

MEMORANDUM

Substitute
Agenda Item No. 5(A)

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

DATE: June 2, 2020

FROM: Abigail Price-Williams
County attorney

SUBJECT: Ordinance relating to the fixed-guideway Rapid Transit System Development Zone; amending chapter 33C of the Code; creating the Santa Clara Subzone of the Rapid Transit Zone to encompass property between NW 12 Avenue and NW 10 Avenue and NW 20 Street and NW 21 Terrace; incorporating by reference the uses, standards, and procedures for approval of applications from existing subzones and applying them to the Santa Clara Subzone; requiring supermajority votes by the Board of County Commissioners in certain circumstances; amending section 33-314; providing for board jurisdiction over applications relating to the Santa Clara Subzone; making technical changes; providing for applicability to pending applications

This substitute differs from the original item in that it:

- amends subsection 33C-14(C) to add, as permitted uses, hospitals and, under certain conditions, warehouses and storage facilities;
- creates subsections 33C-14(F)-(H) to provide standards and procedures to address pending building or zoning applications, existing zoning designations, and non-conforming lots, uses, and structures within the Santa Clara Subzone; and renumbers the subsequent subsection accordingly;
- deletes uncodified section four on applicability because it is codified in subsection 33C-14(F); and renumbers subsequent sections accordingly; and
- makes conforming changes to the title and 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 Chairwoman Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: June 2, 2020

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the name and title.

Subject: Fiscal Impact Statement for Ordinance Relating to the Fixed-Guideway Rapid Transit
System Development Zone; Santa Clara Subzone

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

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

Jack Osterholt
Deputy Mayor

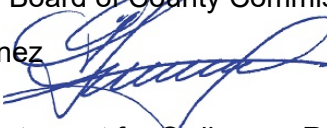
FIS050 200824

Memorandum



Date: June 2, 2020

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

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Relating to the Fixed-Guideway Rapid Transit System-Development Zone

The proposed ordinance relating to the Fixed-Guideway Rapid Transit System-Development Zone (RTZ) amends Section 33C of the Code of Miami-Dade County (Code) providing for the expansion of the RTZ and creating the Santa Clara Subzone.

The proposed expansion aligns with the County's effort to encourage development of increased density and transit-oriented development. Development within the new subzone would follow standards used for the recently created Historic Overtown/Lyric Theatre Subzone. Implementation of the proposed ordinance may result in additional housing and business opportunities. No other specific social equity or benefit can be determined at this time.



Jack Osterholt
Deputy Mayor

200824

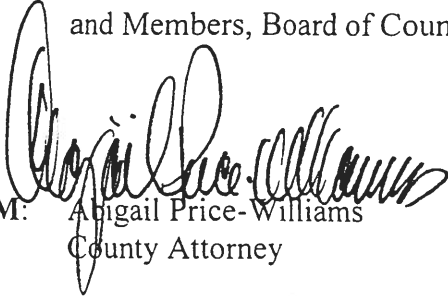


MEMORANDUM

(Revised)

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

DATE: June 2, 2020

FROM: 
Abigail Price-Williams
County Attorney

Substitute
SUBJECT: Agenda Item No. 5(A)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 5(A)
6-2-20

ORDINANCE NO. _____

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM DEVELOPMENT ZONE; AMENDING CHAPTER 33C OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING THE SANTA CLARA SUBZONE OF THE RAPID TRANSIT ZONE TO ENCOMPASS PROPERTY BETWEEN NW 12 AVENUE AND NW 10 AVENUE AND NW 20 STREET AND NW 21 TERRACE; INCORPORATING BY REFERENCE THE USES, STANDARDS, AND PROCEDURES FOR APPROVAL OF APPLICATIONS FROM EXISTING SUBZONES AND APPLYING THEM TO THE SANTA CLARA SUBZONE; REQUIRING SUPERMAJORITY VOTES BY THE BOARD OF COUNTY COMMISSIONERS IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 33-314; PROVIDING FOR BOARD JURISDICTION OVER APPLICATIONS RELATING TO THE SANTA CLARA SUBZONE; MAKING TECHNICAL CHANGES; PROVIDING FOR APPLICABILITY TO PENDING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the County's Comprehensive Development Master Plan (CDMP) calls for the coordination of land uses and transportation facilities to, among other things, attract transit ridership, produce short trips, and minimize transfers; and

WHEREAS, providing for increased density and transit-oriented development adjacent to the County's existing mass transit system will increase ridership on the County's public transportation system and further the health, safety, order, convenience, prosperity and welfare of the present and future residents of the County; and

WHEREAS, pursuant to Resolution No. R-829-77, a joint commission of Miami-Dade County and participating municipalities prepared proposed land use plans through the Station Area Design Development Program for certain Metrorail station areas, including the Santa Clara Road Metrorail Station; and

WHEREAS, on January 25, 2001, the City of Miami adopted Resolution No. 01-83, which approved development standards for the Santa Clara Metrorail Station Project adjacent to the Santa Clara Road Metrorail Station; and

WHEREAS, the Santa Clara Road Metrorail Station and Project areas are currently governed by chapter 33C of the County Code, which regulates development within the Rapid Transit Zone, and are identified as “Existing RTZ” on the attached exhibit; and

WHEREAS, certain private properties, which are located at 1221 NW 22 Street, 1100 NW 21 Street, 2000 NW 11 Avenue, 1089 NW 20 Street, 1098 NW 21 Street, 1068 NW 21 Street, 1069 NW 20 Street, 1058 NW 21 Street, 1061 NW 20 Street, 1055 NW 20 Street, and 1045 NW 20 Street (the “additional properties”), are currently subject to the City of Miami’s land use regulations but are adjacent to the Santa Clara Road Metrorail Station and Project areas; and

WHEREAS, to encourage development of increased density and transit-oriented development this Board seeks to include the additional properties within the Rapid Transit Zone and create the Santa Clara Rapid Transit Zone Subzone adjacent to the Santa Clara Metrorail Station and Project areas, while also providing for disposition of any development permit applications that may be currently pending and for existing lawful uses and zoning,

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

Section 1. The foregoing recitals are incorporated into this ordinance and are approved.

Section 2. Chapter 33C of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

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

* * *

Sec. 33C-2. Rapid Transit Zone.

* * *

- (B) *Designation of lands included.* The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979, Exhibit 10, May 26, 1983, Exhibit 17, February 13, 2014, Exhibit 18, >>February 1, 2020<< [[~~insert effective date~~]], Exhibit 19, >>February 1, 2020,<< [[~~insert effective date~~], and]] Exhibit 20, >>December 27, 2019<< [[~~insert effective date~~]], >>and Exhibit 21, [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. The Director shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.

* * *

- (E) *Processes for approval.*

* * *

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.

(3) *Process for City of Miami.*

* * *

- (e) *Downtown Intermodal District Corridor.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by subparagraph (D)(4) are proposed within the Downtown Intermodal District Corridor Subzone of the Rapid Transit Zone as designated in >>section<< [[~~subsection~~]] 33C-9 herein, the procedures and development standards adopted pursuant to >>section<< [[~~subsection~~]] 33C-9 shall control.
- (f) *Brickell Station Subzone.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by subparagraph (D)(4) above are proposed within the Brickell Station Subzone of the Rapid Transit Zone as designated in >>section<< [[~~subsection~~]] 33C-10 herein, the procedures and development standards adopted pursuant to >>section<< [[~~subsection~~]] 33C-10 shall control.
- (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.
- (h) *Historic Overtown/Lyric Theatre Subzone.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by subparagraph (D)(4) above are proposed within the Historic Overtown/Lyric Theatre Subzone as designated in >>section<< [[~~subsection~~]] 33C-12 herein, the procedures and development standards adopted pursuant to >>section<< [[~~subsection~~]] 33C-12 shall control.
- >>(i) *Santa Clara Subzone.* Notwithstanding any other provision of this code to the contrary, whenever uses authorized by 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.<<

* * *

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

* * *

- (b) Notwithstanding any other provisions to the contrary, for developments located within the Downtown Intermodal District Corridor Subzone established by section 33C-9, the Brickell Station Subzone established by section 33C-10, ~~[[and]]~~ 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 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.

* * *

- (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, ~~[[and]]~~ 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-14. Santa Clara Station Subzone.

- (A) Purpose and Intent. The following development review standards and criteria shall govern applications for initial plan approval of the general site development plan, and applications for final site plan review, for all development to be located within the boundaries of the Santa Clara Station

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 Santa Clara Station Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in Exhibit 21 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-10(C) relating to the Brickell Station Sub-Zone, which are incorporated by reference herein. In addition, the follow uses shall be permitted:
- (1) Hospitals; and
 - (2) Warehouse and storage facilities, only if approved at public hearing and only in accordance with the following:
 - (a) The use is vertically integrated with, screened by, or located to the rear of, habitable space, as defined in section 33-284.82, as amended;
 - (b) The use is established in accordance with the conditions set forth in section 33-255, as amended; and
 - (c) No such facility shall be located less than 2,500 feet from any other such facility, measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.
- (D) *Procedures for approval and development standards.* Applications for development in the subzone shall be governed by the pre-application and application procedures and development standards relating to the Brickell Station Sub-Zone, including the requirements for a supermajority vote of the Board in certain circumstances, as set forth in section 33C-10(D), (E), (F), (G), and (H), which are incorporated by reference herein. Notwithstanding the foregoing, 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 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) 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.
- (I) *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 3. Section 33-314 of the Code of Miami-Dade County, Florida is hereby amended
as follows:

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

* * *

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

* * *

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

* * *

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Lauren E. Morse

Prime Sponsor: Chairwoman Audrey M. Edmonson

Handwritten signatures of GBL and JEM, likely representing the County Attorney and the person preparing the ordinance, respectively.

