to explain the development.

(b) Schematic site plan(s) at a scale of not less than one (1) inch equals one hundred (100) feet indicating: prominent structural components of the development; permitted land uses; existing and proposed streets; major points of egress/ingress of the development; public open space locations and area in square feet; floor area ratio; pedestrian circulation; residential density; and square feet of retail, office, institutional, governmental, and other proposed land uses not to exceed the development thresholds contained in the administrative site plan development parameters included herein.

(c) Information on adjoining and adjacent uses on a plan at a scale no less than one (1) inch equals one

hundred (100) feet to indicate the relationship(s) between the proposed development and adjacent areas including, but not limited to: existing land uses and their intensities; densities, vehicular and pedestrian circulation systems, blocks and lots, and unique geographical features.

(d) Perspectives, isometrics, elevations and other drawings illustrating proposed development.

(e) Any additional information specified by the Rapid Transit Development Impact Committee at the pre-application conference to evaluate the character and impact of the proposed development.

(F) Final Review.

(1) *Final Review for development of the Downtown Intermodal District Corridor Subzone.* Following approval of the special exception, final review for all or a portion of the development, including phased development, shall be made and approved administratively by the RTDIC in accordance with plans and documents approved by the Board of County Commissioners. The RTDIC review shall be guided by development standards established in subparagraph 33C-9(F), herein, for an administrative site plan review (ASPR). Applications for modification of a site plan approved pursuant to this section, including applications for approval of a subsequent phase of a previously approved phased site plan, shall be considered and acted upon administratively by the RTDIC without the necessity of public hearing. In the event that the City representatives present do not concur with approval of the application, the decision of the RTDIC shall be for denial. The affirmative vote of 9 members of the Board of County Commissioners shall be required to reverse a decision of denial by the RTDIC.

(2) *Notice.* Mailed notices of the RTDIC Executive Council meeting shall be accomplished by placing in the United States mail a written notice to all property owners of

record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated, within five hundred (500) feet of the subject property. Such mailed notices shall contain general information, including, but not limited to, the date, time and place of the meeting, the property's location (and street address, if available), and nature of the application shall be sent) no sooner than thirty (30) days and no later than twenty (20) days prior to the meeting. The property shall be posted no later than twenty (20) days prior to the meeting in a manner conspicuous to the public, by a sign or signs containing information including, but not limited to, the applied for zoning action, application number, and the time and place of the public meeting. The property owner shall be responsible for ensuring that the sign is maintained on the site until completion of the public meeting and for removal of the sign within two (2) weeks following completion of the public meeting. In addition, notice shall be published in a newspaper of general circulation in Miami-Dade County, as follows: a full legal notice, to be published no later than twenty (20) days and no earlier than thirty (30) days prior to the meeting, to contain the date, time and place of the meeting, the property's location and street address, if available.

(3) *Required Exhibits.* The following exhibits must be included with an application. It is provided, however, that the Director shall have the authority to waive any of the items because of the nature or timing of the development or because the information cannot be furnished at the time of this review. The application shall be deemed complete if all items in this subsection are included in the application.

(a) Master plan at a scale of not less than one (1) inch equals one-hundred (100), which shall include the following information:

(i) Lot lines and setbacks.

(ii) Proposed floor area of all permitted uses.

(iii) Height, size, shape and location of existing and proposed buildings.

(iv) Location of off-street parking and layouts showing number of parking spaces required and provided.

(v) Proposed grades if significantly altered.

(vi) Signage, street and lot lighting, street and lot furniture.

(vii) Total number of dwelling units and hotel rooms, if applicable.

(viii) Location and amount of public/private open space required and provided

(ix) Phase lines, if applicable.

(x) Figures indicating gross and net acreage, and areas to be dedicated for public rights-of-way.

(xi) Vehicular and pedestrian circulation system including blocks, streets, major points of access into and out of the development, pedestrian crosswalks, medians, and on-street parking.

(xii) Location of pedestrian access points, including connections to existing or proposed bridges, roadways, or sidewalk areas.

(xiii) Location of loading facilities, waste collection areas, and other service areas.

(b) Floor plans and elevations of all structures, including gross square footage of each floor.

(c) Sections of major structures.

(d) Isometrics or perspectives of the proposed development.

(e) Landscape plan(s) in accordance with Chapter 18(A), except as modified herein.

(f) Such other design data as may be specified to satisfy a condition of approval of the Initial Review.

(G) *Administrative Site plan development parameters.* The following development regulations shall apply to all development within the DID Corridor Subzone.

(1) *Parking:* The table below indicates minimum parking for uses located in the DID Corridor Subzone.

Use	Minimum Parking Requirements
Commercial/Retail, Restaurants, Bars, Convention Halls and Showrooms	1.8 spaces / 1000 SF
Office, Government, Institutional, Health Care Facilities	0.6 spaces / 1000 SF
Residential	0 spaces per unit
Hotels	0.3 spaces / room
Transit systems including Maintenance Facilities	0.6 spaces / 1000 SF (excluding platform)
Other Uses	50% of the required parking indicated in Section 33-124

(a) To minimize adverse visual effects of the structure(s), multi-story parking garages facing public and private streets rights-of-way and/or public open space shall utilize but not be limited to: liner buildings; glazing; building wall extensions; vertical planted walls; berms; landscaping; architectural fenestration; sculpture; design features or other innovative screening methods. Surface parking lots fronting streets shall be located a minimum of ten (10) feet from the right-of-way and

screened at the ten (10) foot line with a wall having a maximum height of 3'6". The setback shall incorporate a combination of hard-scape and landscape elements finished to match the existing sidewalk.

(b) Mechanized parking shall be allowed and when provided, exempt from the provisions of Section 33-122 of this Code. For the purpose of this Subzone, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides for automobile storage and retrieval. A mechanized parking space shall be counted toward the parking requirements of this Section. Mechanized parking may not be provided unless a queuing analysis is submitted and approved during the Administrative Site Plan Review process.

(c) Required off-street parking for uses located within the DID Corridor Subzone can be located within one mile of the boundaries of the DID Corridor Subzone. An applicant for approval of development with off-site parking shall execute and record in the public records of this County a declaration of restrictions approved by the Director covenanting that such development shall cease and terminate upon the elimination of such parking area, and that no development requiring such parking shall be made of such property until the required parking area is available and provided.

(2) *Setbacks, cubic content, and lot size:*

(a) Due to the unique characteristics associated with an intermodal transit corridor subzone, development setbacks from all streets (other than NW 1st Avenue), interior/rear property lines and Metromover and Metrorail rights-of-way shall be zero (0) feet minimum.

(b) Setback from NW 1st Avenue: The minimum setback for thirty percent (30%) of buildings fronting on NW 1st Avenue shall be zero

(0) feet. Seventy percent (70%) of buildings fronting on NW 1st Avenue shall setback ten (10) feet minimum; provided, however, where a colonnade is provided the setback shall be zero (0) feet. Colonnades shall have a minimum clear unobstructed width of ten (10) feet and a minimum clear height of ten (10) feet. When the development sets back a minimum of ten (10) feet from the edge of the right-of-way, the setback area shall incorporate a combination of hard-scape and landscape elements finished to match the existing sidewalk. The percentage of frontage requirement may be calculated by street block or as a combined cumulative average of all street blocks fronting NW 1st Avenue.

(c) There shall be no cubic content or minimum lot size requirements.

(3) *Encroachments:*

(a) Buildings and structures above the ground floor may be built above colonnades and/or encroach into street setbacks but shall not extend beyond the public or private right-of-way; except that a maximum of one-hundred (100%) percent of the street may be covered above the first floor with structures connecting buildings including: platforms fitted with trains and passenger waiting areas; roofs; upper story terraces, pedestrian bridges, automobile bridges between parking garages and parking garages. Adequate clearance for structures above streets shall be maintained.

(b) Cantilevered balconies, awnings, weather protection elements and similar features with adequate vertical clearance may encroach into street rights-of-way but shall not extend closer than six (6) inches from the curb face.

(4) *Floor Area Ratio and lot coverage*: The floor area ratio, lot coverage and maximum square footage of buildings to be developed within the DID Corridor Subzone shall not be limited.

(5) *Building Height*: The maximum building height shall be limited by FAA criteria.

(6) *Open Space*: The minimum open space requirement shall be fifteen (15%) of the gross development area. Open space shall include parks, plazas, balconies, terraces, courtyards, arcades/colonnades, pedestrian paths, rooftop green spaces above buildings and parking garages, and transit platform areas improved for pedestrian comfort.

(7) *Signs:* Signs visible from public rights-of-way or public areas shall comply with Section 33-284.87of this Code, except that Class C signs may be permitted in accordance with Section 33-107 of this Code. Subject to the requirements and limitations of Section 33-107 of this Code, a maximum of five (5) murals may be approved in this Subzone. The signage plan submitted with the application for final site plan review shall contain criteria, locations and sizes of signs.

(8) *Density:* Residential density shall not exceed 500 units per gross acre.

(9) *Architectural Expression*: Building facades facing public and private street rights-of-way or public open space or both shall be a minimum 40% glazed. Glazing is not required for building facades which face the Metrorail or MetroMover rights-of-way or for above-grade parking garage structures which face public and private street rights-of-way or public open space; however, parking garages shall conform to the parking standards included herein. Blank walls facing public and private street rights-of-way and public open space shall be prohibited unless furnished with some type of artistic expression such as sculpture, mosaic and similar features.

(10) *Landscaping:* Landscaping shall conform to the standards set forth in Section 18A-6, Code of

Miami-Dade County, as applicable to non-residential development, with the following exceptions:

(a) Lot trees: Thirty (30) trees per net acre of open space. In addition to the placement of trees in the lot, they may be placed in greens, squares, plazas and street medians within or in close proximity to the Subzone. Lot trees shall have a minimum two (2) inch diameter at breast height.

(b) Street trees shall be planted at a maximum of thirty (30) feet average on center, with a minimum three (3) inch diameter at breast height. Street trees shall be placed inside landscaped strips, tree planters, and in medians in the right-of-way or on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Public Works and Waste Management Department or its successor Department or the appropriate authority within the municipality.

(11) *Service areas and mechanical equipment*: Service areas and fixtures shall be screened and so located as not to be visible from public and private rights-of-way or public open space. Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. Fixtures, including but not limited to backflow preventers, pumps, underground ventilation exhausts, and electrical vaults, shall be located within or to the side or rear of buildings; such fixtures shall not be located within the street setback area. Backflow preventers shall be shielded from view, as required by Sec. 32-157(d) of the Code.

(H) *Plan Review Standards.* The purpose of the site development standards is to encourage the creation of development within the Subzone that acts as a significant gateway for and destination to downtown Miami by designing and arranging buildings, public open space, transit and street circulation in a

manner that foster round the clock pedestrian-activity, serves the local and regional transit demands of the community and contributes to the urban revitalization of the City of Miami.

(1) A mix of uses in the design of development projects is encouraged to the maximum extent possible. Mixed-use buildings including without limitation residential, commercial, office, hotel, and restaurants, are highly encouraged in combination with transit facilities.

(2) Developments shall provide direct pedestrian and vehicular connections to the adjacent block and street network. Pedestrian crosswalks providing safe passage from adjoining streets and blocks into the development project of the Subzone shall be installed at street corners and, if practicable, midblock locations. Crosswalks shall be distinguished from other street elements by the use of conspicuous materials, texture and color.

(3) Public open space in the form of plazas, squares, greens, and landscaped areas shall be incorporated in the design of all development projects at grade or on above-grade surfaces. The public open spaces should have a scale that is compatible and complementary with the intensity of proposed development, and their design should relate to the development's concept. Landscaping, furniture, art, paved pedestrian paths, and lighting, among other features, should be used to enhance the open spaces pedestrian experience.

(4) Consideration should be given to providing landscaping in a manner that reduces the heat island effect of the development on the urban environment.

(5) All new development shall strive to meet certification standards from Florida Green Building Coalition or a similar organization.

(6) Developments shall be designed with a coordinated outdoor lighting and signage system that is an integral part of the project and compatible and harmonious with existing and proposed development in the Subzone and with surrounding uses. Signage should clearly indicate locations

of and guide pedestrians and vehicles to proposed parking areas, transit facilities, permitted uses, and surrounding activities and uses.

(7) Proposed building scale should be in harmony with building scales allowed by applicable City of Miami regulations for surrounding properties. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have abundant fenestration, windows and doors and design elements that create interest for the pedestrian.

(8) Proposed development in the Subzone shall provide connections via bridges, paths, sidewalks, or a combination of such features to the MetroRail and MetroMover systems that adjoin the property.

(I) Platting. Separate parcels located within the DID Corridor 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.

(J) Conflicts. The development review procedures, standards, and criteria set forth in this section 33C-9 shall govern in the event of conflicts with other zoning, subdivision or landscape regulations of the Miami-Dade County Code or with the Miami-Dade County Public Works and Waste Management Department Manual.

(K) Amendments. At least six (6) weeks prior to the scheduled public hearing of any amendments to this Section 33C-9, the County shall mail or e-mail a copy of the proposed ordinance to the City Clerk and the City Attorney of the City of Miami. The communication to the City shall include the date of the scheduled public hearing.<<

Section 8. Section 33-314 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

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

Section 9. 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 10. 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 11. 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: April 8, 2014

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Coller
Dennis A. Kerbel

Prime Sponsor: Commissioner Audrey M. Edmonson
Co-Sponsors: Commissioner Bruno A. Barreiro
Vice Chair Lynda Bell
Commissioner Sally A. Heyman
Chairwoman Rebeca Sosa