

MEMORANDUM

Agenda Item No. 7(B)

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

DATE: February 21, 2024

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 private property and a road right-of-way

Ordinance No. 24-16

A substitute was presented and forwarded to the BCC with favorable recommendation at the February 13, 2024 County Infrastructure, Operations and Innovations Committee.

This substitute differs from the original in that it clarifies in the recitals that both private property and an alley are being added to the Metromover Subzone, clarifies section 33C-2(B)(1) to update the approval dates and punctuation based on recently approved ordinances, and revises the recitals and the map identified as Exhibit 22(B) to add the following additional properties to the Metromover Subzone: 01-0207-040-1160 (1029 SW 1 Avenue); 01-0207-040-1170 (75 SW 11 Street); 01-0207-040-1180 (87 SW 11 Street); 01-0207-040-1190 (1099 SW 1 Avenue); 01-0209-050-1070 (68 SW 13 Street), 01-0209-050-1080 (82 SW 13 Street), 01-0209-050-1090 (84 SW 13 Street), and 01-0209-050-1100 (1399 SW 1 Avenue).

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 Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: February 21, 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 Metromover Subzone Expansion

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

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

Jimmy Morales
Chief Operations Officer

Memorandum



Date: February 21, 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 Expanding the
Metromover Subzone of the Rapid Transit Zone to Encompass Additional
Private Properties and a Road Right-of-Way

The proposed ordinance amends Section 33C-2 of the Code of Miami-Dade County (Code) to expand the Metromover Subzone of the Rapid Transit Zone to encompass additional private properties and a road right-of-way. The following properties are included in this amendment: 132 NW 9 Street, 142 NW 9 Street, 152 NW 9 Street, 1414 Brickell Avenue, 1428 Brickell Avenue, 1421 South Miami Avenue, 1040 South Miami Avenue, 1042 South Miami Avenue, and along SW 14 Street between 218 SE 14 Street and 1402 Brickell Bay, and an alley between the Financial District Metromover Station and 1450 Brickell Avenue.

This Code amendment will facilitate the development of additional residential density and commercial development adjacent to the mass transit system. This type of development implements the County's Comprehensive Development Master (CDMP), which calls for the coordination of land uses and transportation facilities.

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: February 21, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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(B)
2-21-24

ORDINANCE NO. 24-16

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 PRIVATE PROPERTY AND A ROAD RIGHT-OF-WAY; 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 owners of certain private properties, which are located at 132 NW 9 Street, 142 NW 9 Street, 152 NW 9 Street, 1414 Brickell Avenue, 1428 Brickell Avenue, 1421 South Miami Avenue, 1040 South Miami Avenue, 1042 South Miami Avenue, 1029 SW 1 Avenue, 75 SW 11 Street, 87 SW 11 Street, 1099 SW 1 Avenue, 68 SW 13 Street, 82 SW 13 Street, 84 SW 13 Street, 1399 SW 1 Avenue, and along SW 14 Street between 218 SE 14 Street and 1402 Brickell Bay Drive have requested to be included within the Metromover Subzone, and have also requested the inclusion of the alley between the Financial District Metromover Station and 1450 Brickell Avenue; and

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

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: definitions; designation of lands included; County jurisdiction; municipal services; occupational license taxes; municipal impact fees.

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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.

(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]]~~ Exhibit 22(A), October 13, 2023; Exhibit 22(B), ~~[[July 16, 2023]]~~ >>insert effective date;<< Exhibit 23, December 11, 2021; ~~[[and]]~~ Exhibits 24-26, 28-31, 33, and 34, September 11, 2022; and Exhibit 27, September 16, 2023.
- (2) The Board of County Commissioners hereby designates as, and includes within, the Rapid Transit Zone all land areas (including surface, subsurface, and appurtenant airspace) located wholly or partially within one-half mile of each of the Smart Plan Corridors, or within one mile of the East-West Corridor, identified on Exhibit 32, September 11, 2022, subject to section 33C-3.3.

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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

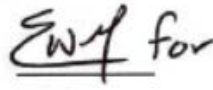
be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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:

February 21, 2024

Approved by County Attorney as
to form and legal sufficiency:

Handwritten signature of E. Morse in black ink, with the letters "E", "M", and "F" clearly visible.

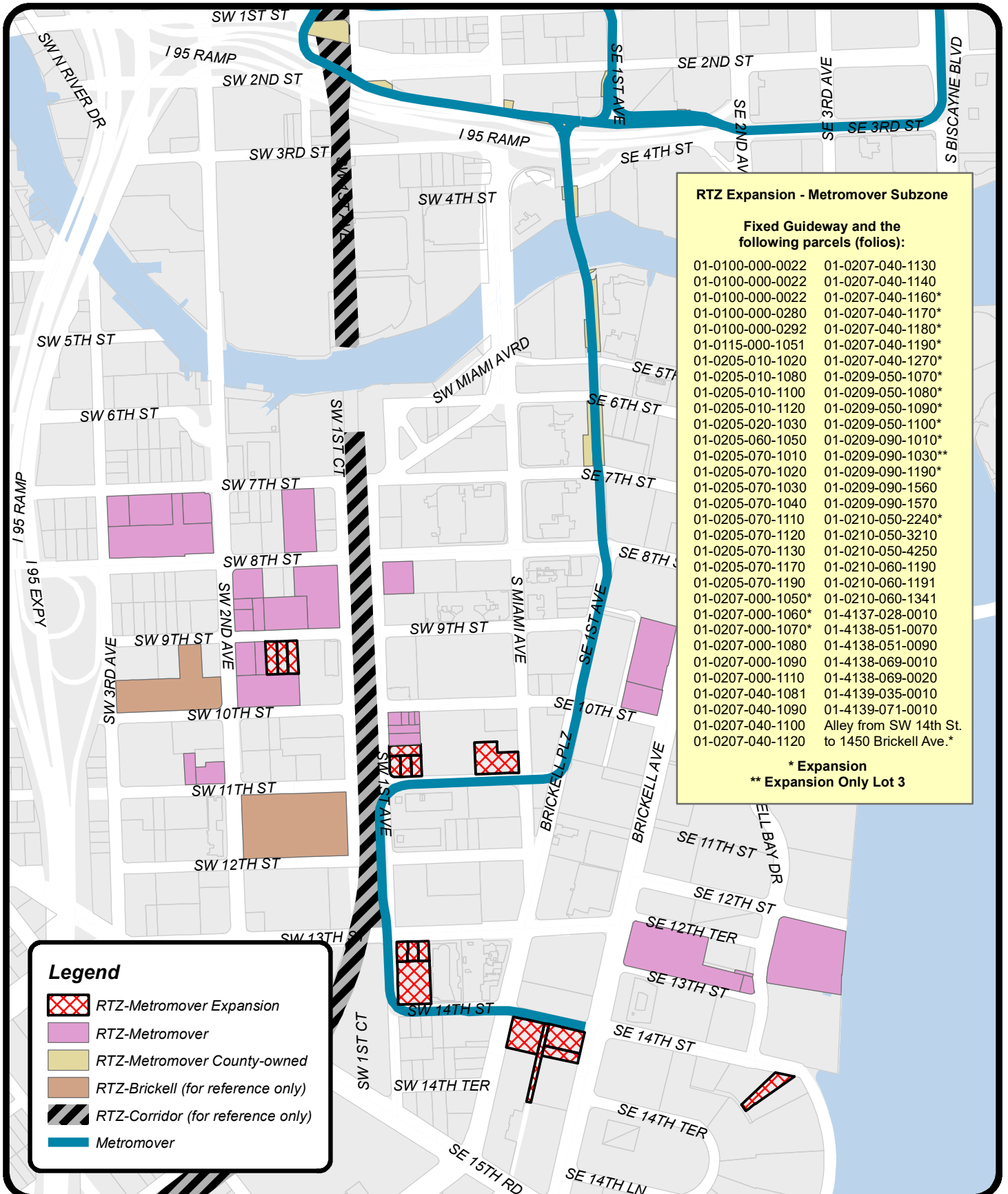
Prepared by:

Handwritten signature of D. Kerbel in black ink, with a stylized "D" and "K" clearly visible.

Lauren E. Morse
Dennis A. Kerbel

Prime Sponsor: Commissioner Eileen Higgins

EXHIBIT 22 (B)



✂ Full scale maps are on file with the department