

**Date:** March 21, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

Agenda Item No. 2(B)(4)  
April 4, 2023

**From:** Daniella Levine Cava  
Mayor



**Subject:** Report on Certificates of Use Issued to Rural Event Venues in the AU, Agriculture  
Zoning District in County Commission District 8 – Directive No. 221965

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## Executive Summary

This memorandum is in response to Resolution R-952-22, adopted by the Board of County Commissioners (Board) on October 6, 2022 which directed the County Mayor or County Mayor's Designee to provide a report detailing the number of rural event venue certificates of use that have been granted, denied, and currently pending in the AU, Agriculture, zoning district in County Commission District 8 since the passage of Ordinance No. 20-108, including a map of all such locations, as well as other information relevant to certificates of use, their issuance and enforcement. This response also details the number of reported violations of Ordinance No. 20-108, including, but not limited to: (1) measures to enforce violations of the ordinance along Krome Avenue within County Commission District 8; (2) the number of citations issued since the passage of Ordinance No. 20-108, broken down by month; and (3) whether rural event venues with certificates of use have violated specific terms of the certificate of use. The report also includes: (1) a section describing the procedure for residents and venues to apply for such certificates of use; (2) a section describing the training given to Code Enforcement officers, including frequency of training, for enforcement of Ordinance No. 20-108; and (3) a section describing the training given to staff responsible for processing applications for such certificates of use, including frequency of training. This report also includes recommendations related to additional legislation and enforcement of Ordinance No. 20-108.

## Applying for a Rural Event Venue Certificate of Use

An annual Certificate of Use (CU) issued by the Department of Regulatory and Economic Resources (RER) is a prerequisite to operate a rural event venue in unincorporated Miami-Dade County. CUs can be applied for and renewed annually online via the RER Submission Portal at <https://www.miamidade.gov/Apps/RER/EPSPortal>. For those who prefer to apply in-person, they can do so at the Permitting and Inspection Center (PIC), Zoning Permit Counter, 11805 SW 26 Street, Miami, FL 33165 from 7:30 a.m. to 4 p.m. As of January 26, 2023 in County Commission District 8, 15 CUs have been issued. Seven applications were disapproved and require corrections to be submitted by the applicant in order to finalize. One application was abandoned as corrections were not submitted within 180 days of the application date. The map, Attachment A, provides the location of the issued CUs.

Applying for a Rural Event Venue CU involves completing the Rural Event Venue CU Application and providing the appropriate, supporting documentation. Applicants must provide a site plan that depicts the agriculturally exempted area as defined by the property appraiser, parking and/or valet areas, location of bathrooms including how they are either connected to an approved water and sewage system or are temporary in nature, all temporary and permanent structures, and emergency vehicle access. If applicable, the contractor who will service any temporary bathrooms should also be identified. Depending on the specifics of the site, additional requirements may be necessary. These include but are not limited to: building permits, Zoning Improvement Permits (ZIP), a Potable Well Operating Permit (PWO), an annual Grease Discharge Operating (GDO) permit, and other possible requirements driven by the Code or the laws of other regulating agencies.

### **Training**

Permitting uses in the agricultural areas of the County has become increasingly complex due to the evolving state preemptions and exemptions on agricultural properties and their related ventures. These preemptions create nuanced scenarios that require a skilled analysis to correctly apply the local regulations. Staff responsible for reviewing and ultimately approving Rural Event CU applications are organized under the Chief of the Zoning Permitting Division and are collocated with other permit issuance staff at the PIC. RER staff, in consultation with the County Attorney's Office (CAO), conducted trainings for the staff that review these applications as to how to properly screen applications for these specialized CUs. Training for these staff members is provided on an as-needed basis with support being provided by RER senior management and the CAO whenever necessary.

Neighborhood Compliance Officers (NCO's), who enforce zoning codes, also received training on the provisions and enforceability of Ordinance No. 20-108. Through the Code Compliance Division's Training Unit, all new NCO1s and NCO2s undergo three months of training. This specialized training covers all aspects of the NCO1 duties and responsibilities. The NCO1 goes on to receive field training from their supervisor, the NCO2. Furthermore, field meetings are conducted on a weekly basis to reinforce previous training through situational reviews. The field meetings serve as an avenue to discuss any changes to interpretations or procedure as well as to refine best practices gleaned from field experiences. Additionally, all RER Code Compliance personnel complete a 40-hour Florida Association of Code Enforcement (FACE) training which provides the path to FACE certification.

### **Enforcement Efforts Along Krome Avenue**

Enforcement measures along Krome Avenue follow the Standard Operating Procedures used for all code enforcement efforts across unincorporated Miami-Dade County, including the issuance of warnings, citations, cease and desist demands, and seeking judicial injunctions when necessary. In addition to rural event venue violations along Krome Avenue, other reported violations include other violations such as unpermitted restaurants, illegal or commercial uses operating within the rights of way (ROW), unpermitted food trucks, etc. and extend beyond the boundaries of District 8. Code Compliance staff routinely inspect rural event venues along Krome Avenue and other Agricultural areas to ensure compliance with the Code. NCOs and Building Code Inspectors work weekday, weekend, and evening shifts to ensure the legality of event venues under both the zoning and building codes. Weekend and evening shifts offer an opportunity to inspect both permitted/legal event venues and suspected illegal event venues at the times they are more likely to operate.

To address rural event venue violations consistently and holistically, RER coordinates with the Miami-Dade Police Department's (MDPD) Agricultural Patrol Section, Neighborhood Resources Section, and its Illegal Dumping Unit to address alleged violations. RER and MDPD follow agreed upon protocols for coordination between the two entities in addressing complaints and violations. This multiagency detail meets in the field, at minimum bi-weekly, to jointly inspect the locations that necessitate enforcement beyond RER's jurisdiction. The detail operates on select evenings and weekends. RER has noted a decrease in complaints attributed to this enforcement effort.

### **Citations and Enforcement Cases**

RER has established 83 rural event venue enforcement cases. These cases address CU permitting, violations of existing CUs, and other complaints pertaining to the operations of rural event venues. Of the 83 cases, 29 are within District 8. As of January 26, 2023, 68 citations have been issued for failing to obtain a CU prior to engaging in the operation of the business. The below table provides the citations issued by month:

2020		2021		2022		2023	
		January	0	January	1	January	3
		February	0	February	3		
		March	1	March	0		
		April	4	April	4		
		May	0	May	1		
		June	4	June	0		
		July	1	July	1		
		August	3	August	8		
		September	0	September	8		
October	0	October	2	October	7		
November	0	November	0	November	4		
December	3	December	3	December	7		

**Recommendations**

- 1) Code Section 21-28 commonly referred to as the “Noise Ordinance”, is enforced by the Miami-Dade Police Department (MDPD). Redland residents have requested inclusion of specific decibel levels in the noise ordinance. Should the Board wish to consider an amendment to the noise ordinance whereby decibel levels, sound buffering structures, etc., are established, an in-depth analysis should be conducted. Such an analysis should include staff from RER, MDPD, Aviation, and additional sound experts so that a data-backed recommendation may be proffered to the Board.
- 2) Code Section 33-8, pertaining to CUs, should be amended to provide an additional mechanism for the enforcement of violations of CU conditions. An ordinance will be proffered to the Board which clarifies that violations of Section 33-8 includes failing to operate in accordance with the conditions of any issued CU, failing to operate in accordance with any associated ordinance, or failing to operate within the scope of any issued CU, including rural event venues.
- 3) Rural event venues have the potential to generate considerable revenues, therefore it is recommended to increase penalties so that citations are not thought of as a cost of doing business. A tiered system of penalties (i.e., first violation \$500, second violation \$1,500, third and subsequent violations \$5,000) could be applied for those locations that violate the noise ordinance, violate other applicable Code sections, continue to operate without a valid CU, continue to violate the conditions of the issued CU, or continue to operate outside of the scope of the issued CU. Additionally, clarification of the criteria defining repeat violations for rural event venues is recommended.

Pursuant to Ordinance No. 14-65, this report will be placed on the next available Board meeting agenda. Please feel free to contact Lourdes M. Gomez, Director of RER, at 786-229-1008.

Attachment

- c: Geri Bonzon-Keenan, County Attorney
- Gerald K. Sanchez, First County Attorney
- Jess M. McCarty, Executive Assistant County Attorney
- Office of the Mayor Senior Staff
- Lourdes M. Gomez, Director, Department of Regulatory and Economic Resources
- Alfredo "Freddy" Ramirez III, Director, Miami-Dade Police Department
- Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
- Basia Pruna, Director, Clerk of the Board
- Yinka Majekondunmi, Commission Auditor
- Eugene Love, Agenda Coordinator

# DISTRICT 11

# RURAL EVENT APPLICATIONS DISTRICT 8



# DISTRICT 9

# DISTRICT 8

**Rural Event Application January 2023**

**STATUS**

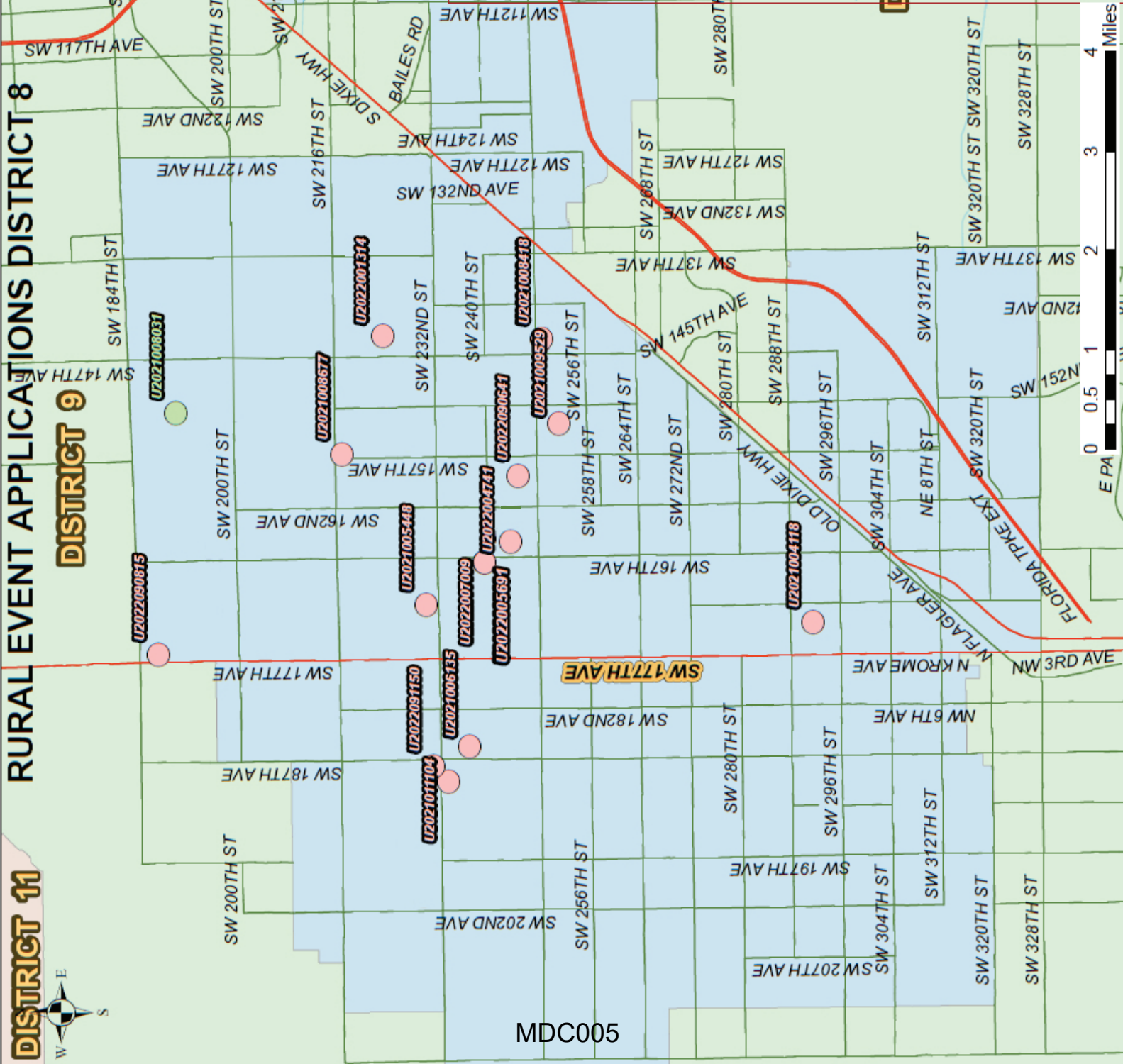
- Issued (pink circle)
- Issued (pending to renew) (green circle)

**Commission Districts**

1	2	3	4	5	6	7	8	9	10	11	12	13
[Yellow]	[Light Red]	[Light Purple]	[Light Blue]	[Light Green]	[Pink]	[Light Purple]	[Light Blue]	[Light Green]	[Light Red]	[Light Orange]	[Light Blue]	[Light Green]

**Highways**

**Major Roads**



MDC005

