

MEMORANDUM

Agenda Item No. 4(A)

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

DATE: June 15, 2010

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

SUBJECT: Ordinance pertaining to zoning regulation of certain medical uses; providing definitions; permitting sleep testing diagnostic centers in the RU-5, RU-5A, all BU, all IU and OPD zoning districts, subject to conditions; permitting medical urgent care centers in all BU, all IU and OPD zoning districts, subject to conditions

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM
(Revised)

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

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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. 4(A)
6-15-10

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING REGULATION OF CERTAIN MEDICAL USES; PROVIDING DEFINITIONS; PERMITTING SLEEP TESTING DIAGNOSTIC CENTERS IN THE RU-5 (RESIDENTIAL-SEMI-PROFESSIONAL), RU-5A (SEMI-PROFESSIONAL), ALL BU (BUSINESS), ALL IU (INDUSTRIAL) AND OPD (OFFICE PARK) ZONING DISTRICTS, SUBJECT TO CONDITIONS; PERMITTING MEDICAL URGENT CARE CENTERS IN ALL BU (BUSINESS), ALL IU (INDUSTRIAL) AND OPD (OFFICE PARK) ZONING DISTRICTS, SUBJECT TO CONDITIONS; 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.

* * *

>>**(69.08) Medical urgent care center:** A medical facility where ambulatory patients with pressing, but not life-threatening, medical problems are furnished predominantly non-scheduled, urgent care services and receive initial treatment by physicians, dentists or other medical personnel, where the duration of such treatment at the facility must not exceed 16 hours for any patient, and where no patient is allowed entry into the facility outside the facility's approved hours of operation.<<

* * *

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.

>>(97.01) Sleep testing diagnostic center: A facility at which sleep testing diagnostic services are offered to the general public solely for the identification and diagnosis of medical conditions, at which no medical treatment is provided, and at which no individual undergoing sleep testing diagnostic services shall be permitted to stay or undergo diagnostic services for more than 16 hours in any 24-hour period. <<

* * *

Section 2. Section 33-124 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-124. Standards.

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

* * *

(e) ~~[[Reserved.]]~~>> Sleep testing diagnostic centers and medical urgent care centers:

- (1) Sleep testing diagnostic centers. At least one (1) parking space for each two hundred (200) square feet of gross floor area, or fractional part thereof.
- (2) Medical urgent care centers. At least one (1) parking space for each two hundred (200) square feet of gross floor area, or fractional part thereof.<<

* * *

Section 3. Section 33-223.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-223.1. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an **RU-5 District** which is designed, arranged, or intended

to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

* * *

>>(42.1) Sleep testing diagnostic center, provided that its size shall not exceed: (a) 4,000 gross square feet when located on a parcel having a gross area of less than one acre; or (b) 6,500 gross square feet when located on a parcel having a gross area of one acre or greater. Where a sleep testing diagnostic center that is located on less than one-half acre is adjacent to a residential use, the exterior of the center shall be compatible with the residential character of the area.<<

* * *

Section 4. Section 33-223.6 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-223.6. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an **RU-5A District** which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

* * *

>>(38.1) Sleep testing diagnostic center, provided that its size shall not exceed: (a) 4,000 gross square feet when located on a parcel having a gross area of less than one acre; or (b) 6,500 gross square feet when located on a parcel having a gross area of one acre or greater. Where a medical diagnostic center that is located on less than one-half acre is adjacent to a residential use, the exterior of the center shall be compatible with the residential character of the area.<<

* * *

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Section 5. Section 33-238 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-238. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any **BU-1 District**, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) or more of the following uses:

* * *

>>(22.2) Medical urgent care center limited to a maximum of 6,500 gross square feet. Hours of operation shall be limited to 8:00 am to 11:00 pm seven days a week. Unless otherwise approved at public hearing, a medical urgent care center must be spaced at least 1,500 feet from any other medical urgent care center, and said distance shall be measured from the center of the front door opening of the proposed medical urgent care center to the center of the front door opening of any nearby existing medical urgent care center facility. A spacing survey shall be provided by the proponent of a medical urgent care center to verify compliance with the spacing requirement set forth in this subsection.<<

* * *

>>(32.1) Sleep testing diagnostic center, provided that its size shall not exceed (a) 4,000 gross square feet when located on a parcel having a gross area of less than one acre; or (b) 6,500 gross square feet when located on a parcel having a gross area of one acre or greater.<<

* * *

Section 6. Section 33-247 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-247. 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,

>>(73.1) Sleep testing diagnostic centers and medical urgent care centers.<<

* * *

Section 9. Section 33-284.30 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-284.30. Uses permitted.

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

(1) *Principal uses.* Principal uses are those permitted uses that will form the major use concentration within the office park complex and include the following:

* * *

>>(h) Sleep testing diagnostic centers and medical urgent care centers.<<

[[(+)]>>(i)<< All similar uses as approved by the Director, provided such uses are primarily accessory uses to the principal office park use(s).

* * *

Section 10. 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 11. 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 12. 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: Commissioner Bruno A. Barreiro