

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

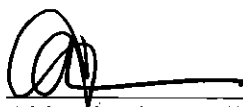
DATE: October 29, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning in
the unincorporated area;
amending section 33-279 of the
Code; revising regulations
regarding outdoor storage of
equipment and vehicles on
properties in the AU,
Agricultural District; making
technical changes

This item was amended at the 7-15-19 Infrastructure and Capital Improvements Committee to exempt from the prohibition overnight parking of a vehicle that is loading or unloading agricultural products from a packing house or plant nursery on the site where the vehicle is parked.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney *for*

APW/uw

Memorandum



Date: October 29, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning; Outdoor Storage

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

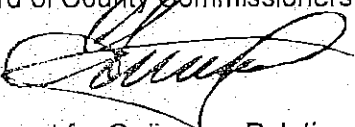
FIS04419 191398

Memorandum



Date: October 29, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

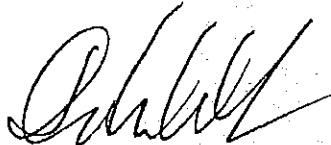
From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning in the AU- Agricultural District

The proposed ordinance relating to Zoning amends Section 33-279 of the Code of Miami-Dade County (Code) revising regulations pertaining to outdoor storage of equipment and vehicles on properties in the AU, Agricultural District in the unincorporated areas of Miami-Dade County.

The proposed ordinance establishes the requirement that in agricultural properties without a residential building, the storage of vehicles and equipment associated with agricultural operations be limited to that owned or leased by the party who occupies the property.

This amendment seeks to address the proliferation of storage of vehicles and equipment, usually not in connection with agriculture, on agricultural properties. The Code currently contains restrictions for properties with residential buildings but not for non-residential, agricultural properties. Implementation of the proposed ordinance would protect the rural character of the agricultural designated areas.



Jack Osterholt
Deputy Mayor

191398



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 29, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(A)
10-29-19

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REGULATIONS REGARDING OUTDOOR STORAGE OF EQUIPMENT AND VEHICLES ON PROPERTIES IN THE AU, AGRICULTURAL DISTRICT; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, preservation of agriculture as a viable economic use of land, and protection of the County's agricultural area from incompatible uses are express policies of the County's Comprehensive Development Master Plan; and

WHEREAS, section 33-279 of the County's Zoning Code currently permits outdoor storage of vehicles and equipment associated with agricultural operations; and

WHEREAS, on agricultural properties that have a residence, such outdoor storage is restricted to vehicles or equipment owned or leased by the party who occupies the property; and

WHEREAS, agricultural properties without a residence are not currently subject to the requirement that the vehicle or equipment be owned or leased by the party who occupies the property; and

WHEREAS, the County has been experiencing an increase in the use of agricultural properties for storage of vehicles that have no relation to an agricultural operation; and

WHEREAS, this Board wishes to revise its regulations to ensure that agricultural properties are not used for the commercial storage of vehicles that are unrelated to agricultural uses,

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

Section 1. The foregoing recitals are approved and are incorporated herein.

Section 2. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-279. - Uses permitted.

No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or be permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in an AU District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:

* * *

(2) >>Barns and sheds, packing facilities, and outdoor vehicle storage, in accordance with the following conditions.<<

(a) Barns and sheds used for cattle or stock and ancillary feed storage; provided such barns and sheds shall not be used for hogs and shall not be permitted unless approved after public hearing if located within two hundred fifty (250) feet of a residence under different ownership or if located within two hundred fifty (250) feet of an RU, or EU District.

* * *

(d) >>Outdoor vehicle storage (non-residential property).<< Outdoor storage of vehicles and equipment associated with agricultural, aquacultural or horticultural production occurring on property(ies) other than the property on which the

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.

storage is located, provided the storage is not a principal use but is ancillary to a use permitted in this section other than residential, subject to all of the following conditions:

* * *

>>5. Except within the area of an arc no more than 7000 lineal feet from the intersection of Okeechobee Road and the Turnpike Extension, in the area designated by the CDMP as Open Land Subarea 1, such storage shall be limited to equipment, vehicles, or both that is owned or leased by the occupant-owner or occupant-lessee of the site where the storage is located.<< >>This prohibition shall not apply to overnight parking of a vehicle that is loading or unloading agricultural products from or for a packing house or plant nursery on the site where the vehicle is parked.<<²

(e) >>Outdoor vehicle storage (residential property).<< Outdoor storage of vehicles and equipment associated with agricultural, aquacultural or horticultural production occurring on property(ies) other than the property on which the storage is located, provided the storage is not a principal use but is ancillary to a residential use permitted in this section subject to all of the following conditions:

1. Such storage shall be limited to equipment >>₂<< ~~[[and/or]]~~ vehicles >>, or both that is<< owned or leased by the occupant-owner or occupant-lessee of the site where the storage is located.

* * *

² Committee amendments are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

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 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:

Dennis A. Kerbel

Prime Sponsor: Commissioner Daniella Levine Cava

