

Chapter 33C FIXED-GUIDEWAY RAPID TRANSIT SYSTEM--DEVELOPMENT ZONE*

***Editor's note:** Ord. No. 78-74, § 1, adopted Oct. 17, 1978, amended this Code by adding Ch. 33C, §§ 33C-1--33C-5.

Cross references: Zoning, Ch. 33; developments in incorporated areas creating county impact, Ch. 33A.

Sec. 33C-1. Legislative intent, findings and purposes.

The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that the uncoordinated use of lands within the County threatens the orderly development and the health, safety, order, convenience, prosperity and welfare of the present and future citizens of this County. Pursuant to Ordinance No. 75-22, the Board adopted and accepted the Comprehensive Development Master Plan for Miami-Dade County whereby it specifically declared that it was the continuing policy of Miami-Dade County, in cooperation with federal, State, regional and local governments, and other concerned public and private organizations, to use all reasonable means and measures to:

- (a) Foster and promote the general welfare;
- (b) To create and maintain conditions under which man and nature can exist in productive harmony; and
- (c) To fill the social, economic and other requirements of the present and future generations of citizens of Miami-Dade County, Florida.

The board further found that the Comprehensive Development Master Plan was enacted to assure for all people of Miami-Dade County an attempt to create safe, healthful, productive and aesthetically and culturally pleasing surroundings; to attain the widest range of beneficial uses of the environment without unreasonable degradation, risk to the health or safety, or other undesirable and unintended consequences, to preserve important historic, cultural and natural aspects of our national heritage; to maintain, wherever possible, an environment which supports diversity and variety of individual choice; to achieve a balance between population and resources which will permit the high standards of living and a wide sharing of life's amenities, and to enhance the quality of renewal resources and approach the maximum attainable recycling of depletable resources. In furtherance of these goals and objectives, the Board finds that the coordinated review and analysis of its mass transit facilities is necessary to carry on a central metropolitan government in Miami-Dade County, Florida. Coordinated review and analysis of the mass transit system is susceptible to, and would be most effectively carried on, under a uniform plan of regulation applicable to the County as a whole. The planning of major transportation facilities, combined with other plan implementation tools, can be effectively used in meeting social, economic and environmental needs and in creating a major influence on metropolitan development patterns and life styles. The capability of a transportation network, acting in conjunction with other urban services to establish general development trends, is well recognized. A maximum coordination of transportation and land use policy decisions is therefore essential to optimize the role of transportation as a potent tool for implementing the desired patterns of metropolitan development.

The Board further finds that the Stage I Fixed-Guideway Rapid Transit System has, since 1973, undergone extensive planning, review, analysis, and engineering design efforts. The Stage I System has received design approval from both the federal and State governments and is in the process of final

design, procurement and construction activities. The Stage I System, including proposed improvements in other forms of surface transportation facilities, represents a concerted, coordinated effort to improve not only the transportation facilities within Miami-Dade County, but the overall quality of life enjoyed by citizens of and visitors to Miami-Dade County. Finally, the Stage I System represents one (1) of the largest public works projects ever undertaken in Miami-Dade County and the Southeastern United States. As such, the Stage I Fixed-Guideway Rapid Transit System may only be planned, engineered, implemented, and administered on a County-wide basis, in a manner which will:

- (a) Provide maximum opportunities for development to serve as financial assistance to the system; and
- (b) Provide incentives for joint development with the private sector.

(Ord. No. 78-74, § 1, 10-17-78)

Sec. 33C-2. Rapid Transit Zone.

(A) *Definition.* The "Rapid Transit Zone" consists of all land area, including surface, subsurface, and appurtenant airspace, heretofore or hereafter designated by the Board of County Commissioners as necessary for the construction of the fixed-guideway portion of the Stage I Rapid Transit System, including all station sites, parking areas and yard and maintenance shop facilities.

(B) *Designation of lands included.* The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979 and Exhibit 10, May 26, 1983, certified by the Clerk of the Board as a portion of this chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Planning and Zoning, as the Rapid Transit Zone for the Stage I Fixed-Guideway Rapid Transit System. The Director of the Department of Planning and Zoning 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, after a public hearing within each municipality affected.

(C) *Jurisdiction of County.* Jurisdiction for purposes of building and zoning approvals (including, but not limited to, site plan approvals, issuance of building permits, building inspections, compliance with the South Florida Building Code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, district boundary changes, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments), water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks where applicable) and utility regulation, all of which relate to the uses specifically delineated in subsection (D) below, shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provisions to the contrary.

(D) *Permitted land uses.* The following land uses are permitted within the Rapid Transit Zone and no others:

- (1) Fixed guideways for the Rapid Transit System.
- (2) Stations for the Rapid Transit System, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, in-station advertising displays, stairs, elevators, walkways, concessions, vending machines, and other service-related businesses offering goods and services for sale to passengers, and other similar uses as are necessary for or ancillary to the proper functioning of a rapid transit station.
- (3) Parking lots and parking structures.

- (4) Bus stops and shelters.
- (5) Streets and sidewalks.
- (6) Maintenance facilities for the Rapid Transit System, including yard and shops, and associated tracks and facilities.
- (7) Landscaping.
- (8) Bikeways, parks, community gardening, playgrounds, power substations and other uses necessary for the construction, operation and maintenance of the Rapid Transit System.
- (9) (a) Such other uses, including commercial, office and residential uses, as may be appropriate to and compatible with the operation of the Rapid Transit System and the convenience of the ridership thereof.

(b) Subzones; development regulations, standards and criteria. In the unincorporated areas of the Rapid Transit Zone, subzones shall be created by separate ordinances which shall become part of this chapter. Said ordinances shall identify the boundaries of the individual subzones and shall establish development regulations and site plan review standards and criteria for those land uses permitted pursuant to subsection (9)(a) herein and approved pursuant to subsection (9)(c) herein.

(c) Requests for approval of development of those land uses permitted pursuant to subsection (9)(a) herein within a subzone created pursuant to subsection (9)(b) herein shall be made by filing an application in accordance with the provisions of Section 33-304. Said application shall be considered a special exception for site plan approval to be considered and acted upon directly by the Board of County Commissioners pursuant to the criteria established in Section 33-311(d) and the provisions of the applicable subzone.

(d) Whenever uses authorized by subparagraph (a) above are proposed within portions of the Rapid Transit Zone passing through municipalities, the Station Area Design and Development Program process, a joint municipal-County program, shall prepare proposed master plan development standards for such proposed uses. Such proposed master plan development standards shall be submitted to the appropriate municipality for review and adoption as the Master Land Use Plan for such uses. Once adopted, said land use plans shall control all public actions involving or affecting land use or development, including action on applications for zoning relief. Amendments to said Master Land Use Plans shall be subject to the procedures specified in this subparagraph. Applications for a site plan approval and other related zoning actions under a Master Land Use Plan that was approved by a municipality on or before September 30, 2003, shall be considered by the Rapid Transit Developmental Impact Committee under the standards and requirements established by such plan, upon receipt of the recommendations of the Department of Planning and Zoning and the Miami-Dade Transit Agency. Decisions of the Rapid Transit Developmental Impact Committee upon such applications shall be subject to appeal to the Board of County Commissioners in accordance with the requirements of Section 33-314, Miami-Dade County Code. It shall be the duty of the Clerk of the Board of County Commissioners to immediately transmit to the relevant municipality a certified copy of the Rapid Transit Developmental Impact Committee's and the County Commission's actions in regard to the uses provided for in this subsection. The municipality may seek judicial review of the County Commission's action in accordance with Section 33-316, Miami-Dade County Code.

(e) The uses provided in this subsection shall, where applicable, be subject to

municipal ordinances relating to occupational license taxes, and such taxes be and they are hereby expressly reserved to such municipalities.

(10) County government office development in the Rapid Transit Zone within municipalities. Whenever County office development is proposed for that portion of the Rapid Transit Zone surrounding the Douglas Road Metrorail Station, the directors of the Departments of Planning and Zoning, the Miami-Dade Transit Agency and the department proposing the development shall develop proposed master plan development standards for such proposed uses. The standards shall contain, at a minimum: (a) maximum height of the building; (b) maximum floor area ratio; (c) maximum parking provided; (d) minimum open space; (e) minimum setbacks from property lines; (f) gross and net land area; (g) criteria for pedestrian and vehicular circulation systems; (h) signage criteria; (i) criteria for parking layouts and drives; and (j) features demonstrating conformity with the guidelines for development of urban centers contained in the Comprehensive Development Master Plan, conformity with the Miami-Dade County Urban Design Manual, and consistency with the Metrorail Compendium of Design Criteria. Upon the consent of the county manager, the proposed standards shall be submitted to the affected municipality's governing board for review and approval.

In reviewing the standards, the municipality shall consider the type of function involved, the public need therefor, the existing land use pattern in the area and the nature of the impact of the facility on the surrounding property. The municipal governing board shall have the power to approve or reject the standards, but shall not modify the standards as submitted. Unless extended by agreement with the County Manager, failure of the municipal governing board to reach a final decision on the proposed development standards within 60 days after receipt of the standards may be deemed by the County to be a lack of objection to the standards as proposed. If the municipal governing board rejects the proposed development standards, the proposed County office development shall not be permitted at the site unless the Board of County Commissioners determines after duly noticed public hearing that the proposed development is of County-wide necessity and significance, and upon such determination approves the development standards in accordance with the criteria applicable to the municipal governing board.

After approval of the development standards, a site plan consistent with the approved development standards shall be submitted to the Director of the Department of Planning and Zoning. After review by the Directors of the Departments of Planning and Zoning, the Miami-Dade Transit Agency and the department seeking development approval, the County Manager may submit the site plan to the Board of County Commissioners with a recommendation for approval.

The Board of County Commissioners may authorize the development and approve the site plan by resolution following public hearing. The public hearing shall be held upon 15 days' notice of the time and place of the hearing published in a newspaper of general circulation in Miami-Dade County, which publication shall include the time and place of hearing before the Board of County Commissioners. A courtesy notice containing general information as to the date, time and place of the hearing, the property location and general nature of the proposed development may be mailed to the property owners of record within a radius of three hundred (300) feet of the property described in the application, or such greater distance as the County Manager may provide; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property may be posted by a sign or signs indicating the action desired and the time and place of public hearing thereon. Failure to post the property shall not affect any action taken hereunder. At the public hearing, the Board shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the development on the surrounding property.

This process shall apply only to that portion of the Rapid Transit Zone surrounding the Douglas Road Metrorail Station.

(E) *Effect on existing land uses.* All land areas included by this section within the Rapid Transit Zone upon which uses other than those specified in subsection (D) of this section were authorized or permitted prior to October 27, 1978 may be used as follows:

(1) *Existing structures.* All existing buildings or structures and all uses for which building permits have already been issued prior to the effective date of this article and which have complied with the applicable provisions of the South Florida Building Code, may be continued or constructed in accordance with the approved plans and specifications therefor. Alterations, improvements, or expansions of existing structures shall be subject to the provisions of paragraph (2) hereof.

(2) *All other lands.* No applications for site or plan approvals and/or building permits shall be issued for new facilities within the Rapid Transit Zone except in the following circumstances:

(a) The estimated construction cost does not exceed ten thousand dollars (\$10,000.00) in any consecutive two-year period; or

(b) The Miami-Dade Transit Agency certifies that approval of the application will not have an adverse impact upon a material element of the Stage I System. The Miami-Dade Transit Agency shall, with respect to any application for which certification is refused, provide a detailed written explanation supporting the refusal to certify and specifying the corrective actions, if any, which would lead to certification. The decision of the Agency may be appealed to the Board of County Commissioners within thirty (30) days from the date of the written explanation by filing a notice of appeal with the Clerk of the Board of County Commissioners. The Board of County Commissioners, after giving public notice as required by Chapter 33 of the Code, shall hear the appeal and either affirm, deny or modify the decision of the Agency. Appeals from the Board of County Commissioners' action shall be in accordance with Section 33-316 of this Code.

(Ord. No. 78-74, § 1, 10-17-78; Ord. No. 79-59, § 1, 7-3-79; Ord. No. 82-80, § 1, 9-7-82; Ord. No. 83-27, § 1, 5-17-83; Ord. No. 95-215, § 1, 12-5-95; 98-114, § 1, 7-21-98; Ord. No. 98-125, § 24, 9-3-98; Ord. No. 00-38, § 1, 2-21-00; Ord. No. 02-171, § 1, 9-24-02; Ord. No. 03-113, § 2, 5-6-03)

Annotation-- CAO 84-10.

Editor's note: Ord. No. 82-79, § 1, adopted Sept. 7, 1982, and Ord. No. 87-55, § 1, adopted July 21, 1987, amended § 33C-2 by amending one (1) of the drawings of the Rapid Transit Zone maps, which drawings are not reproduced herein.

Sec. 33C-3. Rapid Transit Developmental Impact Committee.

There is hereby established a Rapid Transit Developmental Impact Committee Executive Council composed of the County's Developmental Impact Committee Executive Council (established by Section 33-303.1, Miami-Dade County Code) and two (2) representatives from each of the following municipalities: City of South Miami, City of Coral Gables, City of Miami, and the City of Hialeah. The Rapid Transit Developmental Impact Committee shall, subject to the procedures specified in Section 33-303.1, Miami-Dade County Code, perform the duties specified in Section 33C-2 and Section 33C-4 of this chapter.

Mailed notice of hearings before the Rapid Transit Developmental Impact Committee pursuant to Section 33C-2(D)(9)(d) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special

exceptions expressly enumerated in that subsection. Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.

(Ord. No. 78-74, § 1, 10-17-78; Ord. No. 03-113, § 3, 5-6-03)

Sec. 33C-4. Rapid Transit Developmental Impact Zone.

The Rapid Transit Developmental Impact Zone consists of those lands in such close proximity to the Rapid Transit System as to have a significant impact thereon. The Station Area Design and Development Program (authorized by Miami-Dade County Resolution No. R-829-77), a joint municipal-County program, shall prepare proposed development standards for the Rapid Transit Developmental Impact Zone. Such proposed development standards shall be submitted to the Rapid Transit Developmental Impact Committee established by Section 33C-3 of this chapter for review, comment and any recommendations. The Rapid Transit Developmental Impact Committee report, including the proposed development standards, shall be submitted to the appropriate municipality or, in the unincorporated areas, to the County for review and adoption as the land use plan for developments within the Rapid Transit Developmental Impact Zone. Once adopted, said land use plans shall control all public actions involving or affecting land use or development, including action on applications for zoning relief, within the Rapid Transit Developmental Impact Zone. Amendments to said land use plans shall be subject to the procedures specified in this section. The County may seek judicial review of any official municipal acts relating to lands within the Rapid Transit Developmental Impact Zone.

(Ord. No. 78-74, § 1, 10-17-78)

Editor's note: Pursuant to the provisions of this chapter, and Resolution No. R-867-76, the County has enacted the following ordinances, accepting Station Area Design and Development Studies:

TABLE INSET:

Ord. No.	Date	Station area
80-129	11-18-80	Earlington Heights
81-29	3-17-81	Martin Luther King, Jr.
81-30	3-17-81	Dadeland North
81-31	3-17-81	Brownsville
81-32	3-17-81	Northside
82-12	3- 2-82	Dadeland South

Sec. 33C-5. Guideway Aesthetic Zone.

Definition: The Guideway Aesthetic Zone consists of those land areas designated by the Board of County Commissioners which are adjacent to or within the Rapid Transit Developmental Impact Zone. Said lands [include those land areas which] are within the line of sight of the Rapid Transit System fixed guideways and stations and upon which land developments and/or structures (specifically

including billboards) will deleteriously affect the aesthetic impact of the Rapid Transit System.
(Ord. No. 78-74, § 1, 10-17-78)

Sec. 33C-6. [Exceptions.]

The provisions of Sections 33C-2(D)(9) through 33C-5 shall not apply to those portions of the Rapid Transit Zone or Rapid Transit impact zone that are included within the boundaries of an urban center designation in the Comprehensive Development Master Plan and for which specific Urban Center Zoning District regulations have been adopted.

(Ord. No. 99-166, § 2, 12-16-99)

Editor's note: Ord. No. 99-166, § 2, adopted Dec. 16, 1999 replaced section 33C-6 with a new section 33C-6. Former section 33C-6 pertained to the Dadeland Subzone and derived from Ord. No. 82-81, § 1, adopted Sept. 7, 1982; Ord. No. 95-215, § 1, adopted Dec. 5, 1995; Ord. No. 98-14, § 1, adopted Jan. 13, 1998; and Ord. No. 98-125, §§ 24, 37, adopted Sept. 3, 1998.

Sec. 33C-7. Dr. Martin Luther King, Jr. Corridor Subzone.

(1) *Boundaries.* Pursuant to the provisions of Section 33C-2(D)(9)(b), the Dr. Martin Luther King, Jr. Corridor Subzone (MLK Corridor Subzone) of the Rapid Transit Zone is hereby established; the boundaries of the Subzone include all portions of the Rapid Transit Zone located north of NW 51 st Street and east of NW 32 nd Avenue, as described in and incorporated into Section 33C-2(B) hereof; said boundaries shall be certified by the Clerk of the Board as a part of this section, and transmitted to the Department of Planning and Zoning for custody.

(2) *Development regulations.* The following development regulations shall apply within the MLK Corridor Subzone:

(a) Mixed uses, as provided by Section 33C-2(D)(9)(a) shall be permitted, said uses including but not limited to, residential, office, hotel, clubs, restaurants, theatres, retail, etc.

(b) Parking for single use projects shall be provided at no less than ninety (90) percent or no greater than one hundred ten (110) percent of the following standards:

i. Residential--One (1) parking space for each dwelling unit.

ii. Office--One (1) parking space for each four hundred (400) square feet of gross floor area.

iii. Hotel--One (1) parking space for every two (2) guestrooms.

iv. Other uses--Ninety (90) percent of the required parking per Section 33-124.

(c) Parking for mixed-use projects (two (2) or more land uses) shall be calculated by applying the ULI Shared Parking Methodology (Library of Congress Card Number 83 51648) to the parking requirements as specified above. Parking shall fulfill between ninety (90) percent and one hundred ten (110) percent of the ULI calculation.

(d) Setbacks. See site plan review standards and criteria herein.

(e) The maximum floor area ratio shall not exceed 3.0.

(f) The maximum building height shall not exceed one hundred fifty (150) feet.

(g) The minimum open space shall be twenty-five (25) percent; said open space may be provided at grade or on abovegrade surfaces, provided that at least fifteen (15)

percent is outdoor at grade, and shall include landscape areas improved and maintained with grass, shrubbery, and trees, water fountains and features, art displays, and other landscape elements and features.

(h) Sign(s), to direct traffic flow and locate entrances and exits to developments and/or to identify developments within the subzone area and on abutting properties shall be permitted in connection with any permitted use. Said signs shall be reviewed by the Department of Planning and Zoning and Miami-Dade Transit Agency for compliance with the standards and criteria set forth in Section 33C-7(3) below.

(3) *Site plan review standards and criteria.* The purpose of the site plan review is to encourage logic, imagination and variety in the design process in an attempt to insure the congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards and criteria shall be utilized as a guide by the Developmental Impact Committee or the Department of Planning and Zoning and by the Board of County Commissioners in the consideration of requests for special exception for site plan approvals within the MLK Corridor Subzone:

(a) All development shall conform foremost with the guidelines for development of Urban Centers contained in the Comprehensive Development Master Plan, and shall be reviewed for its compatibility with the Miami-Dade County Urban Design Manual, the Metrorail compendium of design criteria, and, as applicable, the Brownsville Station Area design and development plan, the Northside Station Area design and development plan and the Dr. Martin Luther King, Jr. Station Area Design and Development Plan.

(b) Mixed, twenty-four-hour activity uses should be encouraged to be incorporated into the design of development projects.

(c) Setbacks may not be required due to the unique locational characteristics associated with the MLK Corridor Subzone site; however, building locations shall be reviewed to assure compatibility with surrounding existing, proposed, and anticipated development and uses and to assure that no visual or other safety hazards are created in connection with existing, proposed, and anticipated pedestrian and vehicular circulation systems.

(d) Pedestrian open space, in the form of plazas, arcades, courtyards, landscaped areas, etc., particularly at the level of the station, with convenient connections between the station and restaurants, theatres, retail uses, etc., so as to provide easy access thereto, should be encouraged to be incorporated into the design of all development projects.

(e) The scale of all development projects should be designed to be compatible with surrounding existing, proposed, and anticipated development and uses, and, therein, step-down buildings may be encouraged to be incorporated into the design of the project, and all development should be architecturally and aesthetically compatible with the station and enhance the surrounding area.

(f) Open space and landscaping should be incorporated into the design of all development projects to allow sufficient light and air to penetrate the project, to direct wind movements, to shade and cool, to visually enhance architectural features and relate the structure design to the site, and to functionally enhance the projects; outdoor graphics and exterior art displays and water features should be encouraged to be designed as an integral part of the open space and landscaped areas.

(g) All development projects should be designed so as to reduce energy consumption. Energy conservation methods may include, but not be limited to, the natural ventilation of structures, the siting of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.

(h) All development projects should be designed so that the pedestrian and vehicular

circulation systems adequately serve the needs of the project and are compatible and functional with the circulation systems exterior to the site.

(i) All development projects should be designed with a coordinated outdoor lighting and signage system that is adequate for and an integral part of the project and that is compatible and harmonious with the project and the surrounding area.

(Ord. No. 99-161, § 1, 11-16-99)