MEMORANDUM

GOE
AGENDA ITEM NO. 3(B)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: February 10, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to zoning; amending Sec. 33-1 to define construction debris

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.

Robert A. Ginsburg
County Attorney

RAG/bw

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: February 3, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

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
Veto _____
Override _____

Agenda Item No. 13(H)
2-3-04

ORDINANCE NO._____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO DEFINE CONSTRUCTION DEBRIS MATERIALS RECOVERY TRANSFER FACILITY; AMENDING SECTION 33-262 PERMITTING CONSTRUCTION DEBRIS MATERIALS RECOVERY TRANSFER FACILITIES IN IU-2 DISTRICT; 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 as follows:[1]

Sec. 33-1. Definitions.

* * *

>>(31.1) *Construction debris materials recovery transfer facility.* The term construction debris materials recovery transfer facility shall mean a solid waste management facility that provides for the processing of construction and demolition debris and the extraction of recyclable materials therefrom.<<

* * *

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

Section 2. Section 33-262 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-262. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter constructed, reconstructed or structurally altered, maintained or moved in any IU-2 District, which is designed, arranged or intended to be used for any purpose, unless otherwise provided herein, except for one (1) or more of the following uses:

* * *

>>(11) Construction debris materials recovery transfer facility, provided such use shall be conducted entirely within an enclosed building.<<

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 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: JM

John McInnis

Sponsored by Commissioner Jose "Pepe" Diaz