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

MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: November 17, 2009

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

SUBJECT: Ordinance pertaining to zoning; amending section 33-151.13 of the Code; permitting horses for use with therapy in conjunction with certain private schools

Ordinance No. 09-105

This Ordinance was amended at the October 27, 2009, Budget, Planning, and Sustainability Committee to make it clear that the proposed new use is not intended to override any of the County's environmental ordinances.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and Co-Sponsor Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: November 17, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to zoning; amending section 33-151.13 of the Code; permitting horses for use with therapy in conjunction with certain private schools

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The proposed ordinance permitting horses for use with therapy in conjunction with certain private schools will not have a fiscal impact to Miami-Dade County.

Assistant County Manager

fis05509

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: November 17, 2009

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

SUBJECT: Agenda Item No. 7(D)

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 Manager'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(D)

11-17-09

ORDINANCE NO. 09-105

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-151.13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERMITTING HORSES FOR USE WITH THERAPY IN CONJUNCTION WITH CERTAIN PRIVATE SCHOOLS; 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 33-151.13 of the Code of Miami-Dade County is hereby amended as follows:[1]

Sec. 33-151.13. Zoning district requirements.

(a) All day nurseries, after-school centers, kindergartens and private schools shall meet the requirements included herein and the requirements of the particular zoning district in which they are located if that district is one (1) in which the facility is a permitted use; facilities in other districts shall meet RU-3 requirements.

* * *

>>(c) Notwithstanding any other provisions of [[~~this~~]][2] chapter [[~~or code~~]] >>33<< to the contrary, horses used to provide therapy as a part of the curriculum of private schools primarily dedicated to the education of developmentally disabled children as specified in Section 393.063, Fla. Statutes, shall be permitted in conjunction with school use that has been approved in the EU-1, EU-2, GU and AU zoning districts. The number of horses and the location of the accessory structure(s) to house them shall comply with the underlying zoning district regulations.<<

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[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.

[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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 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: **November 17, 2009**

Approved by County Attorney as
to form and legal sufficiency: RAC

Prepared by: ABB

Andrew B. Boese

Prime Sponsor: Senator Javier D. Souto
Co-Sponsor: Commissioner Sally A. Heyman

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item:	**7(D)**
File Numbers:	**093017**
Committee(s) of Reference:	**Board of County Commissioners**
Date of Analysis:	**November 4, 2009**
Type of Item:	**Zoning Code Amendment**
Prime Sponsor:	**Senator Javier D. Souto**

Summary

This ordinance amends §33-151.13 of the Code of Miami-Dade County (Code), permitting the use of horses with therapy in conjunction with certain private schools.

In addition, the County Manager's Supplemental Report is requesting that all parcels located within the ten (10) day travel line in any of the County's well fields be exempt from the proposed amendments to the Code.

Background and Relevant Legislation

Currently the Code does not address the use of horses with therapy in conjunction with certain private schools.

Section 24-43 of the Code, Protection of Public Potable Water Supply Wells, safeguards the public health, safety and welfare by providing scientifically established standards for land uses within the cones of influence thereby protecting public potable water supply wells from contamination.

On December 2, 2008, the Board of County Commissioners (BCC) approved Resolution No. R-1319-08, authorizing a lease agreement between the County and Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation located at 8000 S. W. 123 Avenue. This lease agreement prohibited the use of Hippotherapy at this location. Furthermore, this property is located within the 10 days well field protection area of the South West well field. In a revised letter of interpretation dated April 30, 2008, the Department of Environmental Resources Management (DERM) determined that horse stables on this property <u>could not</u> be administratively approved because it could generate potentially infectious waste or similar materials that could be discharged into the South West well field.

Other Florida Jurisdictions

In addition, a cursory review of the Zoning Code for Broward, Palm Beach and Orange County found that their Zoning Code does not address private schools that use horses for therapeutic purposes.

Policy Change and Implication

This ordinance amends §33-151.13, Zoning District Requirements, of the Code to allow the following:

- Horses to be used to provide therapy as part of the curriculum of private schools primarily dedicated to the education of developmentally disabled children;
- This use has to be in conjunction with school use that has been approved in the EU-1 (single-family, one-acre estate), EU-2 (single-family five-acre estate), GU (interim) and AU (agricultural) zoning districts; and
- The number of horses and the location of the accessory structures(s) to house them will comply with the underlying zoning district regulations.

Comments

On July 21, 2009, the School Board of Sarasota County entered into an agreement with InStride Therapy, Inc. to provide Hippoterapy Services for eligible exceptional students. According to the American Hippotherapy Association, Inc., Hippotherapy is a physical occupational and speech therapy treatment strategy that utilizes equine movements to improve neurological function and sensory processing.

According to the article, *Horses Help Disabled Learn Motor Skills*, about 30,000 people participate in the more than 600 accredited therapeutic riding programs in North America. The therapy works because as a horse walks, its gait causes the rider to react with movements at the trunk and hip. These movements are very similar to the natural strides of humans (The Associated Press, July 16, 2001).

NARHA, the North America Riding for the Handicapped Association, lists 41 Handicapped and Therapeutic Riding Centers throughout Florida.

Prepared by: Elizabeth N. Owens