

MEMORANDUM

BPS -- October 13, 2009
Agenda Item No. 2B

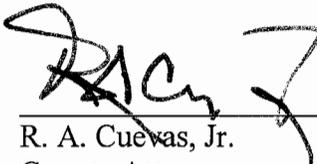
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE:

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
Zoning; establishing definition
of Commuter College;
establishing regulations and
zoning districts where
permitted; exempting from the
requirements of private
colleges and universities

The accompanying ordinance was prepared and placed on the agenda at the request of
Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: September 1, 2009

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(A)

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 Mayor'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. 4(A)
9-1-09

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; ESTABLISHING DEFINITION OF COMMUTER COLLEGE; ESTABLISHING REGULATIONS AND ZONING DISTRICTS WHERE PERMITTED; EXEMPTING FROM THE REQUIREMENTS OF PRIVATE COLLEGES AND UNIVERSITIES; 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.

* * *

(30.1) *Community residential home.* A dwelling unit licensed to serve clients of the State of Florida Department of Health and Rehabilitative Services, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family. Supervisory and supportive staff as may be necessary to meet the physical, emotional, and social needs of the resident clients shall be excluded from said count.

>>(30.2) *Commuter college/university.* Any private college or university campus which is intended primarily to meet the needs of part-time and working students, which is located within a shopping center or office park, and which meets the

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.

following criteria: i) the campus is designed without any residential dormitories, athletic facilities, performance venues, and other facilities which are typically provided in college campuses to service full-time students, and ii) the square footage of all college and university campuses within the shopping center or office park consists of no more than 150,000 square feet of total building space or 10% of the square footage of the shopping center or office park, whichever is lower. A cafeteria/food court and school store selling new and used books and sundries for the convenience of students shall be considered as an ancillary use in connection with commuter college/university facilities provided that the square footage of such uses does not exceed ten (10) percent of the total square footage of the facility.<<

* * *

Section 2. Section 33-151.14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-151.14. Private colleges and universities.

* * *

>>(C) Exception for Commuter Colleges/Universities. The requirements set forth in subsection (a) above or any other section of this Article shall not apply to commuter colleges/universities.<<

Section 3. Section 33-253 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-253. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:

* * *

>>(2.05) Commuter Colleges/Universities.<<

* * *

Section 4. Section 33-259 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-259. Uses permitted.

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

* * *

>>(24.1) Commuter Colleges/Universities.<<

* * *

Section 5. Section 33-268 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-268. Permitted uses.

No land, body of water, or structure in an IU-C District shall be used or permitted to be used, and no structure shall be erected, constructed, moved or reconstructed, structurally altered, used, occupied or maintained for any purpose (except as a legal nonconforming building or use), except for one (1) or more of the uses hereinafter enumerated, and then only in accordance with the conditions hereinafter set forth:

(1) Every use permitted in the IU-1 District, except adult entertainment uses as defined in Section 33-259.1, and private schools and nonpublic educational facilities as defined in Section 33-151.11 are prohibited in the IU-C District, and every use permitted in the IU-3 Districts (uses permitted in IU-2 District specifically prohibited) and all other industrial uses similar in character shall be permitted in the IU-C District, and shall include utility plants and substations such as, but not limited to, sewage, water, power, communications and gas. >>Notwithstanding the preceding sentence, commuter colleges/universities are permitted within the IU-C District.<<



Section 6. 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 7. 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 8. 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:



Joni Armstrong Coffey

Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz