

# MEMORANDUM


Agenda Item No. 5(D)

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<b>TO:</b>	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	<b>DATE:</b>	(Public Hearing: 10-6-22) September 1, 2022
<b>FROM:</b>	Geri Bonzon-Keenan County Attorney	<b>SUBJECT:</b>	Ordinance relating to the fixed-guideway Rapid Transit System-Development Zone; amending section 33C-2 of the Code; expanding the Metromover Subzone of the Rapid Transit Zone to encompass certain private property

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/gh

# Memorandum



**Date:** October 6, 2022

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

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive style.

**Subject:** Fiscal Impact Statement for Ordinance Relating to the Fixed-Guideway Rapid Transit

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The proposed ordinance will not have a fiscal impact to Miami-Dade County, as the proposed changes will not require additional staffing resources or generate additional operational expenses.


A handwritten signature in blue ink, appearing to be "Jimmy Morales". The signature is written in a cursive style.

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Jimmy Morales  
Chief Operations Officer

**Date:** October 6, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Social Equity Statement for Ordinance Relating to the Rapid Transit System-  
Development Zone - Establishing the Metromover Subzone

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The proposed ordinance relating to the Rapid Transit System-Development Zone (RTZ) amends Chapter 33C-2 of the Code of Miami-Dade County (Code) and provides for more uniform coordination of the land use adjacent to existing and future transit facilities surrounding the Metromover Subzone of the Rapid Transit Zone (RTZ) to include one private property (1 unique folio number).

When included as part of the Metromover RTZ, the land use, zoning, and permitting authority will be under the County’s jurisdiction. The expansion of the RTZ supports the County’s goals, objectives, and policies, for the coordination of land uses and transportation facilities to attract transit ridership, establish a more compact and efficient urban form and to promote the redevelopment of properties along existing and planned transit corridors and designated urban centers.

The proposed ordinance aligns with the County’s effort of establishing consistent land uses surrounding mass transit stations and corridors which in turn could result in additional housing and business opportunities in the vicinity of Metrorail and Metromover stations in the Brickell and West Brickell area. No other specific social equity or benefit can be determined at this time.



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Jimmy Morales  
Chief Operations Officer



**MEMORANDUM**  
(Revised)

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

**DATE:** October 6, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 5(D)

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(D)  
10-6-22

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AMENDING SECTION 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXPANDING THE METROMOVER SUBZONE OF THE RAPID TRANSIT ZONE TO ENCOMPASS CERTAIN PRIVATE PROPERTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Ordinance No. 21-33 created the Metromover Subzone of the Rapid Transit Zone (RTZ), which consisted of properties adjacent to the Metromover rail line, provided for the County to exercise land use regulatory jurisdiction over properties within the Metromover Subzone, and provided procedures for zoning approval within the Metromover Subzone; and

**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 citizens of the County; and

**WHEREAS**, the CDMP calls for the highest level of development density and intensity within the urban area that includes the Metromover Subzone; and

**WHEREAS**, as described in Exhibit A attached hereto, there are certain private properties that are less than a five-minute walk from the Metromover Subzone; and

**WHEREAS**, the private property owner of property located at 143 SW 9 Street has requested to be included within the Metromover Subzone; and

**WHEREAS**, this Board seeks to expand the Metromover Subzone to include the above identified private property,

**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:<sup>1</sup>

**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;

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<sup>1</sup> 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.

Exhibit 20, December 27, 2019; Exhibit 21, June 12, 2020; and Exhibit 22(A), October 6, 2022; Exhibit 22(B) [~~October 6, 2022~~] >>, insert effective date<<; Exhibit 23, December 11, 2021; and Exhibits 24-31 and 33, September 1, 2022.

- (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.

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**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:

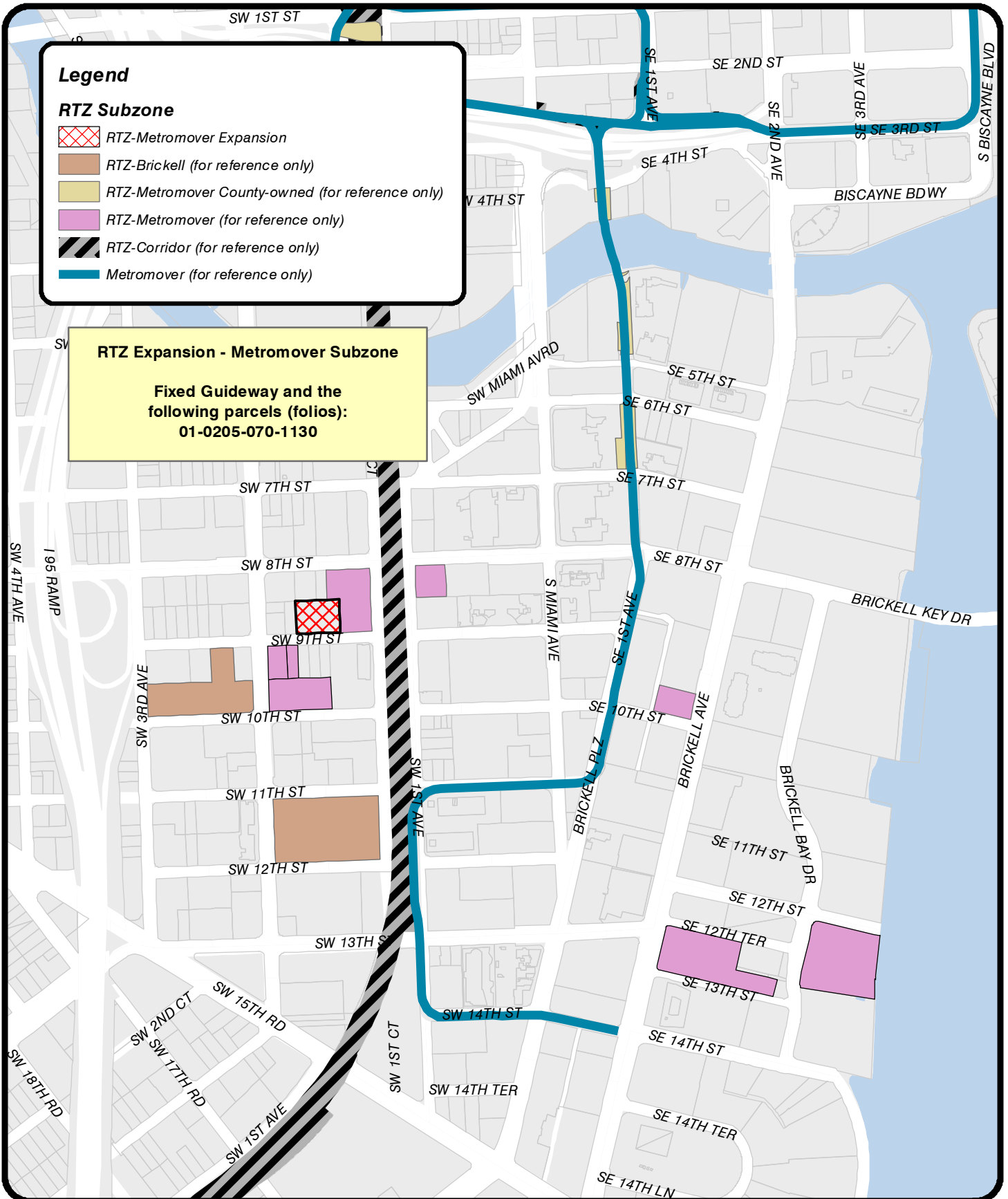
Prepared by:

Lauren E. Morse

Prime Sponsor: Commissioner Eileen Higgins



EXHIBIT 22 (B)



✂ Full scale maps are on file with the department

