MEMORANDUM

Agenda Item No. 7(J)

(Second Reading 12-3-13)

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

DATE: October 22, 2013

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

SUBJECT: Ordinance relating to zoning; creating Section 33-279.2 of the Code to provide for agricultural uses in properties outside the Urban Development Boundary that are designated agriculture by the Comprehensive Development Master Plan but are not zoned AU, Agricultural 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 Dennis C. Moss and Co-Sponsor Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: December 3, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Establishing Section 33-279.2 of the Code Pertaining to Agricultural Uses Permitted in Areas Located Outside the Urban Development Boundary

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Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached zoning ordinance establishing Section 33-279.2 of the Zoning Code of Miami-Dade County pertaining to agricultural uses permitted outside the Urban Development Boundary (UDB).

Scope

Areas located outside the UDB, zoned other than Agricultural District (AU), in unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

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

Track Record/Monitor

Not applicable.

Background

The purpose of this ordinance is to establish agricultural uses on properties located outside the UDB, designated Agriculture on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map and zoned other than Agricultural District (AU). Approximately 2,231 acres located outside the UDB and designated Agriculture on the LUP map are zoned Estate (EU), Residential (RU), Business (BU) or Industrial (IU). These properties cannot establish agricultural uses based on their underlying zoning district even though their LUP map designation is Agriculture. This proposed ordinance seeks to permit agricultural uses on such properties. Properties establishing any agricultural use must meet the minimum lot size and setback requirements of the underlying zoning district; however, they will be exempt from the underlying zoning districts landscaping and lot coverage requirements.

Jack Osterholt, Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: December 3, 2013

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

SUBJECT: Agenda Item No. 7(J)

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(J)
12-3-13

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; CREATING SECTION 33-279.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR AGRICULTURAL USES IN PROPERTIES OUTSIDE THE URBAN DEVELOPMENT BOUNDARY THAT ARE DESIGNATED AGRICULTURE BY THE COMPREHENSIVE DEVELOPMENT MASTER PLAN BUT ARE NOT ZONED AU, AGRICULTURAL 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 33-279.2 of the Code of Miami-Dade County is hereby created to read as follows:[1]

>>Sec. 33-279.2. Agricultural Uses Permitted in Areas Located Outside the Urban Development Boundary, Designated Agriculture on the Comprehensive Development Master Plan and Zoned EU, RU, BU or IU.

Notwithstanding any provisions to the contrary in Chapter 33 of this Code, the agricultural uses provided in this Section are permissible in areas zoned EU, RU, BU and IU that are designated Agriculture on the Comprehensive Development Master Plan Land Use Plan Map and that are located outside of the Urban Development Boundary.

(a) For areas zoned EU and RU:

(1) Agricultural uses provided in Section 33-279.1(b) of the Code are permitted, provided that:

(a) The on-site sale of agricultural products is prohibited in properties zoned RU.

[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.

(b) The on-site sale of agricultural products is permitted in properties zoned EU only when located on section-line roads.

(b) For areas zoned BU and IU:
(1) Agricultural uses provided in Section 33-279 of the Code are permitted.

(c) For all properties subject to this Section:
(1) The property shall conform to the minimum lot size and setback requirements of the underlying zoning district.
(2) Agricultural uses on the property shall not be subject to the underlying zoning district's landscaping and lot coverage requirements.
(3) A Zoning Improvement Permit shall be obtained prior to establishing any agricultural use.<<

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:

Prepared by:

Lauren E. Morse