

MEMORANDUM

Agenda Item No. 5(A)

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	(Public Hearing 12-1-21) November 2, 2021
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to the Rapid Transit System-development zone; amending section 33C-2 of the Code; creating the Dolphin Station Subzone of the Rapid Transit Zone to encompass the Dolphin Station Park and Ride station and adjacent County- owned property bounded on the South by NW 12th Street, on the east by NW 118th Place, on the north by NW 17th Street, and on the west by theoretical NW 122nd Avenue; creating section 33C-16

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

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

DATE: December 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(A)
12-1-21

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AMENDING SECTION 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING THE DOLPHIN STATION SUBZONE OF THE RAPID TRANSIT ZONE TO ENCOMPASS THE DOLPHIN STATION PARK AND RIDE STATION AND ADJACENT COUNTY-OWNED PROPERTY BOUNDED ON THE SOUTH BY NW 12TH STREET, ON THE EAST BY NW 118TH PLACE, ON THE NORTH BY NW 17TH STREET, AND ON THE WEST BY THEORETICAL NW 122ND AVENUE; CREATING SECTION 33C-16; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to the County’s 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, the County exercises regulatory and other jurisdiction over the Rapid Transit Zone (RTZ) and the RTZ zoning district in both the incorporated and unincorporated areas to further the purposes of better coordinating land uses and transportation facilities and other purposes set forth in chapter 33C of the County Code; and

WHEREAS, an important component of the County’s mass transit system in the northwest part of the County is the Dolphin Station Park and Ride, which provides express bus service at the northwest quadrant of the Florida Turnpike and the Dolphin Expressway (SR 836); and

WHEREAS, the County owns an approximately 43-acre parcel of vacant, undeveloped property adjacent to the Dolphin Station Park and Ride; and

WHEREAS, the Land Use Plan map of the County’s Comprehensive Development Master Plan (CDMP) designates these properties as a rapid transit station site; and

WHEREAS, since 1996, the CDMP has provided that “all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the [CDMP’s] Community [Urban] Center policies”; and

WHEREAS, those Urban Center policies provide for mixed-use development at a minimum floor-area ratio of 1.5 in the designated core and of 0.5 in the designated edge, and at a maximum density of 125 dwelling units per acre; and

WHEREAS, pursuant to section 373.4149(4) of the Florida Statutes, which was adopted in 1999, developing residential uses at a density up to 125 units per acre at this rapid transit station site and surrounding areas “complies with current regulations,” and the properties are thus exempt from the statute’s restriction on residential development in that general area; and

WHEREAS, the above-referenced County-owned parcel is an appropriate location to provide transit-oriented development; and

WHEREAS, to ensure coordination of land uses around this existing express bus station site, this Board wishes to create a new RTZ subzone, called the Dolphin Station Subzone and located as indicated on Exhibit A to this ordinance, that will govern the development of the identified area,

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

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

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

Sec. 33C-2. Rapid Transit Zone.

* * *

(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 the following exhibits bearing the following effective dates, 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; Exhibit 21, June 12, 2020; ~~[[and]] Exhibits 22(A) and 22(B), [[March 12, 2021]]~~ >>April 30, 2021; and Exhibit 23 [insert effective date]<<.

* * *

Section 3. Section 33C-16 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

>>**Sec. 33C-16. – Dolphin 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

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.

be located within the boundaries of the Dolphin Station Subzone established in this section. These standards are consistent with, and support, the CDMP's policies requiring development of rapid transit station sites and surrounding properties based on the density and intensity standards applicable to community urban centers.

(B) *Boundaries.* The Dolphin Station Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in Exhibit 23 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 is incorporated by reference herein, subject to the following:

(1) Notwithstanding the maximum density permitted by the CDMP, residential density shall not exceed 125 dwelling units per acre.

(a) This density restriction shall not apply if there is no active mining within 2 miles of the subject property or if the applicable statute is amended to remove the restriction on increasing residential density on the subject property.

(b) If the applicable statute is amended to modify, but not remove, the restriction, then the restriction shall only apply to the extent required by the statute.

(2) The following additional uses are permitted:

(a) Hospitals;

(b) Laboratories;

(c) Life science uses;

(d) Nursing homes;

(e) Schools, to the extent consistent with Policy EDU-3A of the CDMP Educational Element; and

(f) Urgent Care Centers.

(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, subject to the following:

- (1) Parking. Notwithstanding any provision to the contrary, residential uses shall provide at least 1 space per dwelling unit.
- (2) Setbacks. Notwithstanding section 33-46 or any other provision to the contrary, no minimum lot frontage on a public right-of-way shall be required. Lots may provide access to either public streets or accessways complying with private street requirements, as long as such private accessways provide each lot with access to a public street.
- (3) Building Height. The maximum building height shall be the lower of 25 stories or the maximum allowed by MDAD in accordance with article XXXVII of chapter 33.
- (4) Signs. Notwithstanding any provision to the contrary, murals shall not be allowed in this subzone.
- (5) Landscaping. Notwithstanding any other provision to the contrary, landscaping shall be governed by the following:
 - (a) The minimum number of required lot trees shall be 15 trees per net acre of open space.
 - (b) Required lot trees may be placed:
 - (i) on a lot or in greens, squares, plazas, or street medians within, or within 1,000 feet of the exterior boundaries of, the Subzone; or
 - (ii) in a County or municipal park located within 2 miles of the exterior boundaries of the Subzone.

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

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

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

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel
Lauren E. Morse

Handwritten initials "GBK" in blue ink above a handwritten signature in black ink.

Prime Sponsor: Chairman Jose "Pepe" Diaz

Legend

 Dolphin Subzone

