



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners

Legislative Analysis

August 2, 2011

9:30 A.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**

**Miami-Dade County Board of County Commissioners
Meeting Agenda**

Legislative Analysis

August 2, 2011

Item Number(s)

7C
7L

Acknowledgements:

Bia Marsellos, Legislative Supervisor
Michael Amador-Gil, Senior Legislative Analyst
Jason T. Smith, Senior Legislative Analyst
Mia Marin, Legislative Analyst
Elizabeth Owens, Legislative Analyst

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



Legislative Notes - **REVISED**

Agenda Item: 7(C)
File Number: 111575
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: July 28, 2011
Prime Sponsors: Commissioners Jose "Pepe" Diaz and Lynda Bell
Type of Item: Zoning Amendments

Summary

At the July 13, 2011, Infrastructure and Land Use Committee (ILUC) meeting, the proposed ordinance was amended to do the following:

- *Clarify the language on flooding, wetland regulations, and the Comprehensive Development Master Plan (CDMP);*
- *Add language to allow the raising or keeping of rabbits; and*
- *Reorganize the ordinance so that the Certificate of Use (CU) requirement for certain number of animals appears in section (b) instead of the now deleted section (d).*

This ordinance does the following:

- Amends §33-279 of the Miami-Dade County Zoning Code (Code), modifying requirements for Hog Farms or Hog Raising in areas zoned Agriculture (AU); and
- Creates §33-279.1 of the Code, authorizing certain agricultural uses in the Open Land Subareas 1 and 4, as designated in the CDMP. *Open Land is the CDMP designation for certain areas located outside the Urban Development Boundary (UDB).*
- Requires a CU for the property where the raising or keeping of cow, horses, or other equine animals, goat, sheep, chickens, poultry, rabbits or fowl is in excess of the thresholds specified.

Current Code §33.279 – Uses Permitted in the AU District

Section 33.279 of the Code states that a public hearing is required in order to have a hog farm or raise any number of hogs (even one (1)) in the AU district. *The AU zoning district allows agricultural uses and single family residences on five-acre lots and every customary use associated with it, including pools, shed, private garages, carports, etc¹.*

¹ DP&Z - Zoning Information Pamphlet.

The proposed ordinance amends §33.279 of the Code to require a public hearing for hog raising in **excess** of two hogs.

According to DERM, they have no objection to keeping a few animals per site as part of this zoning code change. For higher densities that require a CU or public hearing, DERM would provide review for proper storm water retention and waste stream management.

In addition, the proposed ordinance creates §33.279.1 of the Code to specify that the lands within Subareas 1 and 4 are prone to flooding and that the County does not provide flood protection for properties in these areas, nor does the County have plans to provide flood protection in the future. This section also provides a breakdown of the following:

- Residential uses permitted [§33.279.1(a)];
- Uses permitted including those requiring a CU for the property where the uses are to be conducted and the CU submittal package includes a site plan which indicates, at a minimum, onsite storm-water retention areas and waste stream management [§33.279.1(b)]; and
- Uses permitted only upon approval after public hearing [§33.279.1(c)].

Subareas 1 and 4 are two geographic agricultural areas of the County designated as Areas of Critical Environmental Concern. They are zoned either Agriculture (AU) or General Use (GU). When zoned GU the zoning would correspond to the surrounding area and in this case, the surrounding area is zoned AU; therefore, agricultural uses would apply.

Background Information

One of the concerns discussed during the July 13, 2011, ILUC meeting is enforcement for the proposed amendments. According to the Department of Building and Neighborhood Compliance (BNC), enforcement will be difficult for the following reasons:

- IF two (2) allowable hogs produce off-springs, what are the appropriate measures that the County can take – i.e. removal after gestational period, fines, etc.; and
- Florida Statutes – Exemption of Nonresidential Farm Building
 - Sections 553.73(7)(c)[1] and 604.50, *Florida Statutes*, exempt nonresidential farm buildings located on a farm from the Florida Building Code and any county or municipal building code, making building permits unnecessary for such buildings.

Additional Information

In order for this proposed ordinance to come before the Board of County Commissioners (BCC), an amendment to the CDMP was required to make changes to the Code pertaining to Open Land Subareas 1 and 4. Through the adoption of Application No. 9, October 2009 CDMP Amendment Cycle, and Application No. 5, April 2010 CDMP Amendment Cycle, the proposed agricultural uses in the Open Land Subareas 1 and 4 can be addressed in this item as a zoning code amendment.

Open Land Subarea 1 – Snake Biscayne Canal Basin is located in District 12. The October 2009 CDMP Amendment Cycle, Application No. 9, provides a description of the area and the adopted CDMP text amendment.

Open Land Subarea 4 – East Everglades is located in District 9. The April 2010 CDMP Amendment Cycle, Application No. 5, provides a description of the area and the adopted CDMP text amendment.

DERM collaborated with DP&Z during CDMP changes and more recently with the proposed zoning code changes related to additional agriculture in open lands sub areas 1 and 4.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 7L

File Number: 111236

**Committee(s)
of Reference:** Board of County Commissioners

Date of Analysis: July 27, 2011

Sponsor: Commissioner Bruno A. Barreiro

Co-Sponsors: Commissioner Audrey M. Edmonson
Commissioner Barbara J. Jordan

Summary

This ordinance amends Section 2-8.1 (b) of the Code of Miami-Dade County to increase the delegated authority of the Mayor or Mayor’s designee to award and reject bids or proposals for contracts under the Office of Capital Improvement (OCI) Miscellaneous Construction Contracts (MCC) Program from \$2.5 million to \$5 million.

The MCC Program is widely used by capital departments for implementation of construction projects including renovations, repairs and maintenance and has been instrumental in expediting projects, generating jobs and sustaining small businesses during the economic downturn.

Background and Relevant Information

According to the Manager’s Memo, staff worked with the County Attorney’s Office to explore alternatives that would expedite both BBC-GOB projects and any other projects eligible for expediting.

One of the alternatives considered was increasing the delegated authority for the Mayor or Mayor’s designee under the MCC Program from \$2.5 million to \$5 million, which would allow a greater number of projects to be implemented under the MCC Program.

According to OCI staff, the MCC program is widely used by departments for projects costing less than \$2.5 million. It is anticipated that there will be approximately 10% increase in MCC usage by increasing the ceiling limit. The MCC is an additional tool that departments can use to procure capital services. It allows departments to get a contractor on board faster than going the traditional method.

Staff estimates that this increase in delegated authority will save an additional three to four months beyond the time savings already being realized in the Economic Stimulus Plan Program.

MCC Legislative History

Date	Ord/Reso	Description
7/1/2008	Ord. 08-81	Amended Section 2-8 of the County Code increasing the authority to award and reject MCCs designed to provide opportunities to Community Small Business Enterprises <i>from \$1 million to \$2.5 million.</i> This ordinance had a sunset provision one year after the effective date of this ordinance.
11/3/2009	Ord. 09-101	Revised and codified the County's MCC Program. The modified MCC Program: (1) increased oversight responsibilities; (2) updated contract language in accordance with current legislation; (3) created on-line module to facilitate the vendor registration process; (4) made certain clarifications as to the contractual relationship between the County and the contractor; and (5) modified the procurement methodology. Under the modified MCC Program there will be an Overall Program Expenditure Limit (OPEL).
6/3/2010	Ord. 10-40	Extended the delegated authority to award and reject MCC for an additional two years.
5/3/2011	R-352-11	Approved a new OPEL of \$450 million for the MCC Program.

Additional Information

According to OCI staff, from January 1, 2010 to date, OCI had 1,288 Request for Price Quotation (awards) of those, 1,264 were under \$1 million and 24 were between \$1 and \$2.5 million. Based on a survey conducted by OCI of user departments, it is anticipated that there will be approximately 10% increase in MCC usage by increasing the ceiling limit to \$5 million.

In response to questions posed by the Office of the Commission Auditor, Office of Strategic Business Management staff provided the following information:

- 1. Was there an analysis conducted by OCI staff showing that this will generate jobs and spur recovery? If so, please provide the figures.** *No study/analysis was done. However, the focus of this change in ordinance is not as much to create additional jobs but to shorten the processing time of awarding contracts by putting money back into the local construction industry, while taking advantage of the current pricing availability in capital costs*
- 2. How will this impact smaller CSBE firms?** *We do not anticipate that this amendment will negatively impact smaller firms. In fact, at least 60% of projects let under MCC are under \$10K - a level which affords the greatest amount of opportunities to smaller CSBEs. It is anticipated that the higher threshold would result in increased opportunities for larger CSBEs (Levels 2 & 3) that typically see fewer sheltered market opportunities as they grow.*
- 3. In regards to the proposed item, has OCI notified the industry? If so, please provide any feedback.** *Yes, OCI notified the industry and they are in support of the increased ceiling.*
- 4. How would this item impact the current process on the implementation of BBC-GOB projects?** *This will accelerate the awarding of construction projects within the ceiling.*

Prepared by: Michael Amador-Gil