

MEMORANDUM

Agenda Item No. 7(E)

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

DATE: May 7, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the rapid transit system-development zone; amending section 33C-2 and 33C-3.3 of the Code; expanding the SMART Corridor Subzone of the Rapid Transit Zone to encompass certain Miami-Dade County-owned properties within a half-mile of the Flagler Corridor Bus Rapid Transit Line

Ordinance No. 24-44

This item was amended at the April 10, 2024 Transportation, Mobility and Planning Committee to add additional whereas clauses relating to the County's ownership of the added properties and the east-west gap in the Smart Corridor Subzone along Flagler Street.

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

Memorandum



Date: May 7, 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 Expanding the Smart Corridor Subzone

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

MDC002

Memorandum



Date: May 7, 2024

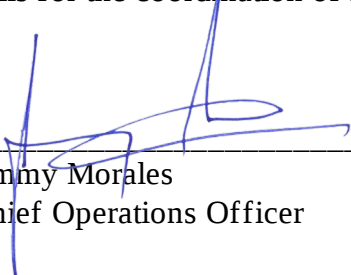
To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Expanding the SMART Corridor Subzone of the Rapid Transit Zone to Encompass Certain Miami-Dade County Owned Properties within a Half-Mile of the Flagler Corridor Bus Rapid Transit Line

The proposed ordinance amends Section 33C-2 of the Code of Miami-Dade County (Code) to expand the SMART Corridor Subzone of the Rapid Transit Zone to encompass certain Miami-Dade County owned properties within a half-mile of the Flagler Corridor Bus Rapid Transit Line. In addition, the proposed ordinance amends Sub-Section 33C-3.3(H)(4)(a) to make properties within one-half mile of the Flagler Bus Rapid Transit Corridor eligible for inclusion in the SMART Corridor Subzone. The following Miami-Dade County owned properties are included in this amendment: 1398 SW 1 Street, 2901 West Flagler Street, 1275 SW 1 Street, 1759 SW 5 Street, 455 SW 16 Avenue and 154 SW 17 Avenue.

This Code amendment will streamline zoning, building and other regulatory processes to facilitate redevelopment along the Flagler Bus Rapid Transit Corridor. This type of development implements the County's Comprehensive Development Master (CDMP), which calls for the coordination of land uses and transportation facilities.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: May 7, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

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(E)
5-7-24

ORDINANCE NO. 24-44

ORDINANCE RELATING TO THE RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AMENDING SECTIONS 33C-2 AND 33C-3.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXPANDING THE SMART CORRIDOR SUBZONE OF THE RAPID TRANSIT ZONE TO ENCOMPASS CERTAIN MIAMI-DADE COUNTY-OWNED PROPERTIES WITHIN A HALF-MILE OF THE FLAGLER CORRIDOR BUS RAPID TRANSIT LINE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, among other objectives, Ordinance No. 22-106 created the SMART Corridor Subzone of the Rapid Transit Zone (RTZ), which consisted of properties within the SMART Corridor rights-of-way and certain delineated County-owned real properties, provided for the County to exercise land use regulatory jurisdiction over properties within the SMART Corridor Subzone, and provided procedures for zoning approval within the SMART Corridor 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 SMART Plan identified Flagler Street as a Premium Transit Corridor, starting in downtown Miami and terminating at the Dolphin and Tamiami Park and Ride Stations; and

WHEREAS, the Florida Department of Transportation (FDOT) has funded a demonstration project for the Flagler Corridor Bus Rapid Transit Line, which will begin construction in 2025; and

WHEREAS, the Transportation Planning Organization (TPO) unanimously approved a feasibility study for extending the Metromover to FIU along Flagler Street to alleviate congestion and improve travel times; and

>>**WHEREAS**, a portion of Flagler Street south of the East-West Smart Corridor was not included in Ordinance No. 22-106, which has left a gap in the Smart Corridor RTZ Subzone between downtown Miami to the east and FIU to the west that will coincide with the study of an elevated fixed guideway; and<<¹

WHEREAS, as described in Exhibit A attached hereto, there are certain County-owned properties that are greater than half an acre and within a half-mile from the Flagler Corridor Bus Rapid Transit Line; and

>>**WHEREAS**, this item will add six County-owned properties to the Smart Corridor RTZ Subzone and will not affect private properties; and<<

WHEREAS, this Board desires to add the County properties identified by Folio Nos. 01-4102-006-1680, 01-4104-000-0040, 01-4102-006-0790, 01-4103-073-0010, 01-4102-006-4730, and 01-4103-074-0010 at the following addresses 1398 SW 1 Street, 2901 West Flagler Street, 1275 SW 1 Street, 1759 SW 5 Street, 455 SW 16 Avenue, and 154 SW 17 Avenue, to the Smart Corridor Subzone,

¹ Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

**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; municipal impact fees.

* * *

(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, and Exhibit 22(B), July 16, 2023, Exhibit 23, December 11, 2021; Exhibits 24-26, 28-31, 33, and 34, September 11, 2022, ~~[[and]]~~ Exhibit 27, September 16, 2023 >>and Exhibit 35, insert effective date<<.

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.

- (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.

* * *

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.

* * *

- (H) *Jurisdiction over rights-of-way and County-owned and certain other properties within the SMART Corridor Subzone in incorporated and unincorporated areas.*

- (1) Notwithstanding any provision to the contrary, the following shall be under the County's exclusive regulatory jurisdiction pursuant to subsection 33C-2(C):
 - (a) SMART Corridor rights-of-way; and
 - (b) County-owned real properties in the incorporated and unincorporated areas meeting the qualifications set forth in this subsection (H) and designated private properties delineated in subsection (H) and shown on Exhibit 27; and
 - (c) The real properties shown on Exhibits 33 and 34.

* * *

(4) Subject properties.

(a) This subsection (H) shall apply to a single property, or one or more contiguous or adjacent properties, that meet the following qualifications, regardless of whether such properties are specifically identified on the referenced exhibits or are partially located outside of the applicable boundaries:

(i) are owned by Miami-Dade County; and

(ii) are individually or collectively 0.5 acres or more in size; and

(iii) are 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; and

>>(iv) are within one-half mile of the Flagler Bus Rapid Transit Corridor, identified on Exhibit 35; and<<

[[~~(iv)~~]]>>v<< are not excluded from the SMART Corridor Subzone pursuant to subsection (A) above.

* * *

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.

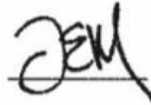
PASSED AND ADOPTED:

May 7, 2024

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

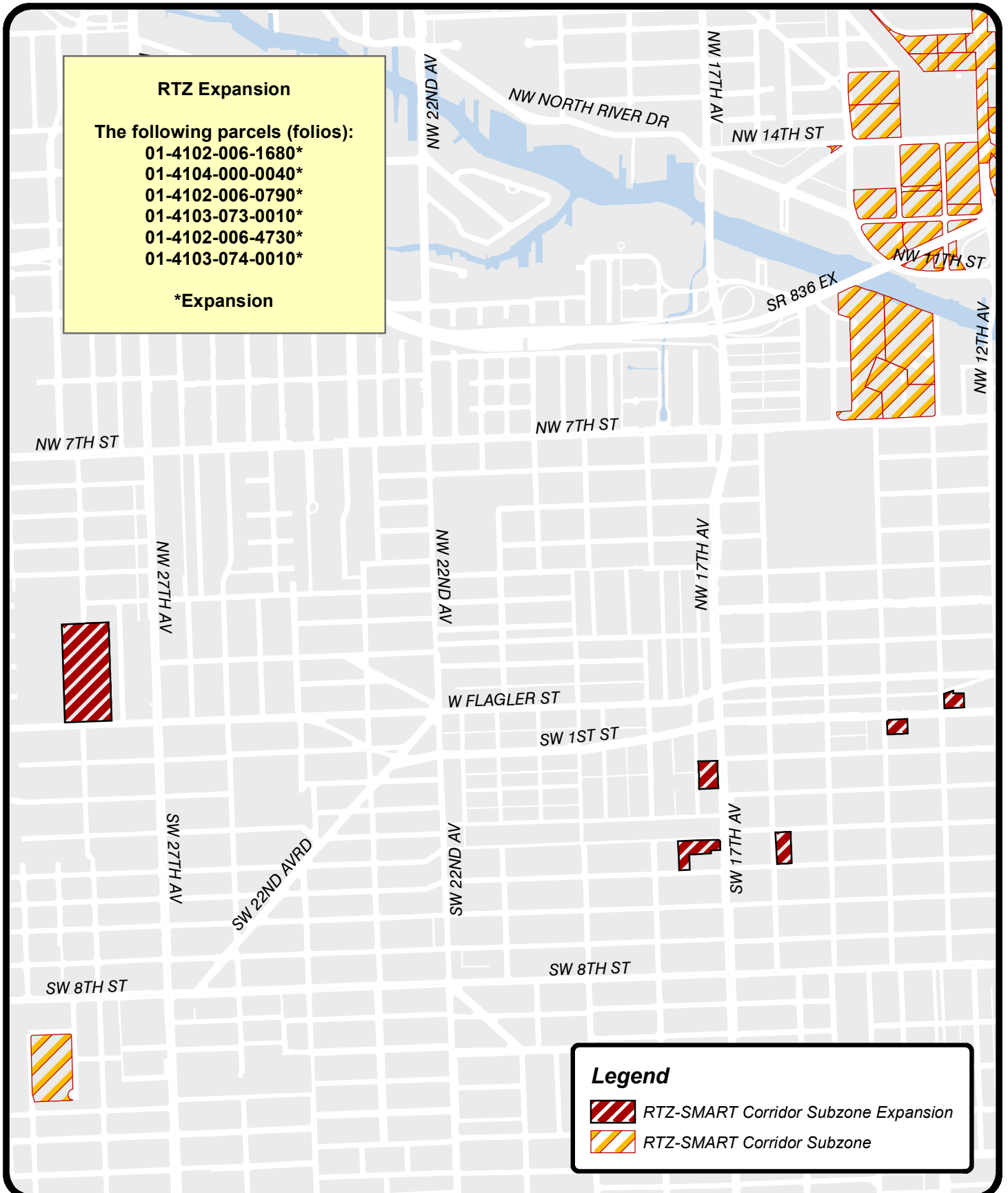


Lauren E. Morse

Prime Sponsor: Commissioner Eileen Higgins

EXHIBIT 35

"EXHIBIT A"



✂ Full scale maps are on file with the department

MDC011

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MIAMI-DADE
COUNTY
DEVELOPMENT
SERVICES

15.03.2024