



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Infrastructure and Land Use**  
**Committee**

January 12, 2011  
2:00 P.M.  
Commission Chamber

Charles Anderson, CPA  
Commission Auditor  
111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Notes  
Infrastructure and Land Use Committee  
Meeting Agenda**

**January 12, 2011**

Written analyses and notes for the below listed items are attached for your consideration:

<b>Item Number(s)</b>
4(A)
5(B)
6(A)
6(B)

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 4(A)  
**File Number:** 110039  
**Committee(s)  
of Reference:** Infrastructure and Land Use Committee  
**Date of Analysis:** January 9, 2011  
**District:** 9

**Summary**

This resolution approves an "Agreement to Purchase Development Rights/Conservation Easement" totaling \$1,600,000 for approximately 80 acres, located at S.W. 300 Street and S.W. 217 Avenue. The Purchase Development Rights Program was established through Resolution 1036-07.

**Background and Relevant Information**

On September 20, 2007, the Board of County Commissioners (BCC), through Resolution 1036-07, established Miami-Dade County's Purchase of Development Rights (PDR) Program. This program utilizes General Obligation Bond proceeds to preserve agricultural land; enables the County to purchase residential development rights from willing property owners; and ensures that related properties remain undeveloped and available for agricultural uses.

**Legislative History**

On July 21, 2009, the BCC, through Resolution 1016-09, modified the PDR. Specifically, the modification required the conservation easement to exist in perpetuity; thereby abolishing the concept of less-than-perpetuity easements as ostensibly implied in the September 2007 legislation. In essence, the modification expressly incorporated "in perpetuity" language to diminish any conception that the landowner's options to exchange or release the easements (under specified conditions), as set forth in the 2007 legislation, are an automatic right; or the easement conveyed will be less than permanent.

On July 21, 2009, the BCC, through Resolution 1017-09, authorized the County Mayor or his designee to enter into a Cooperative Agreement with the United States of America to receive funding from the Farm and Ranch Lands Protection Program for Miami-Dade County's PDR program.

On July 21, 2009, the BCC, through Resolution 1018-09, approved an "Agreement to Purchase Development Rights/Conservation Easement" totaling \$2,380,000 for approximately 85 acres.

**Additional Information**

According to the County's Agricultural Manager, approximately 3,000 solicitations were sent out at the beginning of the program (to every owner of property receiving an agricultural classification from the Property Appraiser); and 64 applications have been received for a total of 4288.78 acres. To date, easements have been acquired on 85 acres and 12 applications totaling 189.45 acres were found not to have qualified for the program.

According to the Office of Capital Improvements staff, the PDR project is funded by the BBC-GOB program totaling \$30 million; this amount is for the entire 15-18 year life span of the BBC-GOB program.

- Overall, the County has spent \$1,253,634.72. The proposed project is currently listed in the Manager's recommendation to be funded from the next bond sale. The funding to be provided within the next 45 months will reflect actual expenditures.

**Attachments:** Pursuant to the County Manager's Office, Exhibits A, B, and C were inadvertently left out during printing. The exhibits are attached to this analysis.

**Prepared by:** Michael Amador-Gil

# Exhibit A

## LEGAL DESCRIPTION

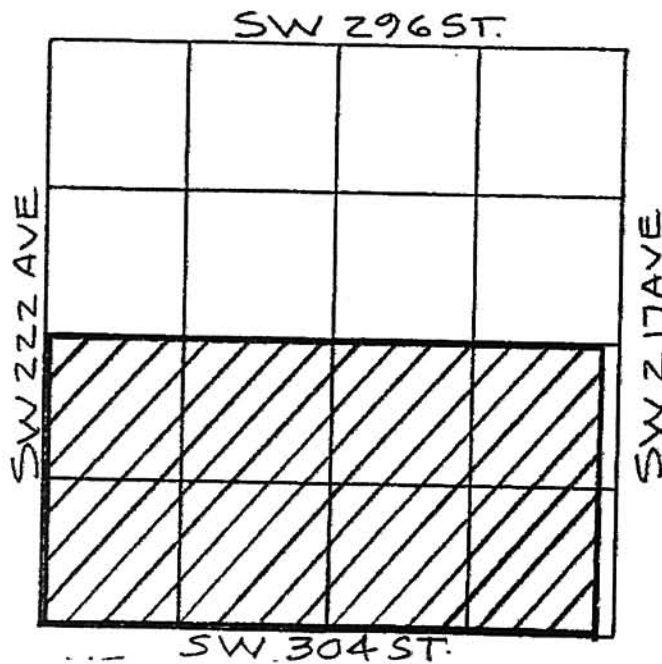
The legal description for the subject property was taken from a boundary survey prepared by Makowski & Wright, Inc., dated August 19, 2004.

The SW1/4 of the NE1/4 of Section 8, Township 57 South,  
Range 38 East, Miami-Dade County, Florida,

And

The SE1/4 of the NE1/4 of Section 8, Township 57 South,  
Range 38 East, Miami-Dade County, Florida, Subject to a  
right of way dedication across the East 35 feet.

00-8019A



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Property Information

## Search By:

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☐ Property Appraiser Tax Estimator

## Summary Details:

Folio No.:	30-7808-000-0010
Property:	
Mailing Address:	DIAMOND I FARMS INC 300 N KROME AVE UNIT #9 PO BOX 343430 FLORIDA CITY FL 33034-3414

## Property Information:

Primary Zone:	8900 UNZONED
CLUC:	0081 VACANT LAND
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	39 ACRES
Year Built:	0
Legal Description:	8 57 38 39.33 AC M/L SE1/4 OF NE1/4 LESS E35FT FOR RD LOT SIZE IRREGULAR OR 17484-3242 1296 5 (6)

## Sale Information:

Sale O/R:	120850342
Sale Date:	3/1984
Sale Amount:	\$2,220,000

## Assessment Information:

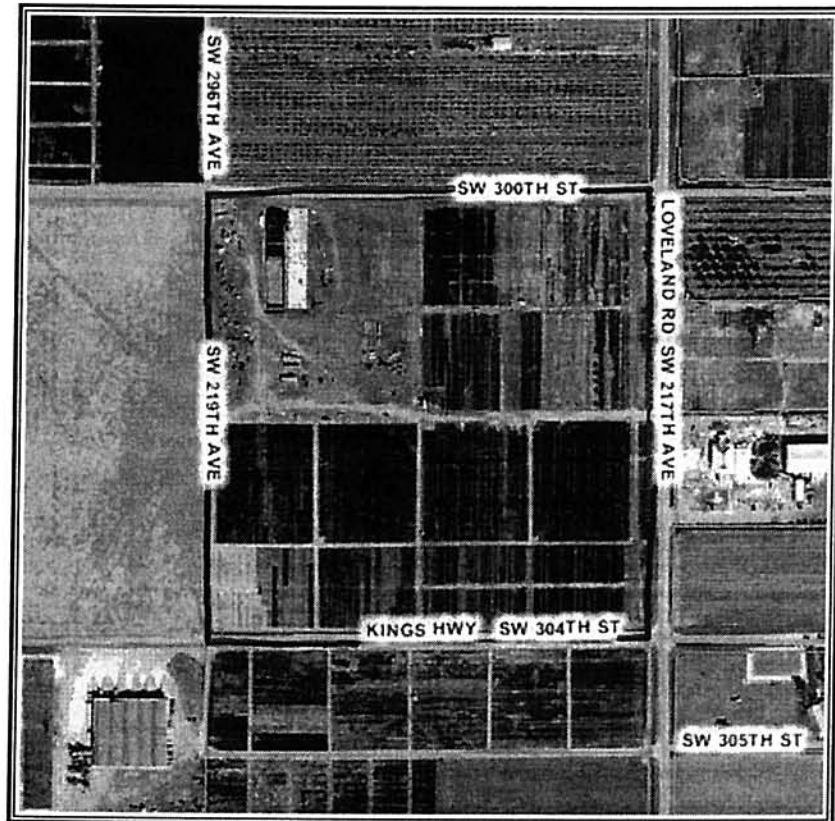
Year:	2008	2007
Land Value:	\$2,163,150	\$2,163,150
Building Value:	\$0	\$0
Market Value:	\$2,163,150	\$2,163,150
Assessed Value:	\$2,163,150	\$2,163,150

## Exemption Information:

Year:	2008	2007
Agricultural:	\$2,064,825	\$2,064,825

## Taxable Value Information:

Year:	2008	2007
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$2,064,825/ \$98,325	\$2,064,825/ \$98,325
	\$2,064,825/	\$2,064,825/



Digital Orthophotography - 2007

0 — 234 ft

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Select Item

☐ Text only

☐ Property Appraiser Tax Estimator

## Summary Details:

Folio No.:	30-7808-000-0020
Property:	
Mailing Address:	DIAMOND I FARMS INC 300 N KROME AVE UNIT #9 PO BOX 343430 FLORIDA CITY FL 33034-3414

## Property Information:

Primary Zone:	8900 UNZONED
CLUC:	0081 VACANT LAND
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	40 ACRES
Year Built:	0
Legal Description:	8 57 38 40.395 AC M/L SW1/4 OF NE1/4 LOT SIZE IRREGULAR OR 17484-3242 1296 5 (6)

## Sale Information:

Sale O/R:	120850342
Sale Date:	3/1984
Sale Amount:	\$2,220,000

## Assessment Information:

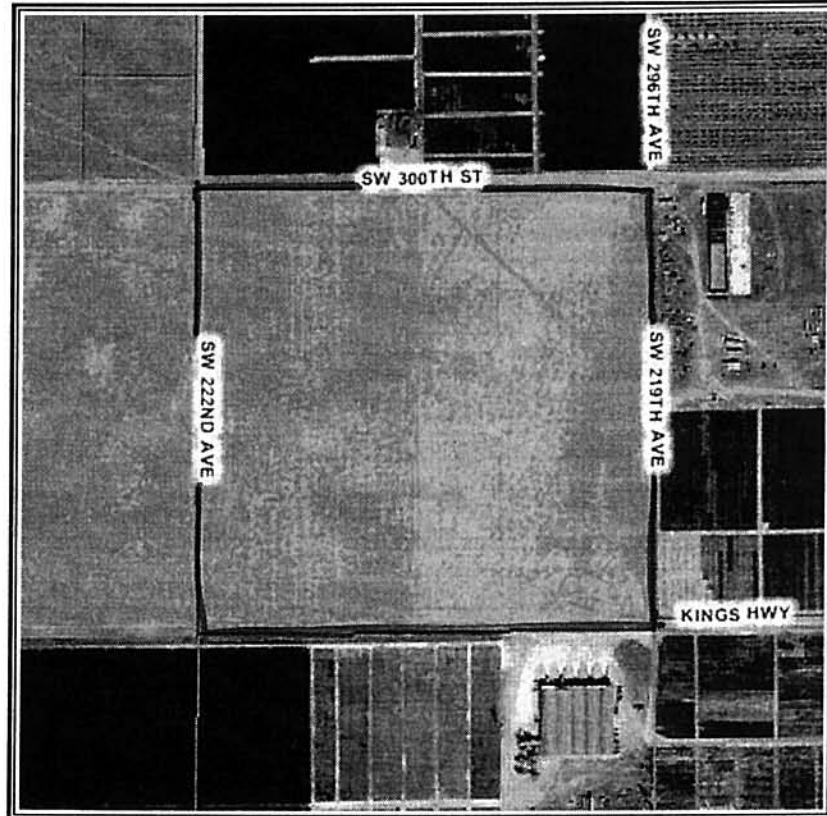
Year:	2008	2007
Land Value:	\$2,019,750	\$2,019,750
Building Value:	\$0	\$0
Market Value:	\$2,019,750	\$2,019,750
Assessed Value:	\$2,019,750	\$2,019,750

## Exemption Information:

Year:	2008	2007
Agricultural:	\$1,918,762	\$1,918,762

## Taxable Value Information:

Year:	2008	2007
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$1,918,762/ \$100,988	\$1,918,762/ \$100,988
County:	\$1,918,762/ \$100,988	\$1,918,762/ \$100,988



Digital Orthophotography - 2007

0 — 234 ft

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If you experience technical difficulties with the Property Information application,  
or wish to send us your comments, questions or suggestions  
please email us at Webmaster.

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Exhibit C  
5 pages

Official Use Only
Cycle:
Eligible: <input checked="" type="radio"/> Y <input type="radio"/> N
R/Date:
CDMP: <u>16</u>
Units: <u>16</u>

## Purchase of Development Rights Property Evaluation Report

Folio Number(s): 30-7808-000-0020 & 30-7808-000-0010

Property Owner(s): Elph Torre - Diamond L Farms, Inc.

Property Address: 30210 SW 217 Ave

The following is for use by Miami-Dade County to evaluate properties for the Purchase of Development Rights (PDR) program applications by landowners interested in voluntarily protecting farmland from development. The PDR program guidelines were approved under Resolution # R-1036-07.

### Eligibility:

To be eligible for the PDR program, a property must meet the following criteria:

- Parcel located in Miami-Dade County: ☒ Y ☐ N
- Property owner submitted a completed application: ☒ Y ☐ N
- Parcel is designated Agriculture or Open Land on Miami-Dade County's Comprehensive Development Master Plan Land Use Plan map (CDMPLU): ☒ Y ☐ N  
Designation: Agriculture
- Property is free of any enforcement activity by Miami-Dade County: ☒ Y ☐ N
- Property is in compliance with Miami-Dade County requirements for minimum lot area: ☒ Y ☐ N
- Property is located outside of the Urban Development Boundary line: ☒ Y ☐ N
- At least 70% of property is in active agriculture: ☒ Y ☐ N
- Available density: ☒ Y ☐ N; Units available: 16
- Viable farmland: ☒ Y ☐ N

Preparer's initials: CH



I. Property Conditions

1. Size of property: 80 Acres; number of tracks 2  
(For separate tracks that are adjacent to each other and part of the same application, the total area may be used for calculation)

2. Predominate soil type: KUGL

Krome Very Gravely Loam

Mari

Chekika Very Gravely Loam

3. Percent of land under cultivation: 90% Use type and acreage for each:  
50% (40 Acres) row crops  
40% (32 Acres) Nursery (8 acres Equipment Storage)

4. Percent of land in natural areas, include type and acreage: 0%

5. Historic agricultural use of property

Property has contained continued agricultural uses for: More Than 20 Yrs.

II. Land Use Factors

1. Percent of area in agriculture and open space use within one mile of parcel: 90%

2. Percent of area within 1 mile of the site in AU or GU Zoning: 90%

3. Distance of parcel from the Urban Development Boundary (in miles): 6

4. Percent of perimeter adjacent to non-agricultural uses: 0%

III. Historic, Archaeological, Scenic and Environmental Qualities

1. Does the property have significant natural features? Y N  
Document & Explain \_\_\_\_\_

2. Does the property have significant archaeological features? Y N  
Document & Explain \_\_\_\_\_

3. Does the property have significant historic features? Y N  
Document & Explain \_\_\_\_\_

4. Is the property a centennial farm? Y N

Preparer's initials: CD

**IV. Proximity to Public Lands**

1. Proximity to permanently protected County or State land. Document properties within 2 miles. If none, list closest property and distance:

Several WPC Forest Communities within  
2 miles of property

2. Proximity to a National Park, with mileage.

Everglades National Park less than 2 miles  
west of property

3. Other protected lands within 2 miles of the property (provide distance and description):

Water Management District land  
within 2 miles of property

**V. Structures**

Does the property contain any structures, signage or improvements. ☒ Y ☐ N

Describe the structures, signage or improvements contained on the property (include use and size):

Fence, 2 pump houses 10x10 each.  
Shed house 50x50, Soil bin 30x10

**VI. Other**

List any additional observations that may assist in the evaluation of this property for the Miami-Dade County Purchase of Development Rights program:

Preparer: Charles LaPrade

Signature: [Signature]

Date: 2-9-09

Preparer: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Preparer: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Preparer's initials: [Signature]

Diamond "I" Farms, Inc

# **EASEMENT MONITORING REPORT FOR PURCHASE OF DEVELOPMENT RIGHTS (PDR)**

Required under Miami-Dade County Resolution # R-1036-07

## **To be filled out by landowner**

Landowner's Last Name <u>Iori, Jr.</u>	First Name <u>Ralph</u>	Middle Initial	Home Telephone Number <u>305-970-2938</u>
Street Address or PO Box Number <u>P.O. Box 343430</u>			
City <u>Florida City</u>	State <u>FL</u>	Zip Code <u>33034</u>	
Business Name (if applicable) <u>Diamond "I" Farms</u>			Business Telephone Number <u>305-986-4958</u>
E-mail address (if applicable)		Best time to call	
Landowner Plans for next year <u>Lemon grove and guava grove</u>			

## **To be filled out by monitor**

Owner contacted <u>prior</u> to the visit? <b>No</b> or <b>Yes</b> (please circle one)	
Has ownership of property changed since the last monitoring? <b>No</b> or Yes (please circle one) If yes, complete the following:	
1) Deed transferred from:	_____
	_____
	_____
2) Deed transferred to:	_____
	_____
	_____
3) Conservation easement referenced in the deed? Yes or No (please circle one)	
<input checked="" type="checkbox"/> Initial Report	<input type="checkbox"/> Annual Report
<input checked="" type="checkbox"/> Photo taken	<input checked="" type="checkbox"/> Detailed review of Easement with Landowner
Current Monitor Date <u>12-17-10</u>	Pervious Monitor Date _____
Owner or owner's representative accompanied the monitor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## PRESENT LAND USE

Agriculture:

Nursery & Row crops

Forest/Natural Area:

Other Uses or Management Activities:

Ag Storage

Have there been any human-made alterations on the property since the last monitor report, i.e., building or road construction, excavations, etc.?

☒ No ☐ Yes If yes, please list:

Are there any proposed alternations that require notification to Miami-Dade County?

☒ No ☐ Yes If yes, please list:

Potential problems or specific areas to visit on future inspections:

NW corner of front 40 acre

## EASEMENT COMPLIANCE

Are there any possible violations of the terms of the easement?

☐ No ☐ Yes If yes, please list:

☐ Attached is a map of the property tracing the monitor route and noting any changes, i.e., new structures, roads or violation.

## CERTIFICATION

I (we) certify that the statements made above are true and accurate representation of the current conditions of the property.

Signature of Monitor

Date

12-17-10

Signature of Team Metro Representative

Date

12-17-10

Signature of Landowner

Date

12-17-10

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 5(B)  
**File Number:** 102733  
**Committee(s) of Reference:** Infrastructure and Land Use Committee  
**Date of Analysis:** January 11, 2011  
**Type of Item:** Ordinance Pertaining to Zoning – Adult Day Care Centers  
**Prime Sponsor:** Commissioner Jose “Pepe” Diaz

**Summary**

This proposed ordinance provides for Adult Day Care Centers in the following zoning districts: Residential Use (RU), Business Use (BU), Office Park District (OPD), and Industrial Use (IU) by amending Miami-Dade County Code.

This item allows for on-site supportive and optional services such as speech, occupational and physical therapy but does not allow for regular physician visits or skilled nursing care; therefore, special-needs elderly who require regular physician visits or skilled nursing care cannot be at this facility.

Currently, the State of Florida mandates the licensing procedures for Adult Day Care Centers. Pursuant to State law, a copy of the license, registration or certificate is necessary prior to the issuance of a Certificate of Use.

This ordinance codifies the use of Adult Day Care Centers in defined zoning districts and does not change or mandate new licensing procedures.

**Miami-Dade County’s Current Policy**

According to the Department of Planning and Zoning (DP&Z), Adult Day Care Centers are not currently addressed in Miami-Dade County’s Zoning Code. Currently, they are reviewed on a case-by-case basis to determine whether the use is substantially similar to another use permitted in the Zoning District, such as a Child Day Care Center.

According to DP&Z, the proposed ordinance will address the current deficiency in the Zoning Code which does not address Adult Day Care Centers. In addition, the proposed ordinance will establish standards for Adult Day Care Centers (in §33-124 of the Code).

Furthermore, the proposed ordinance would allow for Adult Day Care Centers in the following zoning districts: RU-5, RU-5A, BU-1, BU-1A, BU-2, BU-3, IU-1, IU-2, IU-C, and OPD. Of these Districts, according to DP&Z, a public hearing is currently only required in the IU-2 (Industrial, Heavy Manufacturing) and IU-C (Industrial, Conditional) zoning districts. **If the proposed ordinance is adopted, a public hearing would no longer be required for the use of an Adult Day Care Center in the IU-2 and IU-C zoning districts.**

#### Florida Statutes

<b>Adult Day Care Centers</b> <b>Chapter 429, Part III of the Florida Statutes</b> ss. 429.90-429.931	
Definition: Adult Day Care Centers	Any building, buildings, or part of a building, whether operated for profit or not in which is provided through its ownership or management, for a part of a day, <b>basic services</b> to three (3) or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.
Definition: Basic Services	<p>Include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Provides a protective setting that is as non-institutional as possible;</li> <li>• Therapeutic programs of social and health activities and services;</li> <li>• Leisure activities;</li> <li>• Self-care training;</li> <li>• Rest;</li> <li>• Nutritional services; and</li> <li>• Respite care.</li> </ul>
Facilities Exempt from Part III, Florida Statutes	<p>Any facility, institution, or other place that is operated by the Federal Government or any agency thereof.</p> <p>Any freestanding inpatient hospice facility that is licensed by the state and which provides day care service to hospice patients only.</p> <p>A licensed assisted living facility, a licensed hospital, or a licensed nursing home facility may provide services during the day which include but are not limited to social, health, therapeutic, recreational, nutritional, and respite care services to adults who are not residents. Such a facility need not be licensed as an adult day care center; however Statutes dictate monitoring and licensing standards (see s. 429.905(2) <i>f.s.</i>).</p>
License Requirements	<p>Licensing requirements are covered under the Health Care Licensing Procedures Act (ss. 408.801 – 408.832) of the Florida Statutes. In general, licensing requirements include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• The license must be displayed in a conspicuous place readily visible;</li> <li>• The license is valid only for the licensee, provider, and location for which the license is issued;</li> <li>• Licensure fees will be adjusted to provide for biennial licensure under agency rules and applies to each application;</li> </ul>

	<ul style="list-style-type: none"> <li>• The agency will annually adjust licensure fees, including fees paid per bed, by not more than the change in the Consumer Price Index based on the 12 months immediately preceding the increase;</li> <li>• An inspection fee must be paid as required in authorizing statutes; and</li> <li>• A level 2 background screening pursuant to chapter 435, Employment Screening, must be conducted through the agency on each of the following persons, who are considered employees.</li> </ul>
Staff Training	<p>Training includes but is not limited to Alzheimer's disease or dementia-related disorders, and management of problem behaviors.</p> <p>The Department of Elderly Affairs or its designee approves training provided to employees and direct caregivers.</p>
Emergency Management Plan	Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration and the Department of Community Affairs.

**Prepared by:** Elizabeth N. Owens

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**

Legislative Notes



**Agenda Item:** 6(A) & 6(B)

**File Number:** 102596 & 102597

**Committee(s)  
of Reference:** Infrastructure and Land Use Committee

**Date of Analysis:** January 11, 2011

**Type of Item:** Resolution

**Districts:** Countywide

**Summary**

6(A): This resolution calls for a countywide special election in Miami-Dade County for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to:

- Specify the exclusive process, form, content, and method for certification of citizen initiative, referendum process, form, content, and method for certification of citizen initiative, referendum, recall, and charter amendment petitions, *repeal all provisions in current ordinances and resolutions that regulate citizen initiative, referendum, recall, and charter amendment petitions, and provide that the Board of County Commissioners will not adopt any resolutions or ordinance that regulates such.*

*According to the County Attorney's Office, the effect of the charter change would be to eliminate and preclude any ordinance or other legislation that would seek to impose any restriction, clarification or condition on the provisions in the charter regarding initiative, referendum and recall. The only provisions that would be allowed are what currently is in the charter and that which would be added by the amendment.*

6(B): This resolution calls for a countywide special election in Miami-Dade County for the purpose of submitting to the electors of Miami-Dade the question of whether to amend the Home Rule Charter to provide that:

- Effective with the County Commissioner elections in 2010, no person elected for more than two consecutive four-year terms as a County Commissioner will be eligible to qualify for, nor will be elected as, a County Commissioner for the next succeeding term.

*According to the County Attorney's Office, any commissioner who has served two (2) full four year-terms would be ineligible to qualify as a candidate for the next succeeding term. A commissioner who is currently serving and was elected in 2004 and 2008 (continuously serving in that time) would be*



*ineligible to qualify as a candidate in 2012. A commissioner who was appointed to complete a partial term would not meet the definition of full four -year term.*

**Background and Relevant information**

On April 24, 2007, through Resolution 462-07, amended by Resolution 1131-07, Miami-Dade County's Charter Review Task Force (Task Force) was created in order to review the County's Home-Rule Charter and submit recommendations to the Miami-Dade Board of County Commissioners (BCC) setting forth any proposed amendments to the Charter.

According to the final report dated January 29, 2008, the Task Force issued recommendations to the BCC, among those recommendations were the Mayor's and BCC compensation and term limits, initiative referendum, petition and recalls.

Prepared by: Michael Amador-Gil