



MEMORANDUM

Agenda Item No. 7(D)

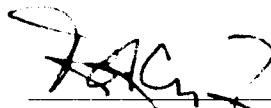
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

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

SUBJECT: Ordinance permitting bed and
breakfast establishments in the
AU (Agricultural) Zoning
District subject to certain
restrictions; providing standards;
amending Sections 33-1, 33-124
and 33-279 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Department of Planning and Zoning, and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Katy Sorenson and Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney


RAC/cp

Memorandum



Date: March 2, 2010

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

From: George M. Burgess
County Manager 

Subject: Proposed Zoning Ordinance Amending Sections 33-1, 33-124 and 33-279 of the Code to Provide for Bed and Breakfast Establishments in AU (Agricultural) Zoning District

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance amending Sections 33-1, 33-124 and 33-279 of the Code to provide for bed and breakfast establishments in AU (Agricultural) zoning district.

Scope

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

The Department of Planning and Zoning will administer the implementation of this ordinance.

Background

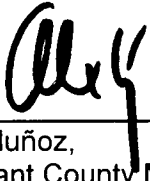
To assist the agricultural industry to be economically viable in the face of changing characteristics and increased pressure to convert agricultural lands to urban use, the Board of County Commissioners (BCC) adopted on April 24, 2007 Resolution No. R-436-07. This resolution directed County staff to conduct a fact finding mission, to develop a set of strategies to promote agri-tourism, and to find possible ways to diversify agriculture. On December 12, 2007, County Staff presented a report to the BCC outlining the findings of the fact finding mission and laying out a plan of action to address some of the challenges being faced by the County's agricultural community.

It is estimated that an average of two million visitors pass through the south Miami-Dade area every year on their way to destinations such as the Florida Keys, Everglades and Biscayne National Parks. The attached ordinance and the two other accompanying ordinances are designed to provide the local farmers with the tools necessary to attract a segment of those visitors passing through the area. These ordinances are designed to

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
Page 2

remove impediments from the zoning code to allow for additional agricultural-related uses and to encourage agri-tourism.

The attached ordinance will allow local farmers to use their owner-occupied properties with an agricultural property tax classification for bed and breakfast establishment to attract people who are interested in learning more about agriculture and who would enjoy the unique landscape of South Florida.



Alex Muñoz,
Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: March 2, 2010

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

SUBJECT: Agenda Item No. 7(D)

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(D)
3-2-10

ORDINANCE NO. _____

ORDINANCE PERMITTING BED AND BREAKFAST ESTABLISHMENTS IN THE AU (AGRICULTURAL) ZONING DISTRICT SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING STANDARDS; AMENDING SECTIONS 33-1, 33-124 AND 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes described in the accompanying memorandum,

NOW, THEREFORE, 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 is hereby amended as follows:¹

Sec. 33-1. Definitions.

* * *
>>(12.2) Bed and breakfast establishment. A bed and breakfast establishment is an owner-occupied single family dwelling offering transient accommodations and meals for paying guests.<<

* * *
Section 2. Section 33-124 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-124. Standards.

Off-street parking shall be provided in accordance with the following minimum standards:

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.

- (c) *Motels, tourist courts >>, bed and breakfast establishments, << and transient accommodations.* One (1) parking space for each individual sleeping room or bedroom.

* * *

Section 3. Section 33-279 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-279. Uses permitted.

No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or be permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in an AU District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:

- (1) All uses, except golf courses, permitted in the RU-1, EU-M or EU-1 Districts and subject to the restrictions thereof not inconsistent with this article.
- >>(1.1) A bed and breakfast establishment shall be permitted subject to the following limitations.
- (a) The facility shall be owner-occupied and located in property that is subject to a lawful agricultural property tax classification and designated in the Comprehensive Development Master Plan for Agriculture, except as provided in (k) below.
 - (b) No more than six (6) bedrooms shall be allocated for rental and no more than six (6) bedrooms shall be rented out per 24-hour period.
 - (c) The bed and breakfast establishment use may be conducted from both a principal residence and a legally established accessory guest house detached from the principal residence.
 - (d) The maximum length of total stay for any bed and breakfast guest shall be 30 days per consecutive 12-month period.
 - (e) No cooking facilities shall be permitted in any of the bedrooms available for rent.

- (f) Meals will be served only for overnight guests.
- (g) The property owner shall obtain a certificate of use from the Department and promptly renew the same annually.
- (h) Regarding compliance with the applicable provisions of Chapter 24 of this code only, bed and breakfast establishments shall be considered residential establishments.
- (i) The property owner shall obtain and maintain the appropriate licenses for operating a bed and breakfast establishment from the State of Florida, including the Department of Business and Professional Regulation, Division of Hotels and Restaurants, or successor agency, if applicable.
- (j) The property owner will maintain the single-family residential appearance of the bed and breakfast establishment.
- (k) If designated historic by the by the Miami-Dade County Historic Preservation Board, structures located on a property designated Agriculture and situated outside the Urban Development Boundary of the Comprehensive Development Master Plan Land Use Plan Map shall be exempt from the requirement of (a) above, except that the establishment shall be owner-occupied.<<

Section 5. 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 6. 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 7. 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:

JAC

Joni Armstrong Coffey

Co-Sponsor: Commissioner Audrey M. Edmonson
Co-Sponsor: Commissioner Carlos A. Gimenez
Co-Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Katy Sorenson
Co-Sponsor: Senator Javier D. Souto