



MEMORANDUM

Agenda Item No. 7(B)

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

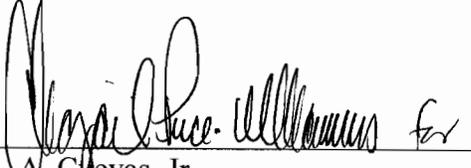
DATE: (Second Reading 2-2-10)
December 1, 2009

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

SUBJECT: Ordinance amending Sections 33-314
and 33-422 of the Code, to define
bona fide rockmining and to grant
Board of County Commissioners
direct jurisdiction to hear unusual use
zoning applications for lake
excavations to expand bona fide
rockmining operations

This substitute differs from the original item to clarify that Class I and Class IV environmental permit applications shall be heard by the Board of County Commissioners in conjunction with applications for zoning approval for lake excavations to expand bona fide rockmining operations. Additionally, certain provisions have been renumbered and certain provisions not being amended were deleted as unnecessary.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: February 2, 2010

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

From: George M. Burgess
County Manager

Subject: Ordinance Amending Sections 33-314 and 33-422 of the Code, to define bona fide rockmining and to grant the BCC direct jurisdiction to hear unusual use zoning applications

The proposed legislation amending Sections 33-314 and 33-422 of the Code, to define "bona fide rockmining" and grant the BCC jurisdiction to hear unusual use zoning applications, will not result in a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alex". The signature is written in a cursive, flowing style.

Alex Munoz, Assistant County Manager

fis02510



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** February 2, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr.  **SUBJECT:** Agenda Item No. 7(B)
County Attorney

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
2-2-10

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 33-314 AND 33-422 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ("CODE"), TO DEFINE BONA FIDE ROCKMINING AND TO GRANT BOARD OF COUNTY COMMISSIONERS DIRECT JURISDICTION TO HEAR UNUSUAL USE ZONING APPLICATIONS FOR LAKE EXCAVATIONS TO EXPAND BONA FIDE ROCKMINING OPERATIONS AND TO HEAR ASSOCIATED CLASS I AND CLASS IV PERMIT APPLICATIONS; 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 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:^{1, 2}

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

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.

² Section 1 of this substitute differs from the original to clarify that Class I and Class IV environmental permit applications shall be heard by the Board of County Commissioners in conjunction with applications for zoning approval for lake excavations to expand bona fide rockmining operations. Additionally, certain provisions have been renumbered and certain provisions not being amended were deleted as unnecessary.

* * *

(11.1) >>Notwithstanding the provisions of Section 33-13(e) of this code, applications for unusual uses for lake excavations to expand bona fide rockmining operations, as defined in Section 33-422(3) of the Code, onto property contiguous and immediately adjacent to existing bona fide rockmining operations; associated Class I and Class IV permits applications as defined in Section 24-48.1; and all applications<< [[Applications]] for uses ancillary to bona fide rockmining pursuant to Section [[33-154(e)] >>33-422(c)<< of this Article.

* * *

Section 2. Section 33-422 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-422. Uses Permitted by This Article.

* * *

>>(3) For the purposes of this Article, "bona fide rockmining" means the commercial extraction of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.<<

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:

APW

Prepared by:

CAC

Craig H. Coller

Prime Sponsor: Commissioner Joe A. Martinez