

**MEMORANDUM**

Agenda Item No. 7(B)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

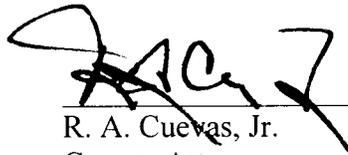
**DATE:** (Second Reading 2-1-11)

December 7, 2010

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

**SUBJECT:** Ordinance pertaining to Zoning;  
providing for Adult Day Care Center  
in the RU-5, RU-5A, BU-1, BU-1A,  
BU-2, BU-3 IU-1 and OPD Zoning  
districts; amending Sections 33-1, 33-  
124, 33-223.1, 33-223.6, 33-238, 33-  
259, 33-264, and 33-284.30 of the  
Code

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



R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** February 1, 2011

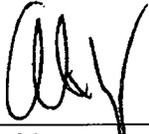
**To:** Honorable Chairman Joe A. Martinez  
and Members Board of County Commissioners

**From:** George M. Burgess  
County Manager 

**Subject:** Ordinance providing for an Adult Day Care Center in Zoning Districts

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The proposed ordinance providing for an adult day care center in Residential Use (RU) districts, Business Use (BU) districts and Office Park Districts (OPD) will not have a fiscal impact on the County.



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Alex Munoz  
Assistant County Manager

Fis1311



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** February 1, 2011

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

**SUBJECT:** Agenda Item No. 7(B)

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)  
2-1-11

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING; PROVIDING FOR ADULT DAY CARE CENTER IN THE RU-5, RU-5A, BU-1, BU-1A, BU-2, BU-3 IU-1 AND OPD ZONING DISTRICTS; AMENDING SECTIONS 33-1, 33-124, 33-223.1, 33-223.6, 33-238, 33-259, 33-264, AND 33-284.30 OF THE CODE OF MIAMI-DADE COUNTY (CODE); 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:<sup>1</sup>

**Sec. 33-1. Definitions.**

\* \* \*

>> (1.2) Adult Day Care Center: A facility that provides, for a part of a day, care services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services. Said care services may include, but are not limited to providing a protective and non-institutional setting with therapeutic programs of social and health activities and services; leisure activities; self-care training; rest; nutritional services; and respite care. Care services shall not include regular physician visits or skilled nursing care. On site supportive and optional services provided at an adult day care center may include but are not limited to speech, occupational, and physical therapy; legal consultation; consumer education; and referrals for follow up services. Overnight stay or overnight care is not permitted. Adult day care centers providing services that require licensure, registration, or certification pursuant to state law shall provide a copy of the license, registration, or certificate prior to issuance of a certificate of use.<<

\* \* \*

<sup>1</sup> 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.

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

**Sec. 33-124. - Standards.**

\* \* \*

>>(j) Adult Day Care Center, shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of gross floor area, or fractional part thereof, and one (1) parking space for each and every additional five hundred (500) square feet of gross floor area, or fractional part thereof, or shall be equal to the combined total of personnel and transportation vehicles whichever is greater<<

\* \* \*

**Section 3.** Section 33-223.1 (RU-5 DISTRICT) 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:

\* \* \*

(6) *Actuaries.*

>> (6.1) Adult Day Care Center.<<

\* \* \*

**Section 4.** Section 33-223.6 (RU-5A DISTRICT) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

5

**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:

\* \* \*

*(3) Actuaries*

>> (3.1) Adult Day Care Center<<

\* \* \*

**Section 5.** Section 33-238 (BU-1 DISTRICT) 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:

\* \* \*

*(1.2) Allied health care clinical colleges/universities.*

>>(1.3) Adult Day Care Center.<<

\* \* \*

**Section 6.** Section 33-259 (IU-1 DISTRICT) 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:

\* \* \*

(2) *Adult entertainment uses....*

>>(2.1) Adult Day Care Center.<<

\* \* \*

**Section 7.** Section 33-264 (IU-3 DISTRICT) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Section 33-264. - 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 or reconstructed, structurally altered or maintained for any purpose in an IU-3 District which is designed, arranged or intended to be used or occupied for any purpose, except for any one (1) or more of the uses listed in this section.

(1) Every use permitted in the IU-1 and IU-2 Districts, except adult entertainment uses as defined in Section 33-259.1, >>adult day care centers<< and private schools and nonpublic educational facilities as defined in Section 33-151.11 are prohibited in the IU-3 District.

\* \* \*

7

**Section 8.** Section 33-284.30 (OPD DISTRICT) 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:

\* \* \*

(2) *Accessory uses.* Accessory uses are those uses that are associated with the principal use(s) and which provide service primarily to employees and patrons of the office park. The accumulative total of all accessory uses shall be limited to a maximum of fifteen (15) percent of the total gross interior square footage of the buildings proposed for the site. Such uses shall have no outside advertising. Areas devoted to structure parking shall not be included in the above calculations. Service facilities shall constitute the following:

\* \* \*

(d) Personal services such as:

\* \* \*

(x) Adult Day Care Center;

\* \* \*

**Section 9.** 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 10.** 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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.



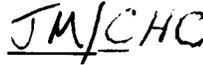
**Section 11.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



John McInnis  
Craig H. Collier

Prime Sponsor: Commissioner Jose "Pepe" Diaz