

MEMORANDUM

Agenda Item No. 13(F)

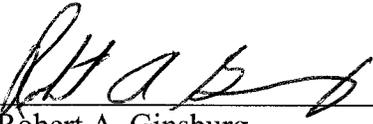
TO: Honorable Chairperson and Member
Board of County Commissioners

DATE: July 22, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance related to
zoning; permitting Arts
Foundation in RU-5A
District

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 22, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(F)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 13(F)

Veto _____

7-22-03

Override _____

ORDINANCE NO. _____

ORDINANCE RELATED TO ZONING; AMENDING SECTIONS 33-1 AND 33-223.6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING ARTS FOUNDATION; PERMITTING ARTS FOUNDATION IN RU-5A DISTRICT SUBJECT TO CONDITIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. Definitions.

* * *

>>(9.1) Arts Foundation. A facility containing offices, lecture and seminar rooms, exhibition areas, as well as artists' work studios, all of which is operated by a non-profit organization dedicated to the promotion of the visual arts and artists through the exhibition and presentation of the foundation's artists' works.<<

* * *

Section 2. Section 33-223.6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amended proposal. Remaining provisions are now in effect and remain unchanged.

Sec. 33-223.6. Uses Permitted.

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RU-5A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

* * *

>>(8.1) Arts foundations as defined in Section 33-1(9.1), subject to the following conditions:

- (a) That the main offices of the foundation, related lecture and seminar rooms, together with the art exhibition space, shall be the principal uses located on the premises, occupying in excess of 50% of the gross floor area.
- (b) That the art display areas shall be for the exhibition of artwork created by artists who are sponsored by the foundation, and all artwork displayed shall be of the visual arts only.
- (c) That all art exhibitions shall be conducted within the principal structure.
- (d) That there shall be a maximum of six art shows per year, and each show shall be limited to a four-week duration.
- (e) That off-street parking requirements for the art display area shall be calculated at one parking space for every 250 square feet, or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code.
- (f) That the sale of art shall be prohibited.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. 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. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

DK/JAC

Dennis A. Kerbel

Sponsored by Commissioner Bruno A. Barreiro