OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(I)

(Second Reading 12-3-13

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 22, 2013

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

SUBJECT: Ordinance relating to zoning; authorizing agricultural uses on lots less than five acres under certain circumstances in the AU (Agricultural) zoning; amending Sections 33-280, 28-4, and 8CC-10 of the Code

Ordinance No. 13-120

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

/

Memorandum

MIAMI-DADE COUNTY

Date: December 3, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Pertaining to Agricultural Uses on Lots Located Outside the Urban Development Boundary and less than Five Acres, Amending Sections 33-280, 28-4 and 8CC-10 of the Code

---

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached ordinance pertaining to agricultural uses on lots less than five acres, amending Sections 33-280, 28-4 and 8CC-10 of the Code of Miami-Dade County.

Scope

This ordinance applies to lots zoned Agricultural District and located outside of the Urban Development Boundary (UDB) in unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Not applicable.

Background

The purpose of this ordinance is to allow non-residential agricultural uses on lots less than five (5) acres if the lot is located outside the UDB, has been created by recorded warranty deed and the property owner has recorded a restrictive covenant that discloses that the property is solely for non-residential agricultural uses. This ordinance is consistent with the Comprehensive Development Master Plan (CDMP) as it does not limit the size of a lot in the Agriculture land use category when the lot is to be used for non-residential agricultural uses.

Jack Osterholt, Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 3, 2013

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

SUBJECT: Agenda Item No. 7(I)

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(I)
12-3-13

ORDINANCE NO. 13-120

ORDINANCE RELATING TO ZONING; AUTHORIZING AGRICULTURAL USES ON LOTS LESS THAN FIVE ACRES UNDER CERTAIN CIRCUMSTANCES IN THE AU (AGRICULTURAL) ZONING; AMENDING SECTIONS 33-280, 28-4, AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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 33-280 of the Code of Miami-Dade County is hereby amended to read as follows:[1]

Sec. 33-280. Lot Area and Width.

Lots for any use in AU District shall contain a minimum of five (5) acres, and have a minimum street frontage of two hundred (200) feet. Credit shall be given towards lot area requirements for right-of-way dedication from the site.

>>It is provided, however, that non-residential, agricultural uses shall be allowed, on a lot that is less than five (5) acres, only if: (1) the lot is located outside the Urban Development Boundary as shown on the Land Use Plan Map of the Comprehensive Development Master Plan; and (2) the lot has been created by recorded warranty deed; and (3) the property owner has recorded a restrictive covenant on the property on a form approved by the Director that discloses that the property is solely for non-residential agricultural uses and that there is no right to a residential use of the property. Non-residential agricultural use of a property that is less than five (5) acres shall only be permitted upon the submission to the Department of a certified copy of the recorded restrictive covenant required above. <<

[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.

* * *

Section 2. Section 28-4 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 28-4. Plats and platting – Recording; exceptions.

Whenever land is subdivided a plat must be recorded, except that the recording of a plat will not be required if:

(1) The subdivision involved consists only of the dedication of a road, highway, street, alley or easement and due to unusual conditions and circumstances the plat division of the appropriate authority finds that it is not necessary that a plat be recorded. In lieu of the recording of a plat, the dedication may be required by deed, and may be subject to compliance with such conditions as may be deemed appropriate under the particular circumstances, such as improvements of sidewalks, streets, or drainage facilities and the acceptance of the dedication by the governing body. Posting of bond may be required.

* * *

>>(5) The parcel of land contains only a non-residential, agricultural use established in accordance with Section 33-280 of this code. Miami-Dade County shall not be responsible for providing access to or from such property.<<

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

Code Section	*Description of Violation*	*Civil Penalty*
	* * *	
33-279	Unauthorized use in an agricultural district	500.00
>>33-280	Unauthorized use on lot of less than 5 acres	500.00<<
	* * *	

Section 4. 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 5. 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 6. 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 3, 2013

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Lauren E. Morse