

ORDINANCE _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY CREATING DIVISION 7, ENTITLED "MASS TRANSIT FIXED GUIDEWAY PROJECT," TO ESTABLISH CRITERIA AND REQUIREMENTS FOR APPROVAL OF MASS TRANSIT FIXED GUIDEWAY PROJECTS WITHIN THE CITY; BY CREATING SECTION 82-415, ENTITLED "DEFINITIONS"; BY CREATING SECTION 82-416, ENTITLED "STATEMENT OF PURPOSE"; BY CREATING SECTION 82-417, ENTITLED "PLANNING ANALYSIS, TRAFFIC STUDY AND TRANSPORTATION ANALYSIS REQUIRED," TO APPRISE THE CITY COMMISSION AND THE PUBLIC OF THE IMPACTS ASSOCIATED WITH ANY PROPOSED MASS TRANSIT FIXED GUIDEWAY PROJECT; BY CREATING SECTION 82-418, ENTITLED "COMMITTEE REVIEW AND PUBLIC HEARING," TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR APPROVAL OF ANY MASS TRANSIT FIXED GUIDEWAY PROJECT WITHIN THE CITY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City's approval of, or funding for, any proposed mass transit fixed guideway project within the boundaries of the City, such as light rail, street car, monorail, automated people mover, or bus rapid transit, should be based on sound planning principles that reflect the needs and input of the public, following a careful assessment of the potential quality of life, environmental, financial and other impacts associated with any proposed project; and

WHEREAS, in view of the significant potential impacts associated with the development of any mass transit fixed guideway project within the City, the City Commission desires to establish requirements and criteria for the consideration of proposed mass transit fixed guideway projects, and to create procedures for public community outreach and public input into any proposed mass transit fixed guideway project, prior to the City Commission's approval of any project or the issuance of any City permit relating thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 82, Article IV, is hereby amended to create a new Division 7 as follows:

Chapter 82

PUBLIC PROPERTY

* * *

ARTICLE IV – USES IN PUBLIC RIGHTS-OF-WAY

* * *

DIVISION 7. MASS TRANSIT FIXED GUIDEWAY PROJECTS

* * *

Sec. 82-415. Definitions.

For purposes of this division, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City property or property means any land, water (including, without limitation, the city's submerged lands), or air rights owned or maintained by the city, or in which the city holds an interest, including any city right-of way, sidewalk or street in which the city owns the fee or holds an easement or public dedication for pedestrian or vehicular access.

Mass Transit Fixed Guideway Project or Project means any light rail, street car, automated people mover, monorail, bus rapid transit or similar public transportation project that (i) is operated on rails or substantially within an exclusive or designated right of way (including the intermittent use of an exclusive or designated right of way); and (ii) involves the use of any city property, city funding or city financing, or otherwise requires the issuance of any city permit to utilize any city property or other right-of-way, sidewalk or street within the city, including, without limitation, any building department permit, public works right of way permit, or other applicable city permit.

Right-of-way means land in which the state, the state department of transportation, or the county owns the fee or holds an easement or public dedication devoted to or required for use as a transportation facility or street.

Sidewalk means that portion of the right-of-way located between the curbline on the lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

Street means that portion of the right-of-way improved, designed or ordinarily used for vehicular and/or pedestrian travel.

Sec. 82-416. Statement of Purpose.

The city's approval of, or funding for, any mass transit fixed guideway project within the boundaries of the city, should be based on sound planning principles that reflect the needs and input of the public, following a careful assessment of a variety of factors relating to the proposed project, as well as its potential impacts. Such factors include environmental impacts, compatibility of the project with surrounding land uses, commuter and traffic patterns, station locations, connectivity with integrated mobility hubs or other public transportation systems, costs of the project, public services required to support the project, economic benefits, and other technical and operational matters related to the proposed technology and/or the design, development, construction and operation of any proposed mass transit fixed guideway project.

The provisions contained in this division are intended to ensure that (i) the city commission and the public are fully apprised of all conditions and impacts relating to any proposed mass transit fixed guideway project; (ii) substantial public input is obtained with respect to any proposed project within the city; and (iii) any city approval of, or funding for, any mass transit fixed guideway project, is made in the best interests of the city and based on sound planning criteria.

Section 82-417. Planning Analysis, Traffic Study and Transportation Analysis Required. Prior to the city's approval of, or funding for, any mass transit fixed guideway project, the requirements of this section must be satisfied.

- (a) The city's planning department shall prepare a written analysis, to be submitted to the city commission concurrent with its consideration of the proposed project, using the following criteria:
1. A determination as to whether the proposed project is in keeping with city goals and objectives and conforms to the city's comprehensive plan.
 2. An assessment of the impact on adjacent properties (if any), including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level, enhanced property values, improved development patterns and provision of necessary services, the potential impact of the project on city utilities and other infrastructure needs, and the magnitude of costs associated with needed infrastructure improvements.

3. A determination as to whether the proposed project is in keeping with the community's overall quality of life.
 4. A determination as to whether the proposed project is in keeping with the surrounding neighborhood, will block views or create other environmental intrusions, and evaluation of the design and aesthetic considerations of the proposed project.
 5. A determination of the impact on adjacent properties, including assessment of whether the proposed project adequately addresses parking, street and infrastructure needs.
 6. A determination as to whether the proposed project adversely impacts any planned city construction projects.
 7. Such other issues as the city manager or the city's planning director may deem appropriate in analysis of the proposed project.
- (b) The city manager shall engage a reputable traffic engineer to prepare a traffic impact analysis which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated. The developer for the proposed project shall be responsible for paying for the traffic impact analysis. The traffic impact analysis shall be transmitted to the city commission concurrent with its consideration of the proposed project.
- (c) The city's transportation director shall prepare a written transportation analysis, to be submitted to the city commission concurrent with its consideration of the proposed project, using the following criteria:
1. Whether the proposed project provides an effective and efficient connectivity regardless of modality, to provide a direct, seamless, one-seat ride connection from the city to an integrated mobility hub, to reduce transfers and maximize ridership potential for any mode and for all commuters.
 2. Whether the integrated mobility hub associated with the proposed project, if any, addresses parking and transportation needs of the city.
 3. Whether the proposed project involves flexible, non-intrusive technology that can operate at-grade within the city, be expanded throughout the city,

and operate above-grade on either the MacArthur Causeway or Julia Tuttle Causeway.

4. Whether the proposed traffic mitigation plan during construction of the project, if any was provided, addresses the needs of the traffic impacts associated with construction.
5. Whether user fares for the proposed project are anticipated to be affordable and reasonable, and whether the proposed project utilizes a regional fare structure and collection system for ease of use for commuters.
6. Such other issues as the city manager or the city's transportation director may deem appropriate in analysis of the proposed project.

Section 82-418. Committee Review and Public Hearing.

(a) Prior to the city's approval of any proposed mass transit fixed guideway project:

1. The proposed project shall be transmitted to the neighborhood/community affairs committee for its review, following a referral by the city commission; and
2. In addition to review by the neighborhood/community affairs committee pursuant to subsection (a), if the proposed project involves any request for city funding or financing, the proposed project shall also be transmitted to the finance and citywide projects committee for its review, following a referral by the city commission; and
3. The city manager shall hold at least one publicly advertised community outreach meeting with regard to the proposed project, to apprise the public as to the details of the proposed project and its potential impacts; and
4. The city commission shall have read the title of the resolution approving the proposed project on two separate dates, with each reading to be accompanied by a public hearing, which may be set by the city manager and shall be advertised not less than fifteen (15) days prior to said public hearing, to obtain citizen input into the proposed project; and

(b) The proposed project shall require approval by a 5/7ths vote of the city commission.

(c) The conditions of this section 82-418 must be satisfied prior to the city's issuance of any permit for a mass transit fixed guideway project.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. 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. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2019.

PASSED AND ADOPTED this ____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk


Underline denotes additions

~~Strikethrough~~ denotes deletions

~~Double Strikethrough~~ denotes deletions at Second Reading

(Sponsored by Mayor Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RAP* Date 8/27/19