

MEMORANDUM

CPC

Agenda Item No. 1(G)2

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: January 8, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Rapid Transit System-development zone; amending sections 33C-3.1 and 33C-3.3 of the Code; prohibiting structures within certain distance of rail infrastructure; providing for variances subject to conditions to minimize conflicts with and disruptions of service on the Rapid Transit System during construction or maintenance of adjacent development; providing applicability to municipalities

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


Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001

Memorandum



Date: February 6, 2024

To: Honorable Chairman Oliver G. Gilbert III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Minimize Disruptions of Service on the Rapid Transit System

The implementation of this Ordinance will not have a fiscal impact to the County.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".


Jimmy Morales
Chief Operations Officer

Memorandum



Date: February 6, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning - Revising Regulations to Prohibit Structures within 10 Feet of the Rapid Transit System and Provide for Administrative Variances

The proposed ordinance amends Sections 33C-3.1 and 33C-3.3 of the Code of Miami-Dade County (Code) to prohibit structures within 10 feet of the Metrorail, Metromover and other rail components of the Rapid Transit System but authorizes the Transportation and Public Works Director (Director) to approve variance requests to this prohibition.

Both the Comprehensive Development Master Plan (CDMP) and Code call for the intensification of development along the rail corridor. The proposed ordinance would minimize conflicts between new structures and the rail system, while still allowing the Director the flexibility to approve structures within 10 feet of the rail system. Appeals of the Director's decision would be heard by the Rapid Transit Development Impact Committee and the Board of County Commissioners.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: November 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(G)

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. 4(G)
11-7-23

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AMENDING SECTIONS 33C-3.1 AND 33C-3.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING STRUCTURES WITHIN CERTAIN DISTANCE OF RAIL INFRASTRUCTURE; PROVIDING FOR VARIANCES SUBJECT TO CONDITIONS TO MINIMIZE CONFLICTS WITH AND DISRUPTIONS OF SERVICE ON THE RAPID TRANSIT SYSTEM DURING CONSTRUCTION OR MAINTENANCE OF ADJACENT DEVELOPMENT; PROVIDING APPLICABILITY TO MUNICIPALITIES; AND 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 citizens of the County; and

WHEREAS, notwithstanding these important policies, developments that are constructed too close to rail rapid transit infrastructure pose challenges to the rapid transit system during construction and any subsequent maintenance, such as requiring trains to be routed onto a single track or even requiring stoppage of the system for an extended period of time; and

WHEREAS, in furtherance of its overall goal of coordinating and enhancing development near the rapid transit system, this Board wishes to minimize conflicts between private development and rail rapid transit operations by prohibiting structures within 10 feet of Metrorail, Metromover,

or other rail components of the Rapid Transit System, but authorizing the Department of Transportation and Public Works to approve variances to this prohibition subject to appropriate conditions, subject to appeal to the Rapid Transit Development Impact Committee and, ultimately, to this Board,

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-3.1 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 33C-3.1 Standard procedures for RTZ subzones.

(A) Except as provided otherwise in this chapter, all development within a subzone shall be governed by the procedures set forth in this section.

* * *

(G) ~~>>Structures in proximity to rapid transit infrastructure. Notwithstanding any provision of this code to the contrary, no buildings, utilities, or other structures shall be located within 10 feet of the Metrorail, Metromover, or other rail portion of the Rapid Transit System.~~

(1) The Director, as defined in section 2-99, may, after receiving an application on a form acceptable to such Director, approve a variance from this restriction upon making a written determination that impacts to Rapid Transit System operations during construction and subsequent maintenance of such development are avoided or appropriately minimized. Such variance may be approved subject to any conditions

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.

as may be necessary or appropriate to avoid or minimize any such impacts.

(2) An aggrieved or adversely affected applicant may appeal a variance decision to the Rapid Transit Development Impact Committee subject to the procedures set forth in section 33C-6.

(H)<< *Conflicts.* The development review procedures, standards, and criteria set forth in this chapter shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this code, applicable municipal code, or with the public works manual, except that in the event of a conflict with Article XXXVII of Chapter 33, the airport zoning regulations shall control.

Section 3. Section 33C-3.3 of the Code of Miami-Dade County, Florida is hereby

amended to read as follows:

Sec. 33C-3.3. SMART Corridor Subzone; additional permitted uses; development standards; review and approval procedures.

(A) *Applicability in the incorporated and unincorporated areas.* Except as provided below, in Section 33C-4, or elsewhere in this chapter, lands within the RTZ District and outside of the RTCsAs and RTCBPA shall be assigned to the SMART Corridor Subzone and shall be governed by this subsection.

* * *

(2) *Applicability to municipalities.*

(a) For lands within the SMART Corridor Subzone, municipalities shall only be subject to the requirements set forth in this subsection (2).

* * *

>>(g) Structures in proximity to rapid transit infrastructure. Notwithstanding any provision of this code to the contrary, no municipality shall approve any building, utility, or other structure to be located within 10 feet of the Metrorail, Metromover, or other rail portion of the Rapid Transit

System. Variances from this restriction shall
be governed by section 33C-3.1(G)<<

* * *

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:

GKS for GBK

Prepared by:

D.P.C

Dennis A. Kerbel
Lauren E. Morse

Prime Sponsor: Commissioner Eileen Higgins