

# MEMORANDUM

Agenda Item No. 7(C)

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

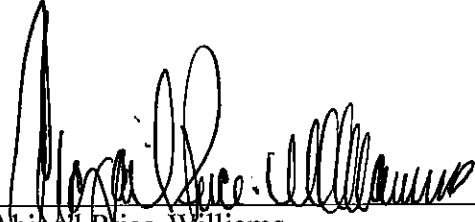
**DATE:** (Second Reading 6-6-17)  
April 18, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance permitting the use  
of cargo containers in the  
Rockmining Overlay Zoning  
Area (ROZA); amending  
section 33-422 of the code

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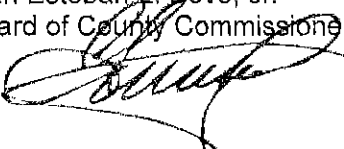
The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
Abigail Price-Williams  
County Attorney

APW/jls

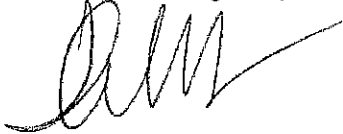
# Memorandum



**Date:** June 6, 2017  
**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Fiscal Impact Statement For Ordinance Permitting the Use of Cargo Containers in the  
Rockmining Overlay Zoning Area

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The proposed ordinance amends Section 33-422 of the Code of Miami-Dade County permitting the use of cargo containers as an allowable ancillary use in the Rockmining Overlay Zoning Area. If implemented, this ordinance will not have a fiscal impact to Miami-Dade County, as it will not require additional staffing or operational resources.



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Jack Osterholt  
Deputy Mayor

170922

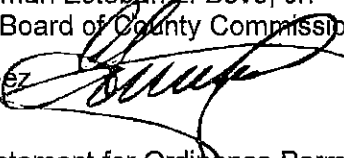
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# Memorandum

MIAMI-DADE  
COUNTY

**Date:** June 6, 2017

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

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Social Equity Statement for Ordinance Permitting Use of Cargo Containers in  
Rockmining Overlay Zoning Area

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The proposed ordinance amends the Code to add cargo containers as an allowable ancillary use in the Rockmining Overlay Zoning Area (ROZA), which is a designated area outside of the Urban Development Boundary where rockmining is the primary use of the properties.

No specific social equity or benefit can be determined at this time; however, this proposed ordinance will benefit rockmining entities in ROZA by allowing them to use cargo containers for storage and transport.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

170922



# MEMORANDUM

(Revised)

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

**DATE:** June 6, 2017

**FROM:** Abigail Price-Williams  
County Attorney

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

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. 7(C)  
6-6-17

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

ORDINANCE PERMITTING THE USE OF CARGO CONTAINERS IN THE ROCKMINING OVERLAY ZONING AREA (ROZA); AMENDING SECTION 33-422 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, pursuant to Chapter 33, Article XLI, of the Code of Miami-Dade County, Florida, rockmining is permitted within the boundaries of the Rockmining Overlay Zoning Area (“ROZA”), provided that such rockmining meets certain required criteria; and

**WHEREAS**, Section 33-420 of the Code defines rockmining to include ancillary property uses necessary for the extracting and processing of subsurface materials; and

**WHEREAS**, rockmining and related industries are an important component of Miami-Dade County’s economy and provide thousands of jobs to County residents; and

**WHEREAS**, cargo containers are helpful for the transportation and storage of raw materials and equipment used on the premises in connection with rockmining; and

**WHEREAS**, this ordinance will permit the use of cargo containers within the ROZA,

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

**Section 1.** Section 33-422 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:<sup>1</sup>

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<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 33-422. – Uses Permitted by This Article.**

(1) The rockmining uses permitted by this Article include:

- (a) All rockmining, including lake excavations; quarrying of raw materials; rock crushing and screening; filling of excavations with rockmining tailings; the erection, maintenance and operation of all types of equipment necessary for the quarrying of raw materials; administrative offices, equipment and tool buildings, and watchman's prefabricated modular buildings necessary for the rockmining uses permitted by this Article.
  
- (b) Uses ancillary to *bona fide* rockmining, provided that the rockmining uses and uses ancillary thereto are under common property ownership, which, for purposes of this Article, shall consist of fee-simple title or a lease of 25 years or more.
  - (i) the erection, maintenance and operation of cement plants; concrete batching plants or ready mixed concrete plants; concrete block plants; prestressed and precast concrete production plants; rock crushing and screening plants; asphalt plants but only in areas located outside any wellfield protection area as defined by Chapter 24 of this Code and in areas, as of the date of filing of an application for a certificate of use for such asphalt plant, more than two miles from any RU or EU zoning district boundary; office, control and laboratory buildings attendant to the uses set forth herein; operation of storage facilities for all equipment used in rock mining on premises attendant to the uses set forth herein; >>cargo containers, <<conveyor belt and/or other systems or equipment for the transportation of raw materials, repair facilities for the service of all equipment used on the premises and necessary for the service and operation of equipment used in connection with rockmining uses permitted by this Article; and the storage of fuel, oil, and lubricants necessary for the service and operation of equipment used in connection with rockmining uses permitted by this Article and to the extent authorized by Chapter 24 of this Code; and office, control and laboratory buildings required for the operation of the facilities described above.

\* \* \*

**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 section 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:

Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Jose "Pepe" Diaz

