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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(C)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: August 2, 2011

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

SUBJECT: Ordinance pertaining to zoning; amending Section 33-279 of the Code, modifying requirements for hog farms or hog raising in areas zoned agriculture

Ordinance No. 11-59

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jose "Pepe" Diaz and Commissioner Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: August 2, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance amending Section 33-279 of the Code modifying requirements for hog farms and hog raising in areas zoned Agriculture (AU)

The proposed ordinance pertaining to requirements for hog farms or hog raising in areas zoned Agriculture (AU) and authorizing certain agricultural uses in the open land Subareas 1 and 4 will not have a fiscal impact to the County.

County Executive Office

Fis5111

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: August 2, 2011

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

SUBJECT: Amended
Agenda Item No. 7(C)

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 _____

Amended
Agenda Item No. 7(C)
8-2-11

ORDINANCE NO. **11-59**

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); MODIFYING REQUIREMENTS FOR HOG FARMS OR HOG RAISING IN AREAS ZONED AGRICULTURE (AU); CREATING SECTION 33-279.1 OF THE CODE; AUTHORIZING CERTAIN AGRICULTURAL USES IN THE OPEN LAND SUBAREAS 1 AND 4, AS DESIGNATED IN THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Comprehensive Development Master Plan (CDMP) designates certain areas of the County located outside the Urban Development Boundary as "Open Land." The CDMP further defines certain geographic subareas within the Open Land areas and provides guidance as to the uses and activities allowed within those subareas. This ordinance addresses the requirements of specific uses allowed and their restrictions, when applicable, in Open Land Subarea 1 (Snake-Biscayne Canal basin) located in northwestern Miami-Dade County and Open Land Subarea 4 (East Everglades) located in west Miami-Dade County; and

WHEREAS, the CDMP further provides for the development of land development regulations specific to these Subareas in order to address the types of agricultural uses and the raising of livestock that are permitted, considering the limited flood protection in these Subareas,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-279. - Uses permitted.

No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or be permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in an AU District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:

* * *

(4) >>Raising or keeping of two hogs per site<< Hog farms and hog raising>>, in excess of two hogs per site,<< shall be permitted only upon approval after public hearing.

* * *

Section 2. Section 33-279.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Section 33-279.1. Agricultural Uses Permitted in Open Land Subareas Areas 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

[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.

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.

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

(c) The following uses are permissible only upon approval after public hearing, as provided in Section 33-279 of this Code, and for floodplain management purposes, the application package must include a site plan which indicates 1) existing and proposed locations of structures, fences or buffers; 2) onsite stormwater retention; and 3) waste stream management.

a. Dude ranch
b. Hog farm or hog raising, except for the raising of 2 hogs

Section 3. 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 4. 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 5. 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: August 2, 2011

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Abbie Schwaderer Raurell

Co-Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Prime Sponsor: Commissioner Lynda Bell