

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS (THE COUNTY) TO EXEMPT THE CITY OF MIAMI BEACH FROM ALL DEVELOPMENT STANDARDS AND MINIMUM FLOOR AREA RATIO REQUIREMENTS IN THE COUNTY'S RAPID TRANSIT ZONE AND SMART CORRIDOR SUBZONE, AS SET FORTH IN CHAPTER 33C OF THE COUNTY CODE, TO AVOID POTENTIAL CONFLICTS BETWEEN THE COUNTY CODE AND THE REQUIREMENTS OF THE CITY'S LAND DEVELOPMENT REGULATIONS AND CITY CHARTER, ELIMINATE ANY UNCERTAINTY RELATING TO THE DEVELOPMENT IMPACTS ASSOCIATED WITH THE COUNTY'S PROPOSED BEACH CORRIDOR/BAYLINK PROJECT (THE BAYLINK PROJECT), AND THEREBY ALLOW THE CITY COMMISSION AND THE CITY'S RESIDENTS TO CONSIDER THE MERITS OF THE BAYLINK PROJECT AS A POTENTIAL MASS TRANSIT OPTION, WITHOUT REGARD TO DEVELOPMENT CONCERNS.**

**WHEREAS**, the City of Miami Beach ("City") consists of densely populated coastal barrier islands; and

**WHEREAS**, since 2001, the City Charter has mandated that voter referendum approval is required prior to approving any increase to the zoned floor area ratio of any property; and

**WHEREAS**, at the February 1, 2023 City Commission meeting, County Commissioner Eileen Higgins and Miami-Dade County ("County") staff presented an update on the proposed Beach Corridor/Baylink Project, and the County's plans to issue a new competitive solicitation for the Baylink Project; and

**WHEREAS**, if approved, the Baylink Project would have potential development implications for the City pursuant to Chapter 33C of the County Code, which includes, among other requirements, certain minimum development and floor area ratio standards for properties located near existing and planned transit corridors and designated urban centers, in order to incentivize the County's policy goal of achieving transit-oriented development; and

**WHEREAS**, although Chapter 33C of the County Code provides the County with the ability to determine that the minimum floor area ratio requirements are incompatible with historic districts or certain residential neighborhoods, the County Code does not expressly exempt the City or provide certainty with respect to the potential application of the County Code to properties located near the proposed Baylink Project; and

**WHEREAS**, to the extent the County Code implicates issues relating to development and municipal home rule authority, such questions only serve to distract attention from the merits of the proposed Baylink Project as a stand-alone mass transit option; and

**WHEREAS**, accordingly, the Mayor and City Commission urge the Miami-Dade County Board of County Commissioners to expressly exempt the City of Miami Beach from the development standards and minimum floor area ratio requirements of Chapter 33C of the County Code, in order to allow the City Commission and the City's residents to consider the merits of the Baylink Project, without regard to development concerns.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby urge the Miami-Dade County Board of County Commissioners (the County) to exempt the City of Miami Beach from all development standards and minimum floor area ratio requirements in the County's Rapid Transit Zone and Smart Corridor Subzone, as set forth in Chapter 33C of the County Code, to avoid potential conflicts between the County Code and the requirements of the City's Land Development Regulations and City Charter, eliminate any uncertainty relating to the development impacts associated with the County's proposed Beach Corridor/Baylink Project (the Project), and allow the City Commission and the City's residents to consider the merits of the County's proposed Project as a potential mass transit option, without regard to development concerns.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2023.


\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Vice Mayor Steven Meiner)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney PAZ

3-20-23  
Date