

# MEMORANDUM

Agenda Item No. 7(c)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

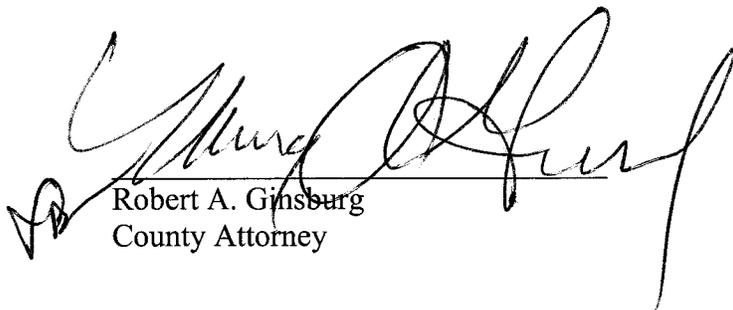
(Second Reading 06-07-05)  
**DATE:** April 5, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance pertaining to  
zoning; amending Sec.  
33-282 modifying setbacks  
and spacing requirements  
for horticultural nursery  
buildings

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.



Robert A. Ginsburg  
County Attorney

RAG/bw

# Memorandum



**Date:** June 7, 2005

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

**Subject:** Ordinance amending Section 33-282 of the Code; modifying setbacks and spacing requirements for horticultural nursery buildings

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This ordinance amending Section 33-282 of the Code of Miami-Dade County modifying setbacks and spacing requirements for horticultural nursery buildings will not have a fiscal impact to Miami-Dade County.

This item, however, may have a positive impact to the agriculture industry by decreasing the required setbacks resulting in an increase in arable land utilized for its primary intent; farming.

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the Assistant County Manager.

Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** June 7, 2005

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(C)

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. 7(C)

06-07-05

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING;  
AMENDING SECTION 33-282 OF THE CODE OF  
MIAMI-DADE COUNTY, FLORIDA; MODIFYING  
SETBACKS AND SPACING REQUIREMENTS FOR  
HORTICULTURAL NURSERY BUILDINGS;  
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 33-282 of the Code of Miami-Dade County, Florida is hereby  
amended as follows:<sup>1</sup>

**Sec. 33-282. Setbacks and spacing.**

(a)>>(1)<< Minimum setback requirements for the one-acre lots or larger  
shall be as follows:

From front property line, fifty (50) feet.  
From rear property line, twenty-five (25) feet.  
From interior side property line, fifteen (15) feet.  
From side street property line, twenty-five (25) feet.

>>(a)(2)<< Minimum setback requirements for the smaller lots (ten  
thousand (10,000) square foot lots to one (1) acre shall be as  
follows:

From front property line, twenty-five (25) feet.  
From rear property line, twenty-five (25) feet.  
From interior side property line, fifteen (15) feet.  
From side street property line, twenty-five (25) feet.

(b) Minimum setbacks ~~[[from]]~~ >>for<< accessory buildings are:

<sup>1</sup> 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.

From front property line, seventy-five (75) feet.  
From rear property line, seven and one-half (7 1/2) feet.  
Between buildings on same lot, parcel or tract of land, twenty (20) feet.  
From interior side property line, twenty (20) feet.  
From side street property line, thirty (30) feet.

- >>(c) Minimum setbacks for horticultural nursery buildings, without a solid roof, consisting of but not limited to vertical poles or slats and cables draped with plastic screening or other similar materials, that are used for the production of plant material:

From front property line, thirty (30) feet.  
From rear property line, seven and one-half (7 1/2) feet.  
From interior side property line, seven and one-half (7 1/2) feet.  
From side street property line, fifteen (15) feet.  
There shall be no minimum spacing requirement.<<

- >>(d)<< Horticultural nursery buildings >>with a solid roof<< shall comply with accessory building setbacks, except that no minimum spacing need be provided between such structures on the same property and ~~[[except that agricultural shade houses]]~~ >>such structures<< may be constructed to within thirty (30) feet of the front property line.

- >>(e)<< Buildings housing poultry shall comply with accessory building setbacks (except as otherwise provided in Section 33-279, item 13 above), except that no minimum spacing need be provided between such buildings on the same property. Fence enclosures for poultry shall be the same as other fence requirements in this district.

- >>(f)<<[[~~(e)~~]] Hogs, cattle and other stock shall not be placed closer than two hundred fifty (250) feet to a residential district and no enclosure for hogs shall be closer than five hundred (500) feet to a residence under separate and different ownership. No hogs, cattle or other stock shall be permitted closer than ten (10) feet to any highway right-of-way.

**Section 2.** 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 3.** 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 4.** 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:



Prepared by:



Craig H. Coller

Sponsored by Commissioner Katy Sorenson