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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: December 2, 2014

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

SUBJECT: Ordinance relating to zoning; amending Section 33-279.1 of the Code; amending agricultural uses allowed in certain areas; allowing sale of animal feed
Ordinance No.14-116

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 11-13-14 Land Use & Development Committee. This substitute differs from the original in that it adds additional criteria to govern the sale of animal feed in Subareas 1 and 4 of the Comprehensive Development Master Plan, and this substitute also replaces the term "fruit and vegetable stands" with "farm stands," consistent with changes that were previously made to other sections of Chapter 33.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to zoning; amending agricultural uses allowed in certain areas, allowing sale of animal feed

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The proposed ordinance amends Section 33-279.1 of the Code of Miami-Dade County relating to agricultural uses allowed in certain areas to allow the sale of animal feed. Implementation of this ordinance will not have a fiscal impact to the County.

Jack Osterholt
Deputy Mayor

Fls00415

MEMORANDUM
(Revised)

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

DATE: December 2, 2014

FROM: R. A. Cuevas, Jr.
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**

_____ **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(A)

12-2-14

ORDINANCE NO. 14-116

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-279.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING AGRICULTURAL USES ALLOWED IN CERTAIN AREAS; ALLOWING SALE OF ANIMAL FEED; 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 33-279.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-279.1. Agricultural Uses Permitted in Open Land Subareas 1 and 4 of the Comprehensive Development Master Plan (CDMP).

Notwithstanding any provisions to the contrary in Chapter 33 or Chapter 33B of this Code, the agricultural uses provided in this Section are permissible in areas zoned AU or GU with an AU trend in the Open Land Subareas 1 and 4, as designated in the Comprehensive Development Master Plan, to the extent such uses are permissible under Section 33-279 of this Code. No additional agricultural uses shall be permitted in these areas.

The CDMP acknowledges that the lands within these Subareas have special hydrologic conditions and are prone to flooding, and these lands are subject to wetlands regulation (where applicable) and stormwater management regulation pursuant to Chapter 24 and floodplain regulations pursuant to Chapter 11C of this Code.

[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.

The County does not provide flood protection for properties in these areas, nor does the County have plans to provide flood protection in the future. Property owners should consider the risks of flooding in these areas.

(a) Residential uses are only permitted to the extent otherwise allowed under this Code. This Section does not provide any additional residential uses.

(b) The following uses are permissible, to the extent that such uses are permissible under Section 33-279 of this Code.

a. Barns and sheds for cattle or stock.
b. Barns and sheds for storage of equipment.
c. Beekeeping.
d. Farms.
e. Fish pools.
f. [[~~Fruit and vegetable stands~~]][2]>>Farm stands<<.
g. Groves.
h. Greenhouses or nurseries, commercial.
i. Horticultural farming, commercial.
j. Hydroponics or other chemical farming.
k. Nurseries, horticultural.
l. Seed drying facilities,
m. Truck gardens.
n. Raising or keeping of 2 hogs per site.
o. Raising or keeping of 2 of any of the following per acre: cows, horses or other equine animals.
p. Raising or keeping of 3 of any of the following per acre: goats or sheep.
q. Raising or keeping of 40 of any of the following per acre: chickens, poultry or fowl.
r. Raising or keeping of 40 rabbits per acre.
s. Raising or keeping of cows, horses or other equine animals, goats, sheep, chickens, poultry, rabbits or fowl in excess of any of the above thresholds, only upon issuance of a Certificate of Use (CU) for the property where the uses are to be conducted, subject to site plan approval by the Department. The site

[2] The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

plan shall indicate, at a minimum, onsite stormwater retention and waste stream management.

>>t. Sales of farm animal feed, provided that<<[[~~it is an ancillary use to the keeping of farm animals and that such sales only serve the residents of the particular Sub-area~~]] >>such sale is conducted from a farm where animals are raised in accordance with this Section and subject to all of the following:

(1) The sale shall be conducted from:

a. A stand consisting of a permanent structure with at least one open side; or

b. An open-sided, portable stand, trailer or vehicle; or

c. A self-propelled uni-body truck.

(2) The stand shall be located on the property with the following setbacks:

a. From the right-of-way pavement, sixty (60) feet;

b. From the rear property line, twenty-five (25) feet;

c. From the side street property line, twenty-five (25) feet; and

d. From the interior side property line, one hundred (100) feet.

(3) A minimum of six (6) parking spaces shall be provided; said spaces shall be located a minimum of thirty-five (35) feed from the right-of-way pavement.

(4) The maximum size of the stand shall not exceed one thousand five hundred (1,500) square feet. Refrigerated storage area(s) shall be included in computing the size of the stand.

(5) Refrigerated storage area(s) are prohibited unless the refrigeration system is powered by electricity.

(6) The hours of operation shall be limited to between 6:30 a.m. and 9:00 p.m.<<

* * *

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: December 2, 2014

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer-Raurell

Prime Sponsor: Vice Chair Lynda Bell