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

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: April 8, 2014

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

SUBJECT: Ordinance relating to zoning; amending section 33-284.99.42 of the Code of Miami-Dade County; prohibiting new junkyard or scrap metal uses in the Model City Urban Center District

Ordinance No. 14-36

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to zoning; amending section 33-284.99.42 of the code of Miami-Dade county; prohibiting new junkyard or scrap metal uses in the Model City Urban Center District

---

This proposed ordinance amends Section 33-284.99.42 of the Code prohibiting new junkyard or scrap metal uses in the Model City Urban Center District. Implementation of this ordinance will not have a fiscal impact to the County.

Jack Osterholt
Deputy Mayor

Fis4714

MEMORANDUM
(Revised)

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

DATE: April 8, 2014

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)

4-8-14

ORDINANCE NO. 14-36

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.99.42 OF THE CODE OF MIAMI-DADE COUNTY; PROHIBITING NEW JUNKYARD OR SCRAP METAL USES IN THE MODEL CITY URBAN CENTER DISTRICT; 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 33-284.99.42 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: [1]

Sec. 284.99.42 Uses

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the MCUCD shall comply with Section 33-284.83 of this code.

* * *

>>D. *Prohibited Uses.* Notwithstanding the provisions of 33-284.83(A)(6), 33-13, 33-15, or any other provisions of this code to the contrary, no junkyard or scrap metal use shall be permitted in the Model City Urban Center District as a new unusual use or special exception. Nothing contained in this article shall be deemed or construed to prohibit a continuation of a legal nonconforming junkyard or scrap metal use in the Model City Urban Center District that either: (1) was existing as of the date of the district boundary change on the property to Model City Urban Center District; or (2) on or before January 1, 2014, had received final site plan approval through a public hearing pursuant to this chapter or through administrative site plan review or had a valid building permit. However, any structure, use, or occupancy in the Model City Urban Center District that is

[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.

discontinued for a period of at least six months, or is superseded by a lawful use permitted under this chapter, or that incurs damage to an extent of 50 percent or more of its market value, shall be subject to Section 33-284.89.2 of this Code.<<

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: April 8, 2014

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Lauren E. Morse

Prime Sponsor: Commissioner Audrey M. Edmonson