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

MEMORANDUM

Agenda Item No. 7(A)
(Second Reading 12-18-12)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: October 2, 2012

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

SUBJECT: Ordinance relating to zoning; modifying restrictions relating to circuses and carnivals; amending Section 33-13 of the Code
Ordinance No. 12-111

The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: December 18, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Section 33-13 of the Code Related to Circuses and Carnivals

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The proposed ordinance amends Section 33-13 of the Code modifying restrictions relating to circuses and carnivals. The implementation of this ordinance will not have fiscal impact to the County.

Jack Osterholt
Deputy Mayor

Fis0713

MEMORANDUM

(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 18, 2012

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

SUBJECT: Agenda Item No. 7(A)

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 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. 7(A)
12-18-12

ORDINANCE NO. 12-111

ORDINANCE RELATING TO ZONING; MODIFYING RESTRICTIONS RELATING TO CIRCUSES AND CARNIVALS; AMENDING SECTION 33-13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); 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 33-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-13. – Unusual Uses.

* * * *

(g) *Circuses or carnivals* may be operated on GU and AU properties which are located within the Urban Development Boundary, and in BU-2 and all IU Districts, and on properties having a current certificate of use [[~~and occupancy~~]] for church or school use without a public hearing as prescribed in the above paragraph, provided:

(1) Written waivers of objection for the specific use and length of time that the carnival or circus will remain in the location are obtained from [[~~all property owners within five hundred (500) feet~~]] >>fifty (50) percent of all property owners within two-hundred and fifty (250) feet.<<

(2) Written waivers of objection are obtained from [[~~eighty (80) percent of the owners or tenants or residential buildings within one thousand (1,000) feet~~]] >>forty (40) percent of homeowners and residential building owners and residential tenants within five-

[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.

hundred (500) feet<< and subsequent investigation by the Director does not determine other objections, and provided further that no such use shall be for more than fifteen (15) days.

(3) Carnival and circus use on school, church or shopping center premises shall be limited to [[~~two (2)~~]] >>four (4)<< events per calendar year. >>The first two of such events shall not be subject to the restrictions listed in (g)(1) and (g)(2), provided that no such event shall be for more than fifteen (15) days.<<

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 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 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: December 18, 2012

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Lynda Bell