

MEMORANDUM

Agenda Item No. 7(H)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 2-5-13)
December 4, 2012

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

SUBJECT: Ordinance pertaining to
zoning; amending Section
33-253 of the Code
pertaining to uses permitted
in the Liberal Business
District

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney


RAC/cp

Memorandum



Date: February 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Proposed Zoning Ordinance Providing for Membership Warehouses in the BU-2
(Liberal Business) Zoning District

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached zoning ordinance providing for membership warehouses in the BU-2 (Liberal Business) zoning district.

Scope

Unincorporated Miami-Dade.

Fiscal Impact/Funding Source

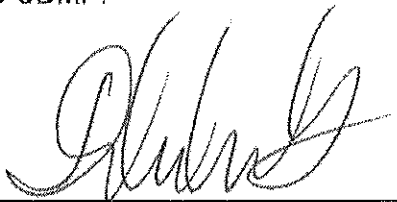
The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Not applicable.

Background

Section 33-1 of the Zoning Code defines membership warehouses as a use designed and operated for warehousing and sale of merchandise at retail and wholesale prices to members. Costco, Sam's Club and BJ's are example of membership warehouses. The Zoning Code expressly provides for membership warehouses, under certain conditions, only in the IU-1 (Industrial) zoning district. The purpose of the proposed ordinance is to codify a historic interpretation of the Code that allowed membership warehouses in the BU-2 (Liberal Business) zoning district. The proposed ordinance is consistent with the policies and interpretative text of the CDMP.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

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

SUBJECT: Agenda Item No. 7(H)

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 Mayor'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(H)
2-5-13

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-253 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO USES PERMITTED IN THE LIBERAL BUSINESS DISTRICT; PROVIDING FOR MEMBERSHIP WAREHOUSES; 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 33-253 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Section 33-253. -- 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, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:

- (1) All uses permitted in the BU-1 and BU-1A Districts except that residential uses are subject to approval at a public hearing.

* * *

>>(10) Warehouse, membership.<<

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.

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 provision 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 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:



Prepared by:



Craig H. Coller