

**MEMORANDUM**

Agenda Item No. 7 (B)

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

**DATE:** (Second Reading 9-1-09)  
June 30, 2009

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

**SUBJECT:** Ordinance pertaining to  
Zoning; amending Section  
33-259 of the Code; permitting  
plant nursery use within  
utility easements and railroad  
rights-of-way in Industrial  
Zoning Districts

Ordinance No. 09-69

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** September 1, 2009

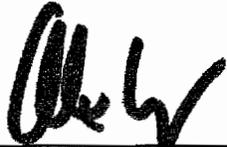
**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**From:**   
George M. Burgess  
County Manager

**Subject:** Ordinance Pertaining to Zoning; Amending Section 33-259 of the Code; Permitting Plant Nursery Use Within Utility Easements and Railroad Rights-of-Way in Industrial Zoning Districts

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The ordinance pertaining to zoning, amending Section 33-259 of the Code permitting plant nursery use within utility easements and railroad rights-of-way in industrial zoning districts will not have a fiscal impact on Miami-Dade County.

  
\_\_\_\_\_  
Alex Munoz  
Assistant County Manager

fls04809



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** September 1, 2009  
and Members, Board of County Commissioners

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

**SUBJECT:** Agenda Item No. 7(B)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7 (B)  
9-1-09

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO.      09-69

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-259 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERMITTING PLANT NURSERY USE WITHIN UTILITY EASEMENTS AND RAILROAD RIGHTS-OF-WAY IN IU (INDUSTRIAL ZONING DISTRICTS) SUBJECT TO CONDITIONS; 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 33-259 of the Code of Miami-Dade County is hereby amended as follows:<sup>1</sup>

**Sec. 33-259. Uses permitted.**

No land, body of water or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved or reconstructed, structurally altered, or maintained, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, in IU-1 District, excepting for one (1) or more of the following:

\* \* \*

>>(89.1) Plant nurseries are authorized in utility easements and railroad rights-of-way, with the consent of the property owner, subject to the following conditions:

- (a) The nursery use shall be conducted by a not-for-profit corporation and shall be incidental to an on-site educational program that provides career training or medical or educational therapy programs.
- (b) No on-site sales shall be permitted;
- (c) The use shall be conducted on sites with a minimum of one (1) acre net lot area;
- (d) A Certificate of Use shall be obtained, and shall be renewed annually subject to the conditions contained in this subsection; and

<sup>1</sup> 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.

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(e) The use shall not be permitted on property abutting residentially zoned properties or properties designated on the Land Use Plan (LUP) map for residential use.<<

\* \* \*

**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: September 1, 2009

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

Prepared by: ABB

Andrew B. Boese

Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz