

RESOLUTION NO.      90-93

RESOLUTION CALLING SPECIAL ELECTION IN DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MARCH 16, 1993, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF DADE COUNTY THE QUESTION OF WHETHER THE DADE COUNTY CHARTER SHOULD BE AMENDED TO (1) PROHIBIT PERMANENT STRUCTURES OR COMMERCIAL USES (A) IN COUNTY AND CERTAIN MUNICIPAL PARKS, WITHOUT A MAJORITY VOTE OF THE ELECTORS AND (B) IN NATURE PRESERVES, BEACHES, NATURAL FOREST AREAS OR ARCHEOLOGICAL AREAS, WITHOUT A 2/3 VOTE OF THE ELECTORS; AND (2) SPECIFICALLY ALLOW CONSTRUCTION FOR CERTAIN SUPPORT USES IN PUBLIC PARKS; AND (3) SPECIFICALLY ALLOW THE CONTINUATION OF CERTAIN PRESENT USES, AND PRESERVATION OF EXISTING CONTRACTS OR BONDS

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1.      A county-wide special election is hereby called and shall be held in Dade County, Florida, on Tuesday, March 16, 1993, for the purpose of submitting to the qualified electors of Dade County, a proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2.      Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes 1991.

Section 3.      The result of such special election shall be determined by a majority of the qualified electors of Dade County

voting upon the proposal. The polls at such special election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors of Dade County, Florida, shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Dade County Supervisor of Elections until thirty (30) days prior to the date of such special election, at which time the registration books will close in accordance with the provisions of the general election laws. Votomatics shall be used in such special election, and the question shall appear on the votomatic in substantially the following form:

PRESERVATION OF PARKS AND  
LIMITATIONS ON COMMERCIAL USAGE OF PARKS

SHALL THE COUNTY CHARTER BE AMENDED TO:

(1) PROHIBIT PERMANENT STRUCTURES OR  
COMMERCIAL USES

(A) IN COUNTY AND CERTAIN  
MUNICIPAL PARKS, WITHOUT A MAJORITY  
VOTE OF THE ELECTORS; AND

(B) IN NATURE PRESERVES, BEACHES,  
NATURAL FOREST AREAS OR  
ARCHEOLOGICAL AREAS, WITHOUT A 2/3  
VOTE OF THE ELECTORS; AND

(2) SPECIFICALLY ALLOW CONSTRUCTION FOR  
CERTAIN SUPPORT USES IN PUBLIC PARKS; AND

(3) SPECIFICALLY ALLOW THE CONTINUATION  
OF CERTAIN PRESENT USES, AND PRESERVATION OF  
EXISTING CONTRACTS OR BONDS?

YES ☐

NO ☐

Section 4. Such question shall appear on the votomatic ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to punch out the black dot on the ballot card immediately opposite the number on the ballot page designated "YES". Those qualified electors desiring to reject or disapprove the proposal shall be instructed to punch out the black dot on the ballot card immediately opposite the number on the ballot page designated "NO".

Section 5. Absentee paper ballots may be used by qualified electors of Dade County for voting on this proposal at said special election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question or proposal hereinabove set forth, with proper place for voting either "YES" or "NO" following the statement of the question or proposal aforesaid.

Section 6. A sample ballot showing the manner in which the question or proposal aforesaid will appear on the votomatic at this special election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 7. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the provisions of the Dade County Home Rule Charter. The County Manager, the Finance Director, the

Supervisor of Elections and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This special election shall be a nonpartisan election. Election Inspection Boards, inspectors and clerks to serve as election officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

Section 8. This special election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was offered by Commissioner

Sherman S. Winn , who moved its adoption. The motion was seconded by Commissioner Arthur E. Teele, Jr. , and upon being put to a vote, the vote was as follows:

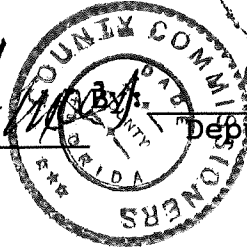
Mary Collins	aye
Charles Dusseau	aye
Joseph M. Gersten	absent
Larry Hawkins	aye
Alexander Penelas	aye
Arthur E. Teele, Jr.	aye
Sherman S. Winn	aye
Stephen P. Clark	absent

The Mayor thereupon declared the resolution duly passed and adopted this 26th day of January, 1993.

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. *William S. Elmer*  
Deputy Clerk.



PARKS, AQUATIC PRESERVES, AND  
PRESERVATION LANDSSection 6.01. Policy

Parks, aquatic preserves, and lands acquired by the County for preservation shall be held in trust for the education, pleasure, and recreation of the public and they shall be used and maintained in a manner which will leave them unimpaired for the enjoyment of future generations as a part of the public's irreplaceable heritage. They shall be protected from commercial development and exploitation and their natural landscape, flora and fauna, and scenic beauties shall be preserved. In lands acquired by the County for preservation and in parks along the Ocean or the Bay the public's access to and view of the water shall not be obstructed or impaired by buildings or other structures or concessions which are in excess of 1500 square feet each. Adequate maintenance shall be provided.

Section 6.02. Restrictions and Exceptions:

In furtherance of this policy parks shall be used for public park purposes only, and subject to the limited exceptions set forth in this Article, there shall be no permanent structures or private commercial advertising erected in a public park or private commercial use of a public park or renewals, expansions, or extensions of existing leases, licenses, or concessions to private parties of public park property, unless each such structure, lease, license, renewal, expansion, extension, concession or use shall be approved by a majority vote of the voters in a County-wide referendum. To ensure aquatic preserves, lands acquired by the County for preservation, and public parks or parts thereof which are nature preserves, beaches, natural forest areas, historic or archaeological areas, or otherwise possess unique natural values in their present state, such as Matheson Hammock, Greynolds Park, Redlands Fruit and Spice Park, Castellow Hammock, Crandon Park, Trail Glades Park, Deering Estate Park, Pine Shore Park, Old Cutler Hammock, Chapman Field, Tamiami Pinelands, Wainwright Park, Larry and Penny Thompson Park, Whispering Pines Hammock, Mangrove Preserve, Owaissa Bauer Park, Fuchs Hammock, Black Point Marina, Simpson Park, Sewell Park, Barnes Park, Virginia Key, mangrove preserves, and all other natural or historical resource based parks do not lose their natural or historical values, any structure, lease, license, renewal, extension, concession or use in any of this class of public parks or in aquatic preserves and preservation lands must be approved by an affirmative vote of 2/3rds of the voters in a County-wide referendum. No park shall be designed to be used beyond its appropriate carrying capacity and to the extent required by law all parks and facilities and permitted special events and concessions operating in the parks shall be fully accessible to persons with disabilities. Nothing in this Article shall prevent the maintenance of existing facilities or the construction, operation, maintenance, and repair by government agencies or private operators of or issuance of temporary permits for:

- A. Appropriate access roads, bridges, fences, lighting, flag poles, entrance features, picnic shelters, tables, grills, benches, irrigation systems, walls, erosion control devices, utilities, trash removal, parking and security and fire facilities for the primary use of the park system;
- B. Food and concession facilities not in excess of 1500 square feet each to service park patrons;
- C. User-participation non-spectator recreation and, playground facilities, golf courses and golf-course related facilities, and athletic facilities and bandstands and bandshells containing less than 1,000 spectator seats;
- D. Facilities for marinas, sightseeing and fishing boats, visiting military vessels, and fishing;
- E. Park signage and appropriate plaques and monuments;
- F. Rest rooms;
- G. Fountains, gardens, and works of art;

H. Park service facilities, senior, day care and pre-school facilities, small nature centers with not more than one classroom;

- I. Film permits, temporary fairs, art exhibits, performing arts, concerts, cultural and historic exhibitions, regattas, athletic contests and tournaments, none of which require the erection of permanent structures;
- J. Advertising in connection with sponsorship of events or facilities in the park,

provided however all such facilities and uses are compatible with the particular park and are scheduled so that such events do not unreasonably impair the public use of the park or damage the park. No park facilities, golf courses, or County lands acquired for preservation shall be converted to or used for non-park offices, purposes, or uses. The County, the municipalities, and agencies or groups receiving any public funding shall not expend any public money or provide any publicly funded services in kind to any project which does not comply with this Article. No building permit or certificate of occupancy shall be issued for any structure in violation of this Article. The restrictions applying to parks in this Article shall not apply to the Dade County Youth Fair site, Metro Zoo, Tamiami Stadium, Haulover Fishing Pier, the Dade County Auditorium, the Museum of Science, the Gold Coast Railroad Museum, Vizcaya Museum and Gardens, Trail Glade Range, the Orange Bowl, the Commodore Ralph Munroe Marine Stadium, the Seaquarium, Curtis Park track and stadium, Fairchild Tropical Gardens, and mini and neighborhood parks except that no mini or neighborhood park may be leased or disposed of unless a majority of the residents residing in voting precincts any part of which is within 1 mile of the park authorize such sale or lease by majority vote in an election.

Section 6.03. Enforcement and Construction:

All elections required by this Article shall be held either in conjunction with state primary or general elections or as part of bond issue elections. The provisions of this Article may be enforced in the same manner as provided in Section (C) of the Citizens Bill of Rights of this Charter. The provisions of this Article shall be liberally construed in favor of the preservation of all park lands, aquatic preserves, and preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

Section 6.04. Jurisdiction:

Except as otherwise provided herein the provisions of this Article shall apply to all County and municipal parks, aquatic preserves, and lands acquired by the County for preservation now in existence or hereafter acquired, provided that if this Article was not favorably voted upon by a majority of the voters voting in any municipality at the time of the adoption of this Article the municipal parks of such municipality shall be excluded from the provisions of this Article.