

MEMORANDUM

Agenda Item No. 5(A)

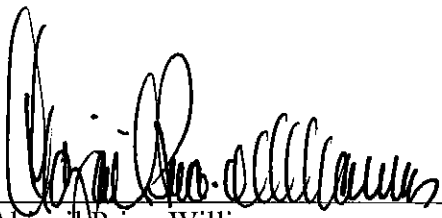
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: (Public Hearing 5-2-17)
March 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending Sections 33-196 and 33-199 of the Code; allowing for government-owned or – operated parks and recreation facilities in GU, interim zoning district, and RU-1, single-family residential zoning district; clarifying process for determining zoning regulations applicable to GU-zoned properties

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


Abigail Price-Williams
County Attorney

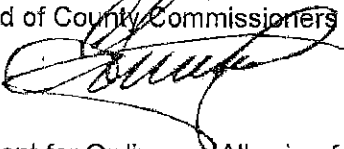
APW/lmp

Memorandum



Date: May 2, 2017

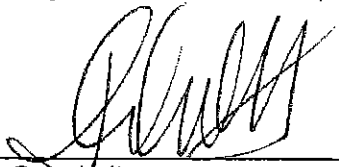
To: Honorable Chairman Esteban L. Boyo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Fiscal Impact Statement for Ordinance Allowing for Government Owned or Operated
Parks and Recreational Facilities in Specific Zoning Districts

The proposed ordinance amends two sections of the Code of Miami-Dade County in order to facilitate the development of government-owned or government-operated park and recreational facilities in GU (Interim Uses) and RU-1 (Single-family residential) zoning districts.

The proposed ordinance will not have a fiscal impact to the County as no additional staffing or operating resources will be required.

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

Jack Osterholt
Deputy Mayor


Fis02217 170416

Memorandum



Date: May 2, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Allowing for Government Owned or Operated
Parks and Recreational Facilities in Specific Zoning Districts

The proposed ordinance amends Section 33-196 of the Code to add a provision allowing "recreational buildings, playgrounds, parks or reservations owned or operated by a municipality, county, state or the US government" to be permitted in the GU (Interim Uses) zoning district. Additionally, the proposed ordinance revises a portion of Section 33-199 of the Code (RU-1, single-family residential) to clarify that a government entity is not required to both own and operate such aforementioned facilities, but simply one or the other.

The intent of the proposed ordinance is to facilitate the development of parks and recreational facilities in the two (2) zoning districts, which ultimately benefit adjacent property owners and neighborhoods. More specifically, the particular government entity that will own or operate such a facility in these two (2) zoning districts will be able to pursue development without a public hearing, which can reduce the overall time taken to deliver the facility.



Jack Osterholt
Deputy Mayor

170416



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: May 2, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(A)

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
- Statement of social equity 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. 5(A)
5-2-17

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 33-196 AND 33-199 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING FOR GOVERNMENT-OWNED OR - OPERATED PARKS AND RECREATION FACILITIES IN GU, INTERIM ZONING DISTRICT, AND RU-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; CLARIFYING PROCESS FOR DETERMINING ZONING REGULATIONS APPLICABLE TO GU-ZONED PROPERTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, providing for the recreational needs of County residents is an important public policy; and

WHEREAS, this Board wishes to amend its zoning regulations to provide more opportunities to establish public parks in residential areas and in areas zoned GU, Interim Zoning District, as well as clarify existing zoning regulations for GU-zoned properties,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-196 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-196. - Standards for determining zoning regulations to be applied to GU property.

(A) >>Inside the Urban Development Boundary<< All properties in the GU District, which are inside the Urban Development Boundary, as shown on the Land Use Plan Map of the Comprehensive Development Master Plan, and which have not been previously trended or otherwise

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.

approved through the public hearing process for a specific use, shall be subject to the following trend determination process:

>>(1)<< If a neighborhood in the GU District is predominantly one ~~[(1)]~~ classification of usage, the Director shall be governed by the regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc. For the purposes of this section, "trend of development" shall mean the use or uses which predominate in adjoining properties within the GU District which because of their geographic proximity to the subject parcel make for a compatible use. The Director shall be guided in determining what constitutes a neighborhood by limiting the evaluation to separate geographic areas, which may be designated by natural boundaries (rivers, canals, etc.) and/or man-made boundaries (roads, full-and half-section lines, etc.). The Director's decision shall be subject to appeal pursuant to the provisions of Section ~~33-314~~ ~~[[33-314]]~~ of the Code.

>>(2)<< If no trend of development has been established in the GU neighborhood, minimum standards of the EU-2 District shall be applied. All lots subject to compliance with the standards of the EU-2 District shall contain a minimum land area of five ~~[(5)]~~ acres gross, unless a larger minimum lot size is required by the Comprehensive Development Master Plan.

>>(B) Exceptions based on certain platting activity.<< Notwithstanding >>any other provision of this section to the contrary<< ~~[[the foregoing]]~~, certain platting activity occurring prior to April 12, 1974, which created lots meeting the minimum requirements of the EU-1 District on April 12, 1974, shall qualify such lots for those uses permitted in the EU-1 District. Those lots shall include only those lots indicated on:

>>(i)<< ~~[(1)]~~ Plats recorded prior to April 12, 1974; and

>>(ii)<< ~~[(2)]~~ Tentative plats approved as

of April 12, 1974, and finally approved and recorded within ninety (90) days after such approval; and

>>(iii)<< ~~[(3)]~~ A tentative plat for single-family residential lots approved prior to April 12, 1974, if each lot in the approved tentative plat met the minimum standards of the EU-1 District, provided that no final plat or other tentative plat for the subject property was approved after April 12, 1974, and that as of December 31, 2003, a majority of the lots indicated on the tentative plat had been improved with residences pursuant to building permit in accordance with the tentative plat's provisions; and

>>(iv)<< ~~[(4)]~~ Waivers of plat approved prior to April 12, 1974; and

>>(v)<< Parcels, other than the aforementioned platted lots or tentatively approved plat lots, that prior to April 12, 1974 were purchased under a contract for deed or deeded and met the minimum requirements of the EU-1 District shall be qualified for those uses permitted in the EU-1 District. However, if such deeded parcels were contiguous to and under the same ownership on April 12, 1974, and such deeded contiguous parcels are less than the five-acre minimum site size of the EU-2 District, but exceed the minimum standards of the EU-1 District, such property shall be considered as one parcel of land and cannot be divided or used except as one lot.

~~[(B)]~~ >>(C) Outside the Urban Development Boundary.<< All properties in the GU District, which are outside of the Urban Development Boundary as shown on the Land Use Plan Map of the Comprehensive Development Master Plan and which have not been previously trended by the Department or otherwise approved through the public hearing process for a specific use, shall be governed by the following regulations:

- (1) All properties designated Agriculture on the Land Use Plan Map of the Comprehensive Development Master Plan shall comply with the regulations of the

AU (Agricultural) District. Exceptions to this requirement are those properties designated Agriculture on the Land Use Plan Map of the Comprehensive Development Master Plan lying within the Areas of Critical Environmental Concern pursuant to Chapter 33B of this Code. Such properties shall comply with the regulations applicable under Chapter 33B.

- (2) All properties designated Open Land or Environmental Protection on the Land Use Plan Map of the Comprehensive Development Master Plan shall be subject to the trend determination process outlined in Section 33-196(A). Exceptions to this requirement are those areas lying within the East Everglades Area Boundaries pursuant to Section 33B-13, which shall comply with the regulations applicable under the East Everglades Zoning Ordinance pursuant to Chapter 33B, and those areas within the Rockmining Overlay Zoning Area, which shall comply with the regulations contained in Article XLI of this >>chapter<< [[Code]].

>>(D) Park and Recreation Facilities. Notwithstanding any other provision to the contrary, Municipal recreation buildings, playgrounds, parks, or reservations owned or operated by a municipality, county, state or the United States Government shall be permitted in the GU District, except for properties subject to Chapter 33B of this Code.<<

Section 2. Section 33-199 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-199. – 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, moved, reconstructed, structurally altered or maintained for any purpose in a RU-1 District which is designed, arranged or intended to be used or occupied for any purpose other than the following, unless otherwise specifically provided herein:

* * *

(2) Municipal recreation building>>s<<, playgrounds, parks >>_<< or reservations owned >>or<< [[and]] operated by a municipality, County, State or the United States Government.

* * *

Section 3. 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 4. 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 5. This ordinance shall become effective 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:



Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz