

MEMORANDUM

Agenda Item No. 11(A)(23)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

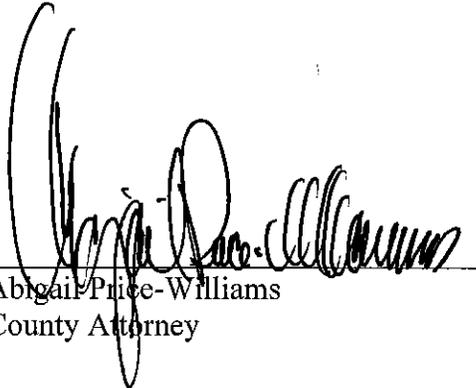
DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the Mayor to create a special certificate of use category for the display of vehicles and boats for sale on residential property located in unincorporated Miami-Dade County and directing the Mayor to implement associated procedures; amending Implementing Order 4-111 to provide for a special certificate of use category and associated fee for said certificate of use applications

Resolution No. R-430-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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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. 11(A)(23)
5-17-16

RESOLUTION NO. R-430-16

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO CREATE A SPECIAL CERTIFICATE OF USE CATEGORY FOR THE DISPLAY OF VEHICLES AND BOATS FOR SALE ON RESIDENTIAL PROPERTY LOCATED IN UNINCORPORATED MIAMI-DADE COUNTY AND DIRECTING THE MAYOR OR DESIGNEE TO IMPLEMENT ASSOCIATED PROCEDURES; AMENDING IMPLEMENTING ORDER 4-111 TO PROVIDE FOR A SPECIAL CERTIFICATE OF USE CATEGORY AND ASSOCIATED FEE FOR SAID CERTIFICATE OF USE APPLICATIONS

WHEREAS, this Board is committed to ensuring the health, safety and welfare, as well as enhancing the quality of life of Miami-Dade County's residents; and

WHEREAS, in furtherance of these goals, this Board is committed to maintaining and enhancing the aesthetics and beauty of the residential districts within unincorporated Miami-Dade County; and

WHEREAS, this Board recognizes that the sale of vehicles and boats from properties within residential districts can detract from the beauty and aesthetics of the properties, and oftentimes diminishes the enjoyment of the surrounding properties by their owners and tenants, and likewise can result in diminished resale values of properties in these areas; and

WHEREAS, this Board also recognizes that vehicles and boats displayed for sale may distract drivers within these residential districts, endangering pedestrians, including children; and

WHEREAS, Florida Statute Section 320.27 requires that "motor vehicle dealers" obtain a license to engage in the business of buying, selling or dealing in motor vehicles or offering to display motor vehicles for sale at wholesale or retail, and further provides that any person that buys, sells, deals, or offers or displays for sale three or more motor vehicles in any 12-month period shall be presumed to be engaged in the business as a motor vehicle dealer; and

WHEREAS, Miami-Dade County Ordinance No. 33-19.1 already limits the display for sale to no more than one vehicle at a time on property in a residential district, and no more than two vehicles for display for sale at such property for any one calendar year; and

WHEREAS, Miami-Dade County Ordinance No. 33-19.1 also provides that the display of a vehicle or boat for sale shall only be allowed at the property of the registered owner of the vehicle or boat; and

WHEREAS, this Board recognizes that owners of vehicles and boats desire a way to sell their vehicles and boats when they no longer wish to use or possess them; and

WHEREAS, this Board recognizes that a certificate of use requirement to display a vehicle or boat for sale in a residential district will facilitate the County's enforcement of the existing requirement that the display of a vehicle or boat for sale shall only be allowed at the property of the registered owner of the vehicle or boat, and will also enhance the County's ability to enforce the existing requirement that there be no more than one vehicle displayed for sale at a time on a residential property, and no more than two vehicles displayed for sale at such property for any one calendar year; and

WHEREAS, on May 17, 2016, this Board adopted Ordinance No. 16-53, which amends Miami-Dade County Ordinance No. 33-19.1 to require, among other things, that owners of vehicles and boats obtain a certificate of use from the County to display vehicles and boats for sale on their residential properties within unincorporated Miami-Dade County; and

WHEREAS, since the requirement of a certificate of use can be financially burdensome for persons selling inexpensive vehicles or boats, this Board is committed to an inexpensive certificate of use fee required by the aforesaid Ordinance,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Incorporates and adopts the foregoing recitals as if fully set forth herein.

Section 2. Directs the Mayor or designee to create a special certificate of use category for "Display of Vehicles and Boats for Sale on Residential Properties," located within unincorporated Miami-Dade County, to implement the necessary procedures and to give effect to the intent of this resolution within 120 days from its enactment.

Section 3. Amends Implementing Order 4-111 to include a new special certificate of use category and \$36.70 fee for "Display of Vehicles and Boats for Sale on Residential Properties," located within unincorporated Miami-Dade County. The special certificate of use category services include the resources expended for intake of the certificate of use application, processing of the application, verification of the status of the registration of the vehicle or boat owned by the certificate of use applicant, and record keeping.

Section 4. Adopts and approves the amendments to Implementing Order 4-111 in substantially the form attached hereto as Exhibit A.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Daniella Levine Cava** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	aye	
	Esteban L. Bovo, Jr., Vice Chairman	aye	
Bruno A. Barreiro	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	absent	Audrey M. Edmonson	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Dennis C. Moss	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "DS", written over a horizontal line.

David Sherman

EXHIBIT A

I.O. No.: 4-111
Adopted: ~~[[9/19/15]]~~
Effective: ~~[[10/1/15]]~~

MIAMI-DADE COUNTY IMPLEMENTING ORDER

FEE SCHEDULE FOR REGULATORY AND ECONOMIC RESOURCES (PLANNING, ZONING, AND PLATTING SERVICES)

AUTHORITY:

Ordinance No. 76-60; the Miami-Dade County Home Rule Charter including, among others, Sections 1.01 and 2.02A; Sections, 2-113, 2-114.1, 2-114.2, 2-114.3, 2-114.4, 2-116.1, 8-5, ~~>>33-19.1,<<~~ 33-285, 33-303.1, 33E-15, 33G-6, 33H-16, 33I-13, 33J-14, 33K-14, and Chapters 16A, 18A and 28 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order (IO) supersedes IO 4-111, ordered ~~[[September 19, 2014]]~~ ~~>>September 19, 2015<<~~ and effective ~~[[October 1, 2014]]~~ ~~>>October 1, 2015<<~~.

POLICY:

A schedule of fees covering the cost of providing planning, zoning, and platting services shall be established and no application, permit, certificate or receipt shall be issued until the appropriate fee is paid. Additionally, no special study shall be prepared until a memorandum of agreement has been entered into or payment made.

PROCEDURE:

The responsibility for this Implementing Order is assigned to the Director of the Department of Regulatory and Economic Resources, who shall be responsible for the collection of fees and the delivery of required services pursuant to Chapters 8, 16A, 28 and 33 and Section 2-104 of the Code of Miami-Dade County. Each two years or earlier, if need be, the Director shall review all fees in terms of their cost and recommend necessary changes to the County Mayor.

FEE SCHEDULE:

The fee schedule ~~>>amended<<~~ ~~[[adopted]]~~ by this Implementing Order has been presented and is considered a part hereof. In accordance with Section 2-3 of the Code of Miami-Dade County, this ~~>>amended<<~~ official Fee Schedule is also filed with the Clerk of the Board of County Commissioners. Fees which are charged by the planning, zoning, and platting services shall be the same as those listed in the Official Fee Schedule on file with the Clerk of the County Commission.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by the County Attorney as
to form and legal sufficiency _____

**Planning, Zoning, and Platting Services
Fee Schedule**

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**Planning, Zoning, and Platting Services
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Planning, Zoning, and Platting Services Fee Schedule

The following schedule details the charges and fees associated with planning and zoning services:

I. GENERAL INFORMATION

A. CONCURRENCY REVIEW

* * *

V. CERTIFICATE OF USE (C.U.) AND TEMPORARY CERTIFICATE OF USE (T.C.U.)

The following original fees shall be paid for all uses. The indicated renewal fee applies to those uses, which are required to be renewed annually by Code or by Resolution. All non-renewable uses are issued permanent use certificates which shall remain valid for an unlimited time, unless revoked for cause, or abandoned, provided there is no change of use, ownership, or name, or that there is no enlargement, alteration or addition in the use or structure. An "up front" processing fee equal to 50% of the total C.U. fee shall be assessed at the time of filing an application. The processing fee is non-refundable but shall be credited towards the final C.U. fee.

A. RESIDENTIAL

Fee Renewal
Fee

* * *

D. UNUSUAL USES, SPECIAL PERMITS, BUSINESS AND INDUSTRIAL USE VARIANCES

All unusual uses, except the following:	324.38	246.58
Churches	139.44	73.39
Airports, racetracks, stadiums	647.28	234.84
Cabaret, nightclub, liquor package store	428.58	388.96
Rock quarries, lake excavation and/or filling thereof	509.31	246.58
Minimum	509.59	
Circus or carnival (per week) and special events	271.54	271.54
Open lot uses	193.74	154.12
Lot clearing, sub-soil preparation	161.45	146.78
>> <u>Residential sale display of vehicle/watercraft</u>	<u>36.70</u>	<u>36.70</u> <<

E. AGRICULTURAL

All uses, except as otherwise listed herein	193.74	183.47
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