



MEMORANDUM

Agenda Item No. 7(E)

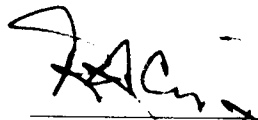
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

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

SUBJECT: Ordinance amending
Section 33-279 of the Code
to permit certain additional
uses that are ancillary to
an ongoing agricultural use or
directly supportive of
agriculture in the AU
(Agricultural) Zoning District

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

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

Subject: Proposed Zoning Ordinance Amending Sec. 33-279 of the Code to Provide for Uses Ancillary to and Directly Supportive of Agriculture in the AU (Agricultural) Zoning District

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance amending Section 33-279 of the Code in order to provide for ancillary to agricultural use and directly supportive to agriculture uses in the 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
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remove impediments from the zoning code to allow for additional agricultural-related uses and to encourage agri-tourism.

The attached ordinance expands and clarifies the list of ancillary uses to agriculture and directly supports agriculture uses in the zoning code. The Comprehensive Development Master Plan was appropriately amended last year to allow for these changes to be consistent with the master plan.



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(E)

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

Agenda Item No. 7(E)

Veto _____

3-2-10

Override _____

ORDINANCE NO _____

ORDINANCE AMENDING SECTION 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PERMIT CERTAIN ADDITIONAL USES THAT ARE ANCILLARY TO AN ONGOING AGRICULTURAL USE OR DIRECTLY SUPPORTIVE OF AGRICULTURE IN THE AU (AGRICULTURAL) ZONING 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 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows¹:

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:

* * *

>>(22) Uses ancillary to and directly supportive of agriculture.

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.

(a) The following uses shall be permitted on property meeting the requirements of this section when ancillary to an ongoing agricultural use:

- (1) The packing, processing and sale of agricultural goods or products from the State of Florida.
- (2) Farm tours, farm meals, cooking classes, agricultural workshops, agricultural education and agri-tourism.
- (3) Farmers' markets, restricted to the sale of fruits, vegetables, live farm animals, and plants, as well as products derived directly therefrom.
- (4) Uses determined by the Director to be similar to those enumerated above. In determining similarity between a proposed use and the uses enumerated above, the Director shall be guided by whether the proposed use is ancillary to and directly supportive of agriculture.

(b) The following uses that are directly supportive of agriculture shall be permitted on property meeting the requirements of this section and subject to the provisions of Chapter 24 of this code:

- (1) The sale of farm supplies.
- (2) The sale and service of farm machinery and implements.

(c) All uses permitted in (a) and (b) above shall be subject to the following requirements:

- (1) The property shall be designated Agriculture in the Comprehensive Development Master Plan Land Use Plan Map and shall be utilized for a bona fide agricultural use as evidenced by an agricultural property classification approved by the Miami-Dade County Property Appraiser's Office.
- (2) The property or business owner shall obtain a certificate of use for the ancillary agricultural use from the Department and promptly renew the same annually.<<

* * *

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 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 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:

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