

MEMORANDUM

Agenda Item No. 7(D)

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

DATE: March 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Rapid Transit System-Development Zone; amending section 33C-2 of the Code; expanding the Metromover Subzone of the Rapid Transit Zone to encompass certain County-owned properties between SW 4th Avenue and SW 3rd Avenue and between SW 5th Street and SW 6th Street and certain private properties between SW 8th Street and SW 10th Street and SW 1st Avenue and Brickell Avenue; amending section 33C-15; requiring that each public hearing application for development in the Metromover Subzone be reviewed for impacts on public facilities and services beyond minimum concurrency and subdivision requirements

Ordinance No. 22-25

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 2-10-22 County Infrastructure, Operations and Innovations Committee.

This substitute differs from the original version in that it: clarifies that certain properties referenced in the recitals and shown on the attached map were previously added to the Metromover Subzone in Ordinance No. 21-33; and provides a sunset provision to remove any newly-added private property from the subzone and relinquish regulatory jurisdiction under chapter 33C unless a zoning application for development under the subzone regulations for that property is filed within two years.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



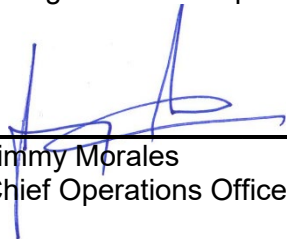
Date: March 1, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Metromover Subzone Expansion


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.



Jimmy Morales
Chief Operations Officer

Date: March 1, 2022

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

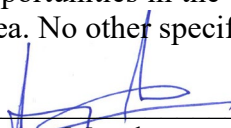
From: Daniella Levine Cava 
Mayor

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

The proposed ordinance relating to the Rapid Transit System-Development Zone (RTZ) amends Chapter 33C-2 of the Code of Miami-Dade County (Code) providing for the expansion of the Metromover Subzone of the Rapid Transit Zone (RTZ) to include certain County-owned and certain private properties and updates the Metromover Subzone regulations in order to address parking, open space, shoreline, and public benefit. Specifically, the proposed ordinance provides for the following:

- Expands the current Metromover Subzone of the RTZ to include three County properties located west of I-95, north of SW of 6th Street, and west of SW 4th Avenue.
- Expands the current Metromover Subzone of the RTZ to include two private properties located east of the Metrorail and west of Brickell Avenue within walking distance of the Metrorail or Metromover stations. It provides however that for any privately-owned property added to this subzone after April 20, 2021, the assertion of County regulatory jurisdiction shall sunset within two years from the effective date of its inclusion in the subzone unless an application for initial review for development approval has been filed.
- Revises the Metromover Subzone parking requirement in order to make it consistent with that of Section 33C-8, RTZ within the City of Miami. In essence, no minimum parking requirement.
- Revises the plan review standards regarding open space in order to clarify that private open space that is open to the public may be used to satisfy the open space requirement.
- Introduces criteria applicable to developments along the Biscayne Bay and Miami River shorelines in a manner consistent with Chapter 33D of the County Code in order to establish a shoreline setback, a visual corridor, and a public shoreline walkway within the shoreline setback.

The proposed ordinance aligns with the County’s effort of broadening 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.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

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

DATE: March 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(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. 7(D)
3-1-22

ORDINANCE NO. 22-25

ORDINANCE RELATING TO THE 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 COUNTY-OWNED PROPERTIES BETWEEN SW 4TH AVENUE AND SW 3RD AVENUE AND BETWEEN SW 5TH STREET AND SW 6TH STREET AND CERTAIN PRIVATE PROPERTIES BETWEEN SW 8TH STREET AND SW 10TH STREET AND SW 1ST AVENUE AND BRICKELL AVENUE; AMENDING SECTION 33C-15; REQUIRING THAT EACH PUBLIC HEARING APPLICATION FOR DEVELOPMENT IN THE METROMOVER SUBZONE BE REVIEWED FOR IMPACTS ON PUBLIC FACILITIES AND SERVICES BEYOND MINIMUM CONCURRENCY AND SUBDIVISION REQUIREMENTS; 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 shown on Exhibit A attached hereto, the County owns properties, located at 445 SW 6 Street, 450 SW 5 Street, and 400 SW 5 Street, that are less than a 10-minute walk from a Metromover station; and

WHEREAS, those properties are operated by the County's Public Housing and Community Development Department for elderly and affordable housing and house residents who rely significantly on public transit; and

WHEREAS, this Board seeks to include these County-owned properties within the Metromover Subzone, so that they may be redeveloped for elderly and affordable housing at a density and intensity that are more appropriate to their proximity to the Metromover, while preserving compatibility with the surrounding area; and

WHEREAS, as shown on Exhibit A attached hereto, certain private properties, located at 90 SW 8 Street, 102 SW 8 Street, 106 SW 8 Street, 120 SW 8 Street, 130 SW 8 Street, >>and<<¹ 826 SW 1 Avenue, >>were previously added to the Metromover Subzone in Ordinance No. 21-33; and

WHEREAS, certain other nearby properties located at<< 101 SW 9 Street, and 888 Brickell Avenue, are less than a five-minute walk from a Metromover station; and

WHEREAS, the owners of those private properties have requested to be included within the Metromover Subzone, to allow a development potential more befitting their proximity to the Metromover; and

¹ The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

WHEREAS, this Board seeks to expand the Metromover Subzone to include the above identified private properties; and

WHEREAS, because of the unique impacts, which go beyond the minimum concurrency and subdivision requirements that apply to all development applications, that projects in the Metromover Subzone are anticipated to have on the County's public transit system and other public facilities and services, such as the Underline, Baywalk, or Riverwalk, in this area of highest density and intensity, this Board also wishes to require public hearing applications for developments in the Metromover Subzone to be reviewed for such additional impacts,

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:²

Sec. 33C-2. Rapid Transit Zone: definitions; designation of lands included; County jurisdiction; municipal services; occupational license taxes.

* * *

(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

² 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.

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]]~~>>Exhibit<< 22(A)>>, April 30, 2021,<< and >>Exhibit<< 22(B), ~~[[March 12, 2021]]~~ >>[insert effective date]<<.

* * *

Section 3. Section 33C-15 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 33C-15. - Metromover 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 Metromover 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. >>They are also consistent with the need to provide for the public service and public infrastructure needs of this area, which is within the County's only regional urban center and, as such, is designated for the highest level of development density and intensity in the County.<<
- (B) *Boundaries.* The Metromover Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in >>Exhibits 22(A) and 22(B)<< ~~[[Exhibit 22]]~~ of Section 33C-2. The legal description and a full-scale map of the boundaries are on file with the Department.

* * *

(D) *Procedures for approval and development standards.*

>>(1)<< 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 >>, except as follows:

- (a) Parking shall be governed by section 33C-8.
- (b) Plan review standards regarding public open space may be satisfied with private open space that is open to the public.
- (c) Development along the Biscayne Bay and Miami River shorelines shall be subject to the following:
 - (i) Purpose and intent. In furtherance of CDMP objectives and policies regarding shoreline management, chapter 33D, and municipal codes and plans addressing development along these shorelines, it is the intent of the criteria contained herein to promote connectivity and accessibility to bayfront and riverfront properties within this subzone and to maintain pedestrian connectivity along the existing and planned public walkway along the shoreline, referred to as the Miami Baywalk.
 - (ii) Shoreline setback. The setback from the shoreline shall be a minimum of 50 feet as measured from the mean highwater line provided along the applicable water frontage, except that on lots with a depth of less than 200 feet, the setback shall be a minimum of 25 percent of the lot depth.
 - (iii) Visual corridors. To allow visual corridors to open from ground to sky and to allow public access to the waterfront, side setbacks shall be equal in aggregate to a minimum of 25 percent of the water frontage of each lot based on average lot width.
 - (iv) Public shoreline walkway. To maintain pedestrian connectivity

along the shoreline, a publicly accessible walkway shall be provided within the shoreline setback. Walkway design and connections to adjacent existing or planned walkway segments shall be consistent with the County's Shoreline Development Review Manual and, if adjacent to properties under the City of Miami's jurisdiction, with the City of Miami's Waterfront Walkway Design Standards.

- (2) It is further provided that, in the review of an application for public hearing other than for a governmental facility, each reviewing agency shall provide a statement as to the proposed development's impact on public facilities and services, including assessment of impacts beyond minimum concurrency requirements pursuant to chapter 33G and minimum subdivision requirements pursuant to chapter 28. The reviewing agency may recommend additional improvements to address such identified impacts.
- (3) Approval of such public hearing application may be conditioned on the provision of improvements recommended by a reviewing agency and of such other public service, public infrastructure, or public benefits improvements as the Board may determine to be appropriate to address the impacts of the new development on rapid transit infrastructure and on other properties or public facilities or infrastructure surrounding the proposed development area. Such improvements may include, without limitation: improvements to rapid transit infrastructure or surrounding roadways; mobility connections to the Rapid Transit System or other buildings or facilities in the surrounding area; emergency services facilities; educational facilities; public parks or public open spaces; tree canopy enhancements; public water and sewer infrastructure; or affordable housing<<.
- >>(4) Notwithstanding any other provision to the contrary, for any privately-owned property added to this subzone after April 20, 2021, unless an application for initial review for development approval for such property has been filed in accordance with this

section within two years from the effective date of its inclusion in the subzone, the inclusion of such property in the subzone, and the corresponding assertion of County regulatory jurisdiction over it, shall sunset.<<

* * *

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:

March 1, 2022

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Lauren E. Morse
Dennis A. Kerbel

Prime Sponsor: Commissioner Eileen Higgins
Co-Sponsor: Vice-Chairman Oliver G. Gilbert, III

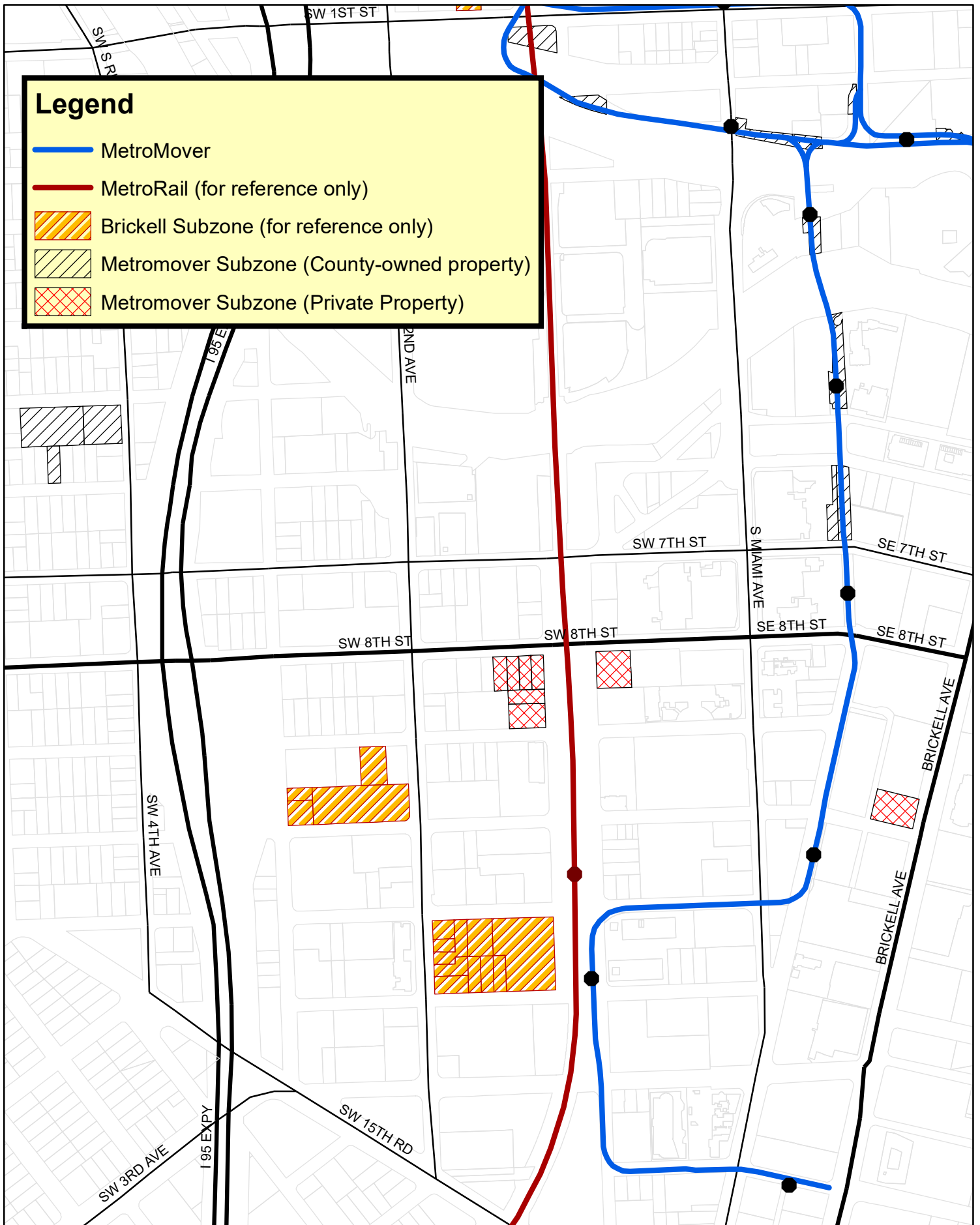


Exhibit 22 (B)

RTZ¹² - Metromover Subzone