

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 19, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning; amending sections 33-1, 33-8, and 33-14.1 and article XXXIII of chapter 33 of the Code; amending requirements for issuance of certificate of use (C.U.); exempting certain uses permitted in the agricultural (AU) zoning district from C.U. requirements and clarifying C.U. and floodplain review requirements for uses in the AU District; revising definitions; revising requirements for aquaculture and for uses that are ancillary to agricultural uses, including farm stands, wineries, breweries, and distilleries, and agritourism; authorizing mobile food service operations in the AU District subject to certain conditions; revising regulations for parking and outdoor storage of equipment and vehicles in the agricultural (AU) zoning district and for other uses that are ancillary to and directly supportive of agriculture; amending division 2 of article III of chapter 24; allowing handling of food and drink on agricultural properties when served by onsite domestic well system and onsite sewage treatment and disposal system under certain conditions; delegating authority to the director to approve certain form covenants; making technical changes

At the October 11, 2023 meeting, the County Infrastructure, Operations and Innovations Committee amended this substitute item to revise subsection 33-279(27)(c)2 to provide that outdoor amusements, mobile food service operations, and other construction of new or additional facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public for ancillary agritourism uses are only permitted outside the Urban Development Boundary. This committee amendment was in addition to the changes included in the substitute as described in the following substitute statement:

This substitute differs from the original item in that it:


- Removes the proposed changes to the regulations governing parking and outdoor storage of equipment and vehicles
- Revises the definitions in 33-1 to:
 - define “farm” as provided in the Florida Statutes and replace all references to “an ongoing and lawfully established agricultural use” with “a farm”
 - combine the definitions of “farm stand” and “fruit and vegetable stand” into a single definition of “farm stand” and remove other changes proposed to “farm stand” definition
- Revises regulations governing mobile food trucks to specify that a certificate of use can be revoked where the operation is not consistent with the requirements of the code
- Revises the rural event venue regulations in section 33-279 to:
 - allow event venues to be established on any property with a farm, regardless of whether the land is classified as agricultural by the property appraiser
 - eliminate the certificate of use requirement for rural event venues that are wholly contained within land classified as agricultural by the property appraiser but requiring compliance with parking, emergency vehicle access, and noise regulations
- Revises the farm winery, brewery, and distillery regulations in section 33-279 to:
 - allow ancillary pub games and miniature golf courses
 - allow sale and consumption of products as allowed by State of Florida Division of Alcoholic Beverages and Tobacco, regardless of whether they are produced on site

MDC001

- **Revises proposed regulations for other agritourism uses to:**
 - enumerate additional recreational uses that are permitted as ancillary to a farm
 - specify that agritourism uses may include construction of structures or facilities primarily to serve the general public, but that such uses will be required to obtain certificates of use and all other regulatory permits
 - authorize farm stands and mobile food trucks to either have self-contained utilities or to connect to utilities on the property, but specify that any such connections must comply with waste disposal and environmental regulations in chapters 15 and 24, and make conforming changes to section 24-43.1
- **Makes the following additional revisions to section 33-279:**
 - replace all references to “an ongoing and lawfully established agricultural use” with “a farm”
 - specify that permitted barns include pole barns
 - revise spacing of hog farms and dairy barns to 250 feet from a residence under different ownership, to maintain consistency with spacing regulations for other barns, sheds, and packing facilities
 - eliminate redundant enumeration of nursery uses but refer to compliance with applicable statutes
 - eliminate the certificate of use requirement for poultry raising
 - revise the definition of “truck garden”
 - provide the aquaculture uses may include ancillary structures, which shall be subject to setbacks for accessory buildings but be exempt from building height requirements, and specify that aquaculture uses must comply with applicable statutes but are otherwise exempt from certificate of use requirements and zoning requirements for lake excavations.
 - eliminate the certificate of use requirement for seed drying facilities
 - revise the definition of farmers markets
 - authorize box lunch distribution for farm employees
 - specify that agricultural classification by the property appraiser is not required to establish an ancillary use, but that compliance with zoning requirements for the AU zoning district is not construed to require a property to be classified as agricultural.
- **Revises domestic well system requirements in section 24-43.2 for establishments engaged in the preparation, cooking, or table service of food or drink when ancillary to a farm to:**
 - Only require a monitoring plan where groundwater contamination has been identified within 1/8-mile
 - Only require a minimum Class D Operator for water treatment and to require only 2 visits per week for a total of 1 hour per week.

Rule 5.06(h) and (i) of the Board’s Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute or amended item, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item, the substitute, and the amended item is provided in lieu of double underlining and double strike-through for this item.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.


 Geri Bonzon-Keenan
 County Attorney

GBK/uw

Memorandum



Date: March 19, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Substitute Ordinance Relating to Zoning- Amending Regulation Outside of the Urban Development Boundary Relating to Agritourism, Mobile Food Vendors and Commercial Truck Parking

The proposed substitute amends sections 33-1, 33-8, 33-14.1, Article XXXIII (33-279 through 33-279.3) of Chapter 33, and Division 2 of Article III of Chapter 24 of the Code of Miami-Dade County (“Code”). The substitute introduces significant changes impacting Agricultural land in Miami-Dade and warrants consideration and analysis of existing policy outlined in Florida Statutes, the County’s Comprehensive Development Master Plan (CDMP), and the County Code.

The fiscal impact cannot be determined at this time. New development that may result from the introduction of broadened commercial and new entertainment uses proposed by this substitute may serve to augment the tax roll in Miami-Dade County as newly built, non-bona fide, commercial structures are constructed in the Agricultural area over time.

However, given the potential for up to 49% of existing agricultural land to be taken out of actual production, it is unknown to what extent such augmented taxable value would be offset by the larger economic impact of the loss of a viable agricultural industry. According to the September 2023 Miami-Dade Agricultural Land Study Final Report, the “total economic contributions of agriculture and related natural resource industries in the County in 2021, including multiplier effects in other sectors estimated by the IMPLAN regional economic model, showed 12,836 full-time and part-time jobs, industry output or sales revenues of \$1.555 billion, and value added or GDP of \$902 million, including employee compensation (\$494 million) and proprietor income (\$148 million). Contributions to government tax revenues totaled \$183 million, including federal taxes (\$129 million), state taxes (\$24 million), and County taxes (\$30 million) for property and sales taxes and local districts (police, fire services, schools, libraries), plus Water Management district assessments. Agriculture generated significant economic contributions in other sectors through supply chain activity (indirect multiplier effects) and employee household spending (induced effects), such as health care-social assistance, real estate-rentals, transportation-warehousing, retail trade, wholesale trade, accommodation-food services, finance-insurance, administrative-waste services, and professional-technical services.”

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer


MDC003

Memorandum



Date: March 19, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Substitute Ordinance Amending Regulation Outside of the Urban Development Boundary Relating to Agritourism, Mobile Food Vendors and Commercial Truck Parking.

Executive Summary

The proposed ordinance introduces major changes to County policies governing agritourism and industry in South Dade, and will have a significant, irreversible impact on our agricultural economy. We strongly recommend that this item be handled as a proposed amendment to the Comprehensive Development Master Plan (CDMP) rather than an individual ordinance, in order to give this Board and our agricultural community the opportunity to consider and assess the full impacts of the changes on growth and development in our community.

Additionally, it's critical that the Board be able to consider the just-completed agricultural lands study to fully understand the significance and current state of our agriculture industry and the impacts of this ordinance on a cornerstone of our local economy. The agriculture study finds that we are approaching a critical point with respect to the amount of land needed to sustain a viable agriculture industry. This proposed item will have irrevocable impact on the future of agriculture in Miami-Dade – it could lead to up to half of our remaining viable farmland being used for purposes not directly tied to agricultural production, beyond state law and in direct conflict with the findings of the study.

The Board should have time to review the agriculture study findings and recommendations in order to understand and consider the full impact of the proposed policy changes. The charette proposed by Commissioner Cohen Higgins to consider expanded agritourism could provide a good opportunity and context within which to consider both the agriculture study and this proposed ordinance.

Social Equity

The proposed substitute contains some positive social equity impacts, but it also creates potential negative social equity impacts. Of particular significance, the proposed substitute item, like the original item, significantly expands entertainment uses on land designated on the County's CDMP Land Use Plan map as "Agriculture" both within and outside the Urban Development Boundary (UDB) beyond those presently required to be allowed through Florida Statutes on agritourism. Florida Statutes only require local governments to allow agritourism to the extent that these activities are integrated into a farm on land

classified as agricultural land by the Property Appraiser.¹ State law does not contemplate the construction of new structures for agritourism.²

The proposed ordinance goes beyond state law by allowing new structures for certain commercial and entertainment uses on up to 49% of an agricultural property and classifying them as agritourism, whether or not any portion of the property has been classified as “bona fide” agricultural land by the Property Appraiser and without the need for the activity to be integrated into the existing farm use. Although the substitute item does couple this allowance for new structures with requirements for Certificates of Use (CUs) and all other applicable regulatory permits, including building, fire prevention, and environmental permits, this broadened commercial and entertainment allowance may nevertheless serve to permanently eradicate agricultural production on a significant portion of the County’s agriculturally designated land: once permanent commercial and entertainment structures are constructed, it is unlikely that they will be demolished for the land to be returned to actual agricultural production.

Impacts on the Larger Agricultural Industry

- The County’s comprehensive plan encourages agritourism, but not at the expense of actual agricultural production.
- These new proposed entertainment uses are beyond those presently required to be allowed through Florida Statutes on agritourism: “outdoor amusements, including *but not limited to* pub games, inflatable waterslide pools and other small water-related or inflatable devices, zip lining, and paintball.” In wineries, breweries and distilleries, 1.5 acre mini-golf courses are also a specific new allowance, although this or any other entertainment use could be requested on any agricultural parcel given the item’s inclusion of language “including but not limited to...”
- The updated agriculture study indicates we are at a critical point for the future of our agriculture industry. If recent trends continue, the County will be below the projected minimum agriculture acreage estimate of 64,800 needed by the year 2030.
- The proposed changes will have significant and irreversible impacts on the long-term sustainability of this industry in Miami-Dade County. Although this substitute does require that these new, permanent commercial and entertainment structures obtain all permits and CUs, once they are constructed, it is unlikely that this land will ever be returned to actual agricultural production.
- There has been limited/select public input around this broadening of allowed uses in agriculture and requires broader community input. Such a broad code change that has the potential to eradicate such a significant amount of ag production requires broader community input. While the item has been

¹ Florida Statutes Section 570.85(1) provides, in part, “Except as otherwise provided for in this section, and notwithstanding any other law, a local government may not adopt or enforce a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. This subsection does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in chapter 252.”

² Florida Statutes Section 570.86(1) defines “Agritourism activity” to mean “any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch... which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport or otherwise accommodate members of the general public.”

discussed at many public meetings, and the Ag Board did on its own attempt to introduce changes to the original item, they have not had organized feedback into the new substitute, nor has there been a public community meeting for this purpose.

Positive Changes in this Substitute

- All truck parking changes are removed.
- CUs and all applicable permits are required for the mobile food service operations being allowed on agricultural properties. Mobile food service is not presently allowed so this will enable it under the same conditions it is allowed inside the UDB. Overnight storage will also be permitted on the property. To the extent that the Board wishes to enable mobile food trucks in ag, CUs and permits should be required as they are inside the UDB.
- Applicants are relieved from the need to have hearings before the Environmental Quality Control Board (EQCB). The substitute codifies regulations pertaining to food preparation when using well systems. Under the existing code, food service on well, septic, or both in the AU district is not permitted and thus can only be approved through a variance, which requires a public hearing before EQCB. Staff supports relieving applicants from the need to appear before the EQCB and instead obtain administrative review and approval. However, the ordinance raises a concern with this exemption specific to wineries, breweries and distilleries which is explained in further detail below.
- Removal of CU for actual agricultural uses. The substitute removes CU requirements for the following specific agricultural uses and is consistent with State building codes and local CDMP policies:
 - Barns, sheds, and small packing facilities;
 - Cattle or Stock Grazing;
 - Keeping up to 2 Hogs;
 - Dairy Barns;
 - Farms (as defined in the Florida Statutes);
 - Farm Stands;
 - Groves;
 - Greenhouses or Commercial Nurseries;
 - Horticultural Farming;
 - Hydroponic Farming;
 - Horticultural Nurseries
 - Non-commercial Poultry Farming; and
 - Truck Gardens.³

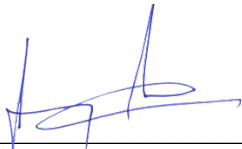
³ The term “truck garden” is derived from historic use of the term in farming and is defined in the substitute as “the cultivation of vegetables for market or for sale directly to consumers.” The term has no relation to the storage of trucks or other commercial vehicles in agriculture.

Remaining Areas of Concern

- **New Height Allowance for Aquaculture:** The item exempts aquaculture from the CU requirement, which is consistent with the treatment of the above-referenced farm uses. However, the substitute also introduces unlimited height for aquaculture structures. The Agricultural Use (AU) zoning district permits up to 35 feet in height. The County does not otherwise presently permit unlimited height anywhere in the code. Rather than exempt these altogether from height, this should be addressed through a specific height maximum (rather than a wholesale exemption), along with a requirement to increase setback as height is increased.
- **Removal of CU for Wineries, Breweries and Distilleries & Exemption from Liquid Waste Review:** The substitute only requires a CU for wineries, breweries and distilleries when they provide food service to the public (33-279(26)(1)). These facilities are intensely industrial, using chemicals and processes that have the potential for environmental impacts. For this reason, a CU should be required on all of these facilities and not just those with food service. It also exempts certain liquid waste from these facilities from environmental permitting review under section 24-43.1. Because these facilities use a number of chemicals to maintain the distilling equipment that may be harmful if improperly disposed of, no waste should be excluded from review.
- **Specific Entertainment Allowance for Wineries, Breweries & Distilleries without a CU:** The substitute also introduces new proposed activities to these venues, including pub games and mini-golf courses up to 1.5 acres, which deviates from the statutory definition of agritourism and poses inconsistencies with the CDMP policy requirement that uses on Agricultural land, including all ancillary uses, serve to protect and promote agricultural production. These additional activities and structures, which primarily serve the general public and not an agricultural operation, are allowed by the substitute without a CU. To ensure that any new entertainment uses that may be allowed do not encourage the proliferation of recreational uses with no significant commercial production of wine, beer, or spirits, a minimum gallonage for production should also be introduced.
- **Food Service Allowances Require Greater Definition:** It is anticipated that applicants will argue that the new, broader agritourism allowance nevertheless authorizes amplified food service allowances more akin to urban restaurant uses. The substitute should be further amended to provide more specific standards for food service to expressly limit restaurants and make clear that the food service itself must be ancillary to an agritourism use (except as expressly provided for farm stands, mobile food service operations, rural event venues, and wineries, breweries, and distilleries).
- **Removal of CU for Rural Event Venues Operating from Farm Structures:** Although the majority of rural event venues in the County operate from newly constructed structures or farm structures that are modified to accommodate the general public (either of which subjects the operation to building and fire safety reviews and permits, environmental permits, and CUs), this change will allow event venues operating from unmodified nonresidential farm buildings to operate without a CU or other reviews, except for the specific Florida Fire Prevention Code reviews for agritourism required by section 633.202, Florida Statute. Although event venues code would still state that they are required to comply with parking, emergency vehicle access, and noise regulations, removal of the CU requirement will make it difficult to verify that requirements are met, encouraging the possibility for protracted enforcement cases.

Recommendation of the Development Impact Committee

Pursuant to Section 33-303.1(D)(11) of the County Code and Section 163.3194(2), Florida Statutes, the County's Development Impact Committee Executive Council (DIC) is tasked with reviewing land development regulations and making recommendations to the Board of County Commissioners (Board) as to the consistency of the proposed regulations with the CDMP. At the DIC Executive Council meeting held on October 10, 2023, the Executive Council reviewed the proposed substitute ordinance and determined that the expansion of amusement, mini-golf, outdoor pub games, and other commercial uses in the manner and intensity authorized by the proposed ordinance is inconsistent with the CDMP interpretive text for agriculture on page I-70 of the Land Use Element as well as inconsistent with compatibility standards pursuant to policies LU-4A and LU-4C of the Land Use Element. Additionally, the DIC determined that the exemption from the maximum building height for aquaculture structures is also inconsistent with the CDMP compatibility standards pursuant to policies LU-4A and LU-4C of the Land Use Element. Therefore, the DIC recommends that the Board also find the above noted portions of the amendment inconsistent with the CDMP and, accordingly, does not adopt the proposed ordinance.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 19, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(B)
3-19-24

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1, 33-8, AND 33-14.1 AND ARTICLE XXXIII OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING REQUIREMENTS FOR ISSUANCE OF CERTIFICATE OF USE (C.U.); EXEMPTING CERTAIN USES PERMITTED IN THE AGRICULTURAL (AU) ZONING DISTRICT FROM C.U. REQUIREMENTS AND CLARIFYING C.U. AND FLOODPLAIN REVIEW REQUIREMENTS FOR USES IN THE AU DISTRICT; REVISING DEFINITIONS; REVISING REQUIREMENTS FOR AQUACULTURE AND FOR USES THAT ARE ANCILLARY TO AGRICULTURAL USES, INCLUDING FARM STANDS, WINERIES, BREWERIES, AND DISTILLERIES, AND AGRITOURISM; AUTHORIZING MOBILE FOOD SERVICE OPERATIONS IN THE AU DISTRICT SUBJECT TO CERTAIN CONDITIONS; REVISING REGULATIONS FOR PARKING AND OUTDOOR STORAGE OF EQUIPMENT AND VEHICLES IN THE AGRICULTURAL (AU) ZONING DISTRICT AND FOR OTHER USES THAT ARE ANCILLARY TO AND DIRECTLY SUPPORTIVE OF AGRICULTURE; AMENDING DIVISION 2 OF ARTICLE III OF CHAPTER 24; ALLOWING HANDLING OF FOOD AND DRINK ON AGRICULTURAL PROPERTIES WHEN SERVED BY ONSITE DOMESTIC WELL SYSTEM AND ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM UNDER CERTAIN CONDITIONS; DELEGATING AUTHORITY TO THE DIRECTOR TO APPROVE CERTAIN FORM COVENANTS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County’s Comprehensive Development Master Plan (“CDMP”) contains numerous policies regarding the preservation of agriculture, including Policy LU-1P, which provides that, “while continuing to protect and promote agriculture as a viable economic activity, Miami-Dade County shall explore and may authorize alternative land uses in the South Dade agricultural area which would be compatible with agricultural activities and

associated rural residential uses, and which would promote ecotourism and agritourism related to the area's agricultural and natural resource base . . . ,” Policy LU-8C, which requires the County, “[t]hrough its planning, . . . regulatory and [other] activities, . . . [to] continue to protect and promote agriculture as a viable economic use of land in Miami-Dade County,” and the Interpretation of the Land Use Plan Map policy providing, in the areas with a CDMP designation of “Agriculture,” that “[t]he principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences,” “[u]ses ancillary to and directly supportive of agriculture are defined as those uses related to preserving, processing, packaging or selling of agricultural products from Florida (except that wineries may utilize imported products for winemaking), and farm supplies, as well as sale and service of farm machinery and implements,” “[u]ses that are directly supportive of agriculture but not ancillary to an on-site agricultural use may occur in this area where it can be demonstrated that the use is primarily addressing a need of the local agricultural industry or that the use significantly furthers agritourism to the agricultural area,” and “to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area;” and

WHEREAS, one of the ways the County implements these CDMP policies is through the zoning regulations that apply to properties that are zoned as part of the AU, Agricultural District, as codified in article XXXIII of chapter 33 of the Code of Miami-Dade County, Florida (“Code”); and

WHEREAS, one of the primary mechanisms the County uses to ensure compliance with the County’s zoning code and other ordinances, building code and life safety regulations, and other applicable codes and regulations is the requirement that businesses and other non-residential uses, as well as certain multi-family uses, each obtain a certificate of use (C.U.) before establishing or changing the use or operator, as codified in section 33-8 of the Code; and

WHEREAS, the Florida Statutes provide certain exemptions from local regulations for certain agricultural operations; and

WHEREAS, for example, section 604.50, Florida Statutes, provides an exemption from “the Florida Building Code and any county or municipal code or fee” for “any nonresidential farm building, farm fence, or farm sign,” as those terms are defined therein, “that is located on lands used for bona fide agricultural purposes,” which, pursuant to section 193.461, Florida Statutes, means “good faith commercial use of the land” as determined by the property appraiser, but further provides that such structures remain subject to local “code provisions implementing local, state, or federal floodplain management regulations;” and

WHEREAS, the County’s floodplain management regulations are set forth in chapter 11C of the Code of Miami-Dade County, Florida; and

WHEREAS, section 570.85, Florida Statutes, preempts certain local government regulations relating to “agritourism activity” but expressly provides that it “does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in chapter 252;” and

WHEREAS, section 570.85, Florida Statutes, defines “agritourism activity” as “any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions ... [and] [a]n activity is an agritourism activity regardless of whether the participant paid to participate in the activity;” and

WHEREAS, section 570.86, Florida Statutes, further specifies that an agritourism activity does not include “the construction of new or additional structures or facilities intended primarily

to house, shelter, transport, or otherwise accommodate members of the general public,” and thus such structures and facilities are not subject to the statutory exemptions provided for nonresidential farm buildings, farm fences, or farm signs; and

WHEREAS, consistent with those statutes, on October 6, 2020, this Board adopted Ordinance No. 20-108, which created regulations on rural event venues in the Agricultural (AU) zoning district, including the requirement to obtain a certificate of use for each such use; and

WHEREAS, although the County can continue to apply its zoning regulations to other uses in the AU District consistent with the Florida Statutes, to facilitate the establishment of uses that support agriculture as encouraged by the CDMP, this Board wishes to exempt certain agricultural uses from the requirement to obtain a C.U. prior to commencing or changing their operations, and to instead rely on enforcement to address compliance with the applicable regulations; and

WHEREAS, to protect the public health, safety, and welfare, certain agricultural uses, and other uses permitted in the AU District, will continue to require a certificate of use, where the use poses a risk of contamination to neighboring properties, surface waters, or groundwater, such as from certain operations involving the preparation and service of food to the public for consumption on the premises, or imposes significant offsite impacts, such as traffic and noise; and

WHEREAS, properly operated mobile food service operations that have self-contained utilities and do not dispose of waste on agricultural properties provide reasonable options to provide food service to the public in support of agritourism activities without presenting the same public health, safety, and welfare that other food service operations may present, and this Board thus wishes to allow mobile food service operations in the AU District when they are ancillary to an ongoing and lawfully established agricultural use; and

WHEREAS, this Board also wishes to amend the environmental regulations codified in chapter 24 of the Code to facilitate food service operations on agricultural properties that comply with the requirements of chapter 33, without the need to obtain variances from the Environmental Quality Control Board after public hearing when such properties are served by an onsite domestic well system, an onsite sewage treatment and disposal system, or both,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 33-1 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

- (1) *Accessory building* shall mean>>: for a residential use,<< an “accessory structure,” as defined in the Florida Building Code, Residential Volume[[~~-. Also~~]] >>(<<see *Guesthouse* and *Servants’ quarters*>>); and, for a non-residential use, a building or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building<<.

* * *

- (5.1.2) *Ancillary* means that a use or structure is subordinate or subsidiary to the primary use on the same lot or parcel. An ancillary structure shall be smaller than the primary structure on the same lot or parcel. An ancillary use shall not exceed the size of the primary use, unless specifically authorized in this chapter.

* * *

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.

(15.1) *Brewery (farm related)*. An establishment ~~[[;]]~~ >>that is<< located wholly on a >>parcel with a<< farm, for the manufacture of malt liquors, such as beer and ale. The facility may have accessory uses as permitted under Section 33-279 of this chapter, including uses that permit the sale and consumption of products manufactured on site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.

* * *

(39.1) *Distillery (farm related)*. A facility >>that is<< located wholly on a >>parcel with a<< farm >>and that is<< designed >>and used<< for the distillation of agricultural products including grains, fruits, or vegetables into liquor or spirits. The facility may have accessory uses as permitted under Section 33-279 of this chapter, including uses that permit the sale and consumption of products manufactured on site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.

* * *

(44.1) >>Farm. A farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of any plant, as defined in s. 581.011, Florida Statutes, or animal or insect useful to humans, and includes, without limitation, any product derived therefrom, including aquaculture products. The term "farm" includes, but is not limited to, cattle or stock grazing, raising or keeping of hogs, a dairy barn, a grove, a nursery or greenhouse, horticultural farming, hydroponic or other chemical farming, poultry raising, a truck garden, a fish pool or other aquaculture, a seed drying facility, an aviary, an apiary, or a frog farm otherwise subject to section 33-13.

(44.2)<< *Farm* >>stand<< ~~[[Stand]]~~. A farm stand is a permanent or portable structure or vehicle >>, which is<< located on >>a parcel with<< an actively farmed site for the retail sale of agricultural products>>, including, without limitation, locally grown fresh fruit and vegetables and food products derived from such fruit and vegetables<<, as provided in >>section 33-279<< ~~[[Section 33-279(6.1)]]~~.

* * *

~~[(46.1) *Fruit and vegetable stand.* Any portable establishment for the retail sale of locally grown fresh fruit and vegetables and food products derived from such fruit and vegetables.]]~~

* * *

(70.3) *Mobile Food Service Operation.* The preparation ~~[[A]]>>~~ cooking, serving ~~>>~~, or ~~<< [[and/or]] sale of food>>~~, or combination thereof, ~~<<~~ conducted from a portable stand, vehicle ~~>>~~ or trailer. Each such stand, vehicle ~~>>~~ or trailer shall be considered a mobile food service operation. ~~[[Mobile food service operations must obtain all required licenses from the State of Florida prior to operating in Miami Dade County.]]~~ >>This classification does not include a farm stand as provided in this chapter.<<

* * *

(115.01) *Winery (farm related).* An agricultural processing facility >>that is located wholly on a parcel with a farm and that is designed and<< used for fermenting and processing fruit into wine or derivative products. The facility may have accessory uses as permitted under Section 33-279 of this chapter, including uses that permit the sale and consumption of products manufactured on site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.

* * *

Section 3. Section 33-8 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-8. - Certificate of use.

- (a) No structure ~~[[;]]~~ other than a single-family ~~[[residence]]~~ or duplex >>dwelling<<[[;]] shall be used ~~>>~~, no ~~<< [[or any]]~~ existing use >>other than a single-family or duplex dwelling shall be<< enlarged, ~~[[or any]]~~ >>and no<< new use >>shall be<< made of any land, body of water, or structure, without first obtaining ~~>>~~, on a form prescribed by the Director,<< a certificate of use (C.U.) therefor from the Department >>as required by this section<<.

>>(b) Except as expressly provided in this section or elsewhere in this chapter or code, a<< ~~[[Said]]~~ certificate of use shall be required for each >>non-residential use<< ~~[[individual business]]~~ and each multi-family building located within unincorporated Miami-Dade County >>and any other area over which Miami-Dade County exercises zoning jurisdiction<<.

~~[[(b)]]~~ >>(c)<< In the event there is a question as to the legality of a use, the Director may require inspections, affidavits>>₁<< and such other information >>the Director<< ~~[[he]]~~ may deem appropriate or necessary to establish the legality of the use >>or verify representations in an application for a C.U.<<, before a certificate of use will be issued>>₂, reissued, or renewed<<.

>>(d) The Director<< ~~[[Additionally, the Department]]~~ shall have the right to periodically inspect premises at any reasonable time to ensure the existence of a current and valid C.U., and to ensure compliance with the terms and conditions under which a C.U. was issued.

~~[[(c)]]~~ >>(e)<< The person or entity listed upon a Certificate of Title issued pursuant to Chapter 45, Florida Statutes as the purchaser of a single-family residence, condominium unit, townhouse or duplex shall obtain a C.U. from the Department prior to offering said residence for sale, transfer or other alienation. The C.U. required by this subsection (c) shall be for the purpose of determining whether or not the residence in question complies with all building codes and zoning codes applicable to the residence and to provide a disclosure of those findings. The Director shall require disclosure by requiring an inspection of the property by personnel authorized to conduct such inspections by the Director and to subsequently record in the public records of Miami-Dade County the inspection report. Said report shall include a good faith estimate of the cost to repair or remedy all code violations disclosed by the inspection. The Director shall prescribe the form of the inspection report and disclosure to ensure compliance with the intent of this section. Upon the recording of the inspection report and estimate in the public records of Miami-Dade County, the Director is authorized to issue the C.U. required by this subsection (c). The Director shall refer any County Code violations disclosed in the report to the proper County Department for enforcement action. County Departments are authorized to collect fees for inspections and other

administrative costs and/or for the issuance of the C.U., as maybe applicable, and as established in the Departments' approved schedule of fees.

>>(f)<< Except for C.U.s required by code or zoning resolution to be renewed annually >>or that are<<[[, and except for C.U.s]] issued on a temporary basis, certificates of use shall remain valid for an unlimited time unless revoked for cause.

>>(g) A<< [[The]] C.U. is only valid for the specific address, business name, corporate name>>_<< and type of business for which it was issued. A new C.U. shall be required for>>_<< any changes in[[;]] use, name, ownership, expansion of square footage occupied, >>or<< [[the]] inclusion of additional uses[[;]]>>_<< or when changes to >>a<< [[the]] structure have been approved by final building inspection.

>>(h)<< No certificate of use shall be >>construed to authorize use of a property<< [[utilized]] in a manner contrary to the regulations contained in this chapter.

Section 4. Section 33-14.1 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-14.1. Mobile operations.

(A) Notwithstanding any provisions of this chapter to the contrary, mobile banking operations, mobile sales operations, and mobile food service operations (collectively, mobile operations, and all as defined in Section 33-1) are permissible on private property subject to the following conditions:

(1) Mobile operations are permissible only in the following zoning districts:

>>(a)<< BU, IU, urban center, urban area, and GU (where zoned for industrial or business use)[[. Mobile operations are also permissible in]]>>_;

(b)<< residential zoning districts on properties having a current certificate of use as a museum, hospital, school, or religious facility, provided such use does not operate

more frequently than once per week and no longer than three consecutive days>>; or

(c) In the AU District as provided in section 33-279<<.

- (2) Mobile operations may only be conducted from 7:00 a.m. to 10:00 p.m. on weekdays and from 7:00 a.m. to 11:00 p.m. on weekends.
- (3) Mobile operations shall not be located in any driveway aisles, no parking zones, landscaped area, loading areas, or parking lanes, nor may mobile operations impede the on-site circulation of motor vehicles.
- (4) Mobile operations shall not be located in required parking spaces unless the number of spaces exceeds the minimum amount required for other uses on the property. The utilization of an off-street parking space for the operation of a mobile operation must not cause the site to become deficient in required off-street parking.
- (5) Mobile operations shall not be located on the public right-of-way.
- (6) Mobile operations are permissible on vacant, unimproved property only when approved as a special event pursuant to the standards for Mobile Food Service Operations Special Event set forth in Section 33-13.
- (7) Mobile operations shall be located a minimum of 20 feet from the property line of an existing residential use, except that mobile operations may be located at a minimum of 10 feet from the property line if the residential use is separated by a six foot high masonry wall.
- (8) The total space dedicated to the mobile operation and vending area shall not exceed an area of 600 square feet.
- (9) Alcoholic beverage sales and use of sound amplification devices are prohibited.
- (10) Electric service connection to an on-site approved outlet is permitted provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons. For purposes of this requirement, the vending area includes the space taken up by: a portable stand, vehicle, or trailer; signs; equipment;

products; and any tents, tarpaulins, canopies, or awnings.

(11) A Certificate of Use (CU) must be obtained by the property owner to permit mobile operations on the site>>, except as provided in section 33-279<<. A site plan or survey shall be submitted indicating the following:

- (a) Location of the individual mobile operations and associated vending area. Mobile operations shall be located so as to minimize the impacts on adjacent residential uses.
- (b) Location of improvements on the site.
- (c) Location of on-site parking areas.
- (d) Rights-of-way, internal circulation and ingress and egress.

(12) Signage associated with the mobile operation shall be confined to the mobile operation and authorized vending area. Signage attached to the mobile unit shall be permitted. Detached signage shall be limited to one sign not exceeding nine (9) square feet.

(13) The number of mobile operations permissible on a site at any one time shall be limited as follows:

- (a) One mobile operation may be permitted on each site which contains a minimum of 10,000 square feet of net lot area.
- (b) An additional mobile operation may be permitted for each additional 50,000 square feet of net lot area, up to a maximum of three ~~[[3]]~~ mobile operations per site.
- (c) Mobile operations in excess of these thresholds may only be permitted as a special event pursuant to the standards for Mobile Food Service Operations Special Event set forth in Section 33-13.

>>(14) Mobile food service operations must obtain all required licenses from the State of Florida prior to operating in Miami-Dade County.<<

(B) If it is found that a mobile operation is operating in manner not consistent with >>the requirements of this code or, where applicable, the<< the representations made in the application package provided to the Department, the

Director shall have the authority to revoke the CU for the mobile operation immediately.

- (C) Except as otherwise provided in this Code, it is unlawful to conduct mobile operations in any outdoor location without first obtaining a CU in accordance with the provisions of this Section.
- (D) The operator of a mobile operation must be able to produce for inspection: a copy of a letter or other written communication from the property owner or representative that authorizes the mobile operation and, for mobile food service operators, a copy of the applicant's required State license for food service establishments.
- (E) Mobile operations located at County parks, sports stadiums or racetracks during events shall be exempt from the requirements of this section but must otherwise comply with all other applicable requirements in this Code.

Section 5. Article XXXIII of Chapter 33 of the Code of Miami-Dade County, Florida,

is hereby amended to read as follows:

ARTICLE XXXIII. AU, AGRICULTURAL DISTRICT

Sec. 33-279. - Uses permitted.

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

- (1) All uses, except golf courses, permitted in the RU-1, EU-M>>_<< or EU-1 Districts and subject to the restrictions thereof not inconsistent with this article.

>>(2)<<[[4-1]] A bed and breakfast establishment shall be permitted subject to the following limitations:

* * *

~~[(2)]~~ >> (3) << Barns>>, including, without limitation, pole barns, << ~~[[and]]~~ sheds>>, << and packing facilities, in accordance with the following conditions:

(a) Barns and sheds used for cattle or stock and ancillary feed storage << provided >> that << such barns and sheds>>:

1. << shall not be used for hogs>>; and

2. << ~~[[and]]~~ shall not be permitted ~~[[unless approved after public hearing if located]]~~ within >> 250 << ~~[[two hundred fifty (250)]]~~ feet of a residence under different ownership or ~~[[if located within two hundred fifty (250) feet]]~~ of an RU << or EU District >> unless approved after public hearing <<.

(b) Barns, sheds, or other buildings used for the storage of equipment, feed, fertilizer, produce, or other items, as ancillary to a >> farm << use permitted in this section ~~[[and]]~~ >> is permitted << only in accordance with the following unless approved after public hearing or as otherwise provided in Section 604.50, Florida Statutes, for nonresidential farm buildings:

1. Such buildings shall be related to the agricultural use conducted on the property upon which the buildings are located; and

2. Such structures shall be located at least 50 feet from any residence under different ownership and any RU or EU zoned property.

>> 3. << It is provided, however, that a lawfully-established structure or building shall not be required to be removed based on any subsequent changes in ownership, zoning classification, or development on any adjacent property.

(c) >> Packing of fruits and vegetables within a packing facility shall be permitted where ancillary to an ongoing and lawfully established agricultural use conducted on the property upon which the packing facility is located, where the agricultural use encompasses at least 51 percent of the property, and in accordance with the following: <<

1. Small packing facilities used for the packing of fruit and vegetables upon compliance with >> all of << the following conditions:

a. ~~[[Such use shall be accessory to an agricultural use conducted on the~~

~~property upon which the packing facility is located and said agricultural use must encompass fifty one (51) percent or more of the property.~~

~~b.]~~ The packing facility shall be located at least ~~>>100<< [[one hundred (100)]]~~ feet from any property line.

~~>>b.< [[e-]]~~ The small packing facility shall not exceed ~~>>3,500<< [[three thousand five hundred (3,500)]]~~ square feet.

2. Large packing facilities used for the packing of fruit and vegetables upon compliance with all of the following conditions:

a. ~~[[Such use shall be accessory to an agricultural use conducted on the entire property upon which the packing facility is located, and said agricultural use must encompass fifty one (51) percent or more of the property.~~

~~b.]~~ The lot upon which the packing facility is located shall not be less than ten ~~[[40]]~~ acres.

~~>>b.< [[e-]]~~ Packing operations shall be discontinued if the farm or grove use is abandoned.

~~>>c.< [[e-]]~~ Incidental cleaning, storage~~>>~~, and shipping of the fruit and vegetables is permitted.

~~>>d.< [[e-]]~~ Outside storage of refrigerated containers is prohibited unless the refrigeration system is powered by electricity~~>>~~, subject to section 33-279.3.

~~>>e.<~~ The parking of ~~>>~~vehicles shall comply with section 33-279.3~~<< [[trucks with refrigeration powered by means other than electricity is permitted on a temporary basis only until the truck is loaded for delivery]].~~

f. The packing facility shall be ~~>>~~at least 100~~<< [[one hundred (100)]]~~ feet from any property line.

- g. Site plan approval is secured ~~[[from the Department]]~~ >>pursuant to section 33-310.4<<.
- h. ~~[[Upon compliance with all conditions enumerated, a]]~~ >>A<< certificate of use >>pursuant to section 33-8 shall be obtained.<< ~~[[and occupancy is secured from the Building and Zoning Department.]]~~

3. The term >>“<<packing facility>>”<< shall include>>:<< any building, lean-to, pole barn>>:<< or open area utilized ~~[[by the farmer or grove owner]]~~ in the course of packing fruit or vegetables>>:<< ~~[[as well as]]~~ any areas>>:<< whether or not within a building>>:<< used for the cleaning of produce, storing of ~~[[trucks, equipment,]]~~ coolers, refrigerated containers, packing crates>>:<< or other items used in the packing operation>>:<< and >>storage and<< parking of any vehicles >>and equipment allowed pursuant to section 33-279.3<< ~~[[including employee cars and trucks used by the farmer or grove owner to transport the produce to or from the site as well as any trucks on the property being loaded for the purpose of transporting the produce onto or off the property]].~~

>>4. The sale, shipping, and marketing of products packed at such facility is allowed as ancillary to a packing operation.

(d) Except for a large packing facility, a certificate of use pursuant to section 33-8 shall not be required for the uses authorized by this subsection.

(4)<< ~~[[3]]~~ Cattle or stock grazing (not including hog raising). >>A certificate of use pursuant to section 33-8 shall not be required for cattle or stock grazing.

(5)<< ~~[[3-1]]~~ *Commercial Vehicle Storage* as defined in Section 33-1, subject to the following conditions:

* * *

>>(6)<< ~~[[4]]~~ Raising or keeping of ~~[[two]]~~ hogs ~~[[per site.]]~~>>:<< subject to the following:

- (a) Hog farms and hog raising in excess of two hogs per site shall be permitted only upon approval after public hearing and shall require a certificate of use pursuant to section 33-8.
- (b) Such use shall not be permitted within 250 feet of a residence under different ownership, or of an RU or EU District, unless approved after public hearing.
- (c) A certificate of use pursuant to section 33-8 shall not be required for raising or keeping of up to two hogs per site.

(7) Dairy barns shall be subject to approval by public hearing, if to, meaning a barn used for the sole purpose of housing, feeding, and milking cattle, subject to the following:

- (a) Such use shall only be located within 250 feet of a residence under separate and different ownership or if to be located within 500 feet of an RU, EU-M, or EU District boundary if approved after public hearing.
- (b) A certificate of use pursuant to section 33-8 shall:
 1. not be required for a dairy barn that does not require public hearing; and
 2. be required for a dairy barn requiring a public hearing for approval.

(8) A rural event venue shall be permitted, subject to the following conditions and limitations:

- (a) The property on which the use is located:
 1. is being used, in whole or in part, for a farm bona fide agricultural purposes and includes land that is classified as such by the Property Appraiser; or
 2. includes a bed and breakfast establishment that complies with this section; or
 3. is designated historic, in whole or in part, by the County pursuant to Chapter 16A, or has been specifically recognized by other ordinance or resolution of the Board of County Commissioners as having unique historical or cultural value.
- (b) Except for properties designated historic, in whole or in part, by the County or otherwise recognized

pursuant to paragraph (a)(3), the property shall have a minimum size of five gross acres.

- (c) The maximum number of guests or attendees allowed shall be 150 for properties that are less than 10 gross acres and 300 for properties that are 10 gross acres or more.
- (d) The number of events on each property shall be limited to one event per day, and shall not exceed three events per week.
- (e) Events shall only take place between the hours of 9:00 a.m. and 11:00 p.m., and no outdoor amplified sound shall be allowed between the hours of 11:00 p.m. and 9:00 a.m.
- (f) Portable toilets shall be provided, commensurate with the number of guests, unless the property has adequate restroom facilities that are connected to the sanitary sewer system.
- (g) All lighting installations in connection with a rural event venue shall be designed to minimize direct spillage, sky glow, and hazardous interference with vehicular traffic on adjacent rights-of-way and all adjacent properties, which may be achieved through the use of down-turned lights, light shields, building screening, landscaping, or other similar elements.
- (h) An annually-renewable >>certificate of use<< ~~[[CU]]~~ for each such facility is obtained >>pursuant to section 33-8<< upon demonstrating compliance with this subsection. For each >>certificate of use<< ~~[[CU]]~~ or renewal, a complete application for a rural event venue shall be submitted to the Department and shall include the following:
 1. Description of events and proposed schedule;
 2. Hours of operation;
 3. Frequency of events;
 4. Maximum number of guests;
 5. Number of parking spaces, which are not required to be paved but which shall at a minimum comply with the following:
 - a. One parking space is provided for every four guests.

- b. No parking shall be permitted on road rights-of-way; and
- c. Required parking spaces shall be provided on site, except as allowed in subparagraph (5)(d).
- d. Required parking spaces may be provided off site only upon demonstration of the following as part of the CU application:
 - i. Parking is located within one mile of the subject property; and
 - ii. A signed statement of consent from the owner of each offsite parking property, including the terms of usage; and
 - iii. The types of services, such as valet or shuttle, that will be provided to transport guests to the event venue; and
 - iv. A parking and circulation plan for the offsite property, including the location of shuttle or valet pick-up;
- 6. Site plan depicting parking, traffic circulation, sanitation and refuse facilities, and portable toilets or restrooms connected to the sanitary sewer system; and
- 7. Upon renewal of a CU, the Director may require additional conditions or site plan modifications to address offsite impacts related to traffic, such as requiring the site plan to be reconfigured to increase traffic queuing onsite.

(i) Notwithstanding the foregoing, when a rural event venue>>, except for its parking area,<< is entirely contained within land classified as agricultural land by the Property Appraiser, only the following simplified conditions and limitations to address substantial offsite impacts and emergencies shall apply to the event venue use:

- 1. The number of events on each property shall only be limited as to events with outdoor amplified sound or events with more than 50 guests or attendees, and the cumulative

number of such events on a property shall be limited to one event per day, and shall not exceed three events per week.

2. The use shall comply with the conditions and limitations in paragraphs (e)—~~[(h)]~~>>(g) above, shall provide parking that complies with subparagraph (h)(5)<< above, >>and shall provide sufficient emergency vehicle access to serve all guests or attendees.<<[~~;~~ except that for the initial CU or renewal application:

i. ~~The frequency of events required under paragraph (h)(3) need only identify events with either amplified outdoor sound or more than 50 guests of attendees.~~

ii. ~~The maximum number of guests need not be provided.~~

iii. ~~The site plan required under paragraph (h)(6) need only depict (a) emergency vehicle access and (b) portable toilets or restrooms connected to the sanitary sewer system.~~

iv. ~~If parking will be provided entirely onsite, it need not be depicted on the site plan, provided that the CU application contains a certification that all parking will be provided and contained on site, within the boundaries of the property, and not on road right of way or on offsite property; alternatively, the CU application shall include information showing compliance with paragraph (h)(5)(d) above related to off site parking.~~

v. ~~Upon renewal of a CU, the Director may require additional conditions to address substantial offsite impacts related to traffic, such as requiring more traffic queuing onsite.]~~

3. >>A certificate of use pursuant to section 33-8 is not required.

4.<< These simplified conditions and limitations shall apply when the land classified as

agricultural land is only a portion of a larger property, provided that the rural event venue is entirely contained within land classified as agricultural land.

- (j) Notwithstanding any other provision to the contrary, within the Horse Country area bounded on the north by S.W. 40th Street/Bird Road, bounded on the east by the Florida Turnpike, bounded on the south by S.W. 72nd Street, and bounded on the west by S.W. 127th Avenue, which was designated as an Area or Facility of Countywide Significance pursuant to Resolution No. R-429-16, the following shall apply:
1. A rural event venue shall only be permitted when it is entirely contained within land classified as agricultural land by the Property Appraiser, and only in accordance with paragraph (i) above.
 2. For any such permitted rural event venues, outdoor amplified sound shall not be permitted during the operating hours of any religious facility, school, or hospital located within a 500-foot radius of the rural event venue.

>>(9)<< [[(6)]] Farms. >>This classification is for a type of farm not otherwise enumerated in this section. A certificate of use pursuant to section 33-8 shall not be required.

(10)<< [[(6.1)]] Farm stands may be permitted in the area designated >>“Agriculture”<< [[agriculture]] on the Adopted Land Use Plan Map of the Comprehensive Development Master Plan>>, or as provided in sections 33-279.1, and<< upon compliance with the following conditions:

- (a) Such [[farm]] stand shall be >>ancillary<< [[accessory]] to >>a farm that encompasses<< [[a bonafide, actively farmed and harvested agricultural crop or crops, and said agricultural crops must encompass]] 51 percent or more of the property.
- >>(b)<< The [[farm]] stand shall be operated only by the party engaged in the >>farm use<< [[production of the crops]] on that property.

>>(c)<< The stand shall be operated only during the period of time that ~~[[the crops are being produced on]]~~ >>the farm is in operation on<< the site~~[[, and the farm]]~~>>.

1. The<< stand use shall be discontinued when ~~[[farming]]~~ >>the farm use<< on the property is abandoned.

>>2. A farm<< ~~[[Farming on the property]]~~ shall not be deemed abandoned if the property is fallow between seasonal growing periods. ~~[[Agricultural products sold shall not be limited to products grown on the property.]]~~

>>(d)<< ~~[[b]]~~ Refrigerated storage area(s) are prohibited unless the refrigeration system is powered by electricity.

>>(e)<< ~~[[e]]~~ A minimum of six ~~[[6]]~~ parking spaces shall be provided; said spaces shall be located a minimum of >>35<< ~~[[thirty-five (35)]]~~ feet from right-of-way pavement.

>>(f)<< ~~[[f]]~~ The stand shall be located on the property with the following setbacks:

1. From right-of-way pavement>>,60<< ~~[[sixty (60)]]~~ feet;
2. From rear property line, >>25<< ~~[[twenty-five (25)]]~~ feet;
3. From side street property line, >>25<< ~~[[twenty-five (25)]]~~ feet; and
4. From interior side property line, >>100<< ~~[[one hundred (100)]]~~ feet.

>>(g)<< ~~[[g]]~~ The stand shall be>>:<< a permanent structure of at least one open side; an open-sided, portable stand, trailer, or vehicle; or a self-propelled uni-body truck.

>>(h)<< ~~[[h]]~~ The maximum size of the stand shall not exceed >>3,500<< ~~[[one thousand five hundred (1,500)]]~~ square feet. Refrigerated storage area(s) shall be included in computing the size of the stand.

~~[[g]]~~ >>(i) Products prepared or sold at the stand shall comply with the following:

- 1.<< Agricultural and food products may be offered for retail sale, provided that more than 51 percent of the products offered for sale shall be derived from crops grown in Miami-Dade County or animals raised in Miami-Dade County.

>>2. Agricultural products sold at the stand are not limited to products grown on the property where the stand is located.

3. Products may include souvenirs or other items that promote the farm.

(j)<< ~~[(4)]~~ The hours of operation of the ~~[[farm]]~~ stand shall be limited to between 6:30 a.m. and 9:00 p.m.

>>(k) This section shall not be construed to prohibit a farm stand from using only self-contained utilities. It is provided, however, that use of utilities is subject to compliance with other provisions of this code and applicable state and federal law.

(l) A certificate of use pursuant to section 33-8 shall be required where the use involves food service or preparation but shall not be required for other uses authorized by this subsection.<<

* * *

>>(12)<< ~~[(7)]~~ Groves. >>A certificate of use pursuant to section 33-8 shall not be required for a grove.

(13)<< ~~[(8)]~~ Greenhouses~~[[;]]~~ >>or<< nurseries~~[[—commercial]].~~
>>A certificate of use pursuant to section 33-8 shall not be required for a greenhouse or nursery, but such uses shall be subject to compliance with chapter 581, Florida Statutes, as applicable.

(14)<< ~~[(9)]~~ Dude ranches and riding academies shall be permitted only upon approval after public hearing >>and shall require a certificate of use pursuant to section 33-8.

(15)<< ~~[(10)]~~ Horticultural farming—commercial. >>A certificate of use pursuant to section 33-8 shall not be required for horticultural farming.

(16)<< ~~[(11)]~~ Hydroponics or other chemical farming. >>A certificate of use pursuant to section 33-8 shall not be required for hydroponics or other chemical farming.<<

~~[(12) Nurseries—horticultural.~~

~~(13)]>>(17) Poultry raising, subject to the following:~~

(a)<< The raising of >>100<< ~~[[one hundred (100)]]~~ poultry, or more, shall be considered as commercial poultry raising.

>>(b)<< Buildings housing poultry must be at least >>500<< ~~[[five hundred (500)]]~~ feet from any EU or RU District boundary, and at least >>50<< ~~[[fifty (50)]]~~ feet from any residence under separate ownership on any adjacent property.

>>(c) A certificate of use pursuant to section 33-8 shall not be required.<<

* * *

>>(19)<< ~~[[(14)]]~~ Truck gardens>>, meaning the cultivation of vegetable crops for market or for sale directly to consumers. A certificate of use pursuant to section 33-8 shall not be required<<.

* * *

>>(22)<< ~~[[(17)]]~~ Fish pools >>and other aquaculture, subject to the following:

(a) The location of all structures used for aquaculture or uses ancillary to and directly supportive of aquaculture<< shall conform to setbacks for accessory buildings, as provided in >>section<< ~~[[Section]]~~ 33-282(b)>>, but shall be exempt from the maximum building height restriction set forth in section 33-283(b)<<.

>>(b) Each aquaculture operation shall comply with chapter 597 of the Florida Statutes.

(c) A certificate of use pursuant to section 33-8 shall not be required.<<

* * *

>>(25)<< ~~[[(20)]]~~ Seed drying facility >>is only permitted<< on a parcel of land not less than >>10<< ~~[[ten (10)]]~~ acres gross ~~[[shall be permitted as a special exception upon approval after public hearing]].~~ >>A certificate of use pursuant to section 33-8 shall not be required.<<

~~[[(21) Wineries]]~~ >>(26) Farm-related wineries<<, breweries>>,<< and distilleries ~~[[(farm-related)]]~~ as defined in Section 33-1, subject to the following conditions:

(a) ~~[[A farm winery, brewery, or distillery]]~~ >>Such uses<< may use local or imported >>agricultural<< ~~[[farm]]~~ products and shall be located on a site with

- a farm, which may include direct sales to the public on a U-Pick Farm.
- (b) A farm brewery or distillery not on a site with a winery shall not exceed production of 250,000 gallons of malted beverage/beer or 125,000 gallons of distilled spirits respectively.
 - (c) The property upon which the farm and farm winery, brewery, ~~[[Ø]] distillery~~, or combination thereof, ~~<< is located shall not be less than five [[(5)]]~~ acres gross.
 - (d) Such a farm winery, brewery, ~~[[Ø]] distillery~~, or combination thereof ~~<<~~ may be open to the public for events and activities related to the preserving, processing, packaging ~~>>~~, ~~>>~~ or selling of agricultural products from Florida ~~>>~~, ~~>>~~ including tours, product tasting, festivals, parties ~~>>~~, ~~>>~~ and other similar events.
 - (e) >>Parking shall comply with the following, except as provided for farm-related festivals:
 - 1. ~~<<~~ Off-street parking requirements for the tasting and sales areas shall be calculated at one parking space for every 250 square feet of gross floor area or fractional part thereof.
 - >>2. ~~<<~~ Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this Code. ~~[[In addition to the aforementioned parking requirements, at the time of application for ZIP, parking for indoor or outdoor farm-related festivals shall be determined by the Director and such requirements shall be based on the number of people that can reasonably be assumed to be on such premises at one (1) time. Said determination shall be calculated on a basis of one (1) parking space for each four (4) persons.]]~~
 - (f) Food service, preparation ~~>>~~, ~~>>~~ and consumption, including table service, shall be >>ancillary ~~<<~~ ~~[[accessory]]~~ to the production of wine, beer ~~>>~~, ~~>>~~ ~~[[Ø]] distilled spirits~~, or combination thereof ~~<<~~.
 - (g) The hours of retail sales operation for the farm-related winery, brewery, ~~[[Ø]] distillery~~, or combination thereof ~~<<~~ shall not extend beyond 11:00 p.m.
 - (h) Outdoor farm-related festivals shall be allowable ~~>>~~, ~~>>~~ ~~[[on properties having a current~~

~~Certificate of Use for a farm-related winery, brewery, or distillery]] provided:~~

(1) No such ~~[[outdoor farm-related]]~~ festival shall be more than three ~~[[3]]~~ days long.

(2) A Zoning Improvement Permit (ZIP) ~~[[for outdoor farm-related festivals]]~~ shall be obtained for each festival.

>>(3) As part of the ZIP review process, the Director shall determine the required parking for each farm-related festival, which determination shall be based on the number of people that can reasonably be assumed to be lawfully on such premises at one time for the festival use and shall be calculated on a basis of one parking space for each four persons.

~~(4)<<~~ No more than a total of six ~~[[6]]~~ outdoor farm-related festivals shall be held per calendar year per farm.

>>(5)<< Such outdoor farm-related festivals shall be restricted to >>between the hours of 9:00 a.m. and 11:00 p.m.<< [[daylight hours]] only.

(i) The use of mechanically amplified outdoor entertainment shall be prohibited from 11:00 p.m. to 9:00 a.m.

(j) The winery, brewery, ~~[[or]]~~ distillery>>, or combination thereof<< shall not be located in the East Everglades Area of Environmental Concern as that area is described in Chapter 33B, Code of Miami-Dade County.

>>(k) The winery, brewery, distillery, or combination thereof may have ancillary indoor and outdoor pub games, ancillary miniature golf courses of no more than 1.5 acres, and other ancillary uses as permitted under this section, including uses that permit the sale and consumption of products as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.

(l) A certificate of use pursuant to section 33-8 shall be required for such winery, brewery, distillery, or combination thereof, if it includes food service, preparation, or consumption but not for other uses permitted by this subsection.

(27)<< ~~[(22)]~~ Uses ancillary to and directly supportive of agriculture >>not otherwise enumerated above and as set forth in this subsection<<.

(a) *Definitions.* For purposes of this subsection, >>subsections (28) and (29)<<~~[[subsection (23)]]~~, and Section 33-279.3, the following definitions shall apply:

1. "Agriculture" or "agricultural" includes, without limitation: horticulture; floriculture; viticulture; aquaculture, including algaculture; pisciculture; apiculture; forestry; dairy farming; keeping or farming of livestock>>, << ~~[[ø#]]~~ poultry>>, or other animals useful to humans<<; and sod farming.

2. >>"Agritourism" means any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.

i. Except as expressly provided in this section, an agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public.

ii. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.

3.<< "Farm equipment" means, in accordance with >>sections<< ~~[[Sections]]~~ 316.003 and 604.40, Florida Statutes (2020), tractors or farm implements that are primarily designed for or primarily used in agriculture.

i. This term includes, without limitation, the following: farm tractor; all-terrain vehicle; combine; harvester; backhoe; front loader; plow; mower; implements of husbandry; irrigation trucks; and any

other equipment that is used on a farm that is not required by the State of Florida to be registered as a motor vehicle.

- ii. This term includes such other implements as determined by the Director to be primarily designed for or used in agriculture and not for off-road construction, mining, utility, or industrial purposes.
- iii. This term excludes: equipment designed for or used in off-road construction, mining, utility, and industrial purposes; and Category 3 vehicles as defined in section ~~[[Section]]~~ 33-124.1.

~~[[3-]]~~ 4. “Farm supplies” means materials, other than farm equipment, that are primarily designed for or primarily used in agriculture.

(b) *General requirements.* Except as provided in this article for outdoor storage, maintenance, and repair of farm equipment, distribution vehicles, and other classified vehicles, all uses enumerated in this subsection shall be subject to the following requirements:

- 1. Each use shall only be authorized on a property that:
 - i. Is designated Agriculture on the Comprehensive Development Master Plan Land Use Plan Map; and
 - ii. Contains land that has been classified by the Miami-Dade County Property Appraiser as agricultural land ~~except as provided in this section~~.
- 2. Except as provided in this subsection or section 33-279.3, a certificate of use pursuant to section 33-8 shall not be required for uses authorized by this subsection ~~[[The property or business owner shall obtain from the Department an annually renewable certificate of use for each use]]~~.

(c) The following uses shall be permitted when ancillary to a farm ~~[[an ongoing and lawfully established agricultural use]]~~:

- 1. The packing, processing, or sale of agricultural goods or products produced

within the State of Florida >>and not otherwise enumerated in this section<<.

2. Farm tours, >>including without limitation wagon rides and farm tours on motorized vehicles;<< farm meals>>;<<[[;]] cooking classes>>;<<[[;]] agricultural workshops[[;]] >>and other<< agricultural education>>;<< [[and— agritourism, — including]] U-Pick>>;<<[[;]] pony rides[[;]] and horseback riding>>; animal exhibits; outdoor amusements, including but not limited to pub games, inflatable waterslide pools and other small water-related or inflatable devices, zip lining, and paintball; seasonal activities such as pumpkin patches; and agritourism not otherwise enumerated.

- i. A certificate of use pursuant to section 33-8 shall not be required where such ancillary use does not involve construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public.

- ii. The construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public is permitted, subject to the following:

- a. A certificate of use pursuant to section 33-8 is obtained to demonstrate that the proposed structure or facility allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy agriculture-related activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.

- b. the structure or facility complies with the Florida

Building Code, chapter 24 of this code, and other regulations applicable to construction of such structure or facility

- iii. The agritourism use shall be operated only by the party engaged in the farm use on the property.
- iv. Outdoor amusements and other construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public shall only be permitted outside the Urban Development Boundary<<.
- 3. Farmers' markets, >>meaning sales from multiple vendors and<< restricted to the sale of fruits, vegetables, live farm animals, ~~[[and]]~~ plants, ~~[[as well as]]~~ >>and<< products derived directly therefrom>>, and souvenirs or other items that promote the farm<<.
- 4. Uses determined by the Director to be similar to those enumerated in subparagraphs (1)—(3) above. In determining similarity between a proposed use and the uses enumerated above, the Director shall be guided by whether the proposed use is ancillary to and directly supportive of agriculture.
- 5. The sale and service of farm equipment and farm supplies.
- 6. Outdoor storage, maintenance, and repair of farm equipment, distribution vehicles, and other classified vehicles, only in accordance with this subsection and with Section 33-279.3; it is provided, however, that such use may be a primary use on a lot as provided therein.
- >>7. Box lunch distribution to serve employees of the farm, as provided in section 33-14 for industrial and manufacturing plants and commercial uses.
- 8. Mobile food service operations, only in accordance with the following:

- i. Each such operation complies with section 33-14.1; and
- ii. Products sold from each such operation shall comply with the requirements for products sold from farm stands as set forth in subparagraph (10)(i).
- iii. The mobile food service operation may use self-contained utilities, including but not limited to gas, water, and waste disposal, except for electrical connections permitted by section 33-14.1; and
- iv. The storage, processing, or disposal of solid or liquid waste, as defined in sections 24-5 or 15-1, including, but not limited to, any vegetable or animal product used in, or a byproduct of, the cooking, food preparation, or cleaning process, from any such operation, shall be subject to compliance with all applicable requirements of chapters 15 and 24.
- iv. Overnight storage of a mobile food service vehicle is permitted on the agricultural property on which it is used only where the vehicle is owned and operated by the property owner. All other vehicle storage is subject to section 33-279.3.
- v. Such mobile food service operations shall only be permitted outside the Urban Development Boundary.

(28)<< [[(23)]] The sale of farm supplies and farm equipment, together with general retail items, subject to the following requirements:

- (a) Administrative site plan review and approval pursuant to >>section<< [[Section]] 33-310.4 >>and a certificate of use pursuant to section 33-8 are<< [[is]] required.

* * *

>>(29) General provisions relating to farms.

- (a) For uses allowed pursuant to this article where located on a property with, or ancillary to, a farm, the primary agricultural use shall be one of the following uses enumerated in this section:
1. Cattle or stock grazing (not including hog raising).
 2. Raising or keeping of hogs.
 3. Dairy barn.
 4. Farm.
 5. Grove.
 6. Greenhouses or nurseries.
 7. Horticultural farming—commercial.
 8. Hydroponics or other chemical farming.
 9. Poultry raising.
 10. Truck garden.
 11. Fish pool or other aquaculture.
 12. Seed drying facility.
- (b) Obtaining an agricultural classification as provided in section 193.461, Florida Statutes, as may be amended, is not required to demonstrate compliance with this subsection. It is provided, however, that compliance with this section shall not be construed to require the property appraiser to classify a property or portion thereof as agricultural and shall not be considered as evidence of compliance with the requirements of section 193.461, Florida Statutes
- (c) For uses that this section exempts from obtaining a certificate of use pursuant to section 33-8, the following shall apply:
1. Building permits shall be obtained for any structure that is not a nonresidential farm building, farm sign, or farm fence, as defined in section 604.50, Florida Statutes.
 2. Where the use involves a structure that is exempt from the Florida Building Code, floodplain management review pursuant to section 11C-3 shall be required.
 3. It is provided, however, that, notwithstanding chapter 11C or any other provision of this code to the contrary, floodplain management review shall not be required for the following structures when located outside of a special flood hazard area and coastal high hazard area and when they are accessory buildings for an ongoing and lawfully established

agricultural use: pre-manufactured sheds; site-built sheds; cargo containers; and pole barns and other structures that are open on at least one side.

- (d) For uses that provide food service to the public:
 - 1. Where such uses do not provide bathrooms in a permanent building, sufficient portable toilets to accommodate the public shall be provided.
 - 2. Where such uses provide bathrooms in a permanent building:
 - i. the bathrooms shall be served by a public water main and a public sanitary sewer system; or
 - ii. where a public water main is not available, the bathroom shall be served by a legally established domestic well approved pursuant to chapter 24, and where a public sanitary sewer system is not available, the bathroom shall be served by a legally established onsite sewage treatment and disposal system approved pursuant to chapter 24.
- (d) *Presumption of compliance.* For uses that require a minimum percentage of products to come from certain areas or sources, the use shall be presumed to comply with such requirement, subject to rebuttal by the Department, where the property owner or tenant presents to the Department: executed contracts, manifests, bills of lading, load tenders, confirmations of tender, proofs of delivery, payment records, or any combination thereof, to establish that the products were obtained from the required area or source.
- (e) *Voluntary certificate of use.* A use that does not require a certificate of use pursuant to section 33-8 shall be deemed to comply with this section where:
 - 1. The property owner has:
 - i. voluntarily obtained from the Department such a C.U. after submitting an application that contains the information required by this paragraph; or
 - ii. has previously obtained a C.U. for a similar use based on presenting

substantially similar information, as determined by the Department.

- 2. To comply with this paragraph (d), the application for voluntary C.U. shall include a site plan or sketch, subject to the Department's approval, that identifies:
 - i. the location and size of the primary agricultural use or uses;
 - ii. the location and size of any ancillary use or uses;
 - iii. the location of all structures for agricultural uses and ancillary uses, respectively, including demonstrating compliance with applicable setback standards; and
 - iv. the location and type of required visual buffering.<<

* * *

Sec. 33-279.2. - Agricultural Uses Permitted in Areas Located Outside the Urban Development Boundary, Designated Agriculture on the Comprehensive Development Master Plan and Zoned EU, RU, BU or IU.

Notwithstanding any provisions to the contrary in Chapter 33 of this Code, the agricultural uses provided in this Section are permissible in areas zoned EU, RU, BU>>,<< and IU that are designated Agriculture on the Comprehensive Development Master Plan Land Use Plan Map and that are located outside of the Urban Development Boundary.

* * *

- (c) *For all properties subject to this Section:*
 - (1) The property shall conform to the minimum lot size and setback requirements of the underlying zoning district.
 - (2) Agricultural uses on the property shall not be subject to the underlying zoning district's landscaping and lot coverage requirements.
 - (3) >>Agricultural uses shall be governed by section 33-279 as to certificates of use, zoning improvement permits, and floodplain review<< ~~[[A Zoning Improvement Permit shall be obtained prior to establishing any agricultural use]].~~

>>(4) This section shall not be construed to limit the use of the property in accordance with the underlying zoning district to the extent permitted by the CDMP.<<

* * *

Section 6. Division 2 of article III of chapter 24 of the Code of Miami-Dade County,

Florida, is hereby amended to read as follows:

DIVISION 2. - WELLFIELD PROTECTION, DOMESTIC WELL SYSTEMS AND POTABLE WATER STANDARDS

* * *

Sec. 24-43.1. Liquid waste disposal and potable water supply systems.

* * *

(4) *Nonresidential land uses with potable water or OSTDS with only domestic sewage.* Notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use or occupancy (except for changes in ownership for facilities that do not require an operating permit pursuant to Section 24-18), municipal occupational license (except for changes in ownership for facilities that do not require an operating permit pursuant to Section 24-18), platting action (final plat, waiver of plat, or equivalent municipal platting action), development agreement subject to the Florida Local Government Development Agreement Act, zoning action (district boundary change, unusual use, special exception, use variance, or equivalent municipal zoning action), or other development order or development permit for any nonresidential land use served or to be served by any source of potable water supply or an OSTDS without obtaining the Director's prior written approval pursuant to this subsection.

Furthermore, notwithstanding any provision of this code, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit, or suffer to be constructed, utilized,

operated, or occupied, any nonresidential land use served or to be served by any source of potable water or an OSTDS without obtaining the Director's prior written approval. >>It is provided, however, that a farm stand or a mobile food service operation ancillary to a farm is not subject to this subsection where such use utilizes only self-contained utilities and complies with section 33-279.<<

Written approval shall only be issued if it is demonstrated that the only liquid waste (excluding liquid wastes associated with >>the following:<< the processing of agricultural produce in agricultural packing houses ~~[[and liquid wastes associated with]]~~ >>;<< ~~[[an]]~~ agricultural >>vehicles or<< ~~[[vehicle or,]]~~ agricultural equipment maintenance facilities~~[[,]]~~>>; farm-related breweries, distilleries, or wineries without food service, preparation, or consumption, mobile food service operations with only self-contained utilities and ancillary to a farm, or farm stands with only self-contained utilities, provided that such uses comply with section 33-279; or<< stormwater and water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters) that shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into an OSTDS that complies with section 24-42.7, that the property is not within a feasible distance for public water mains and public sanitary sewers, and only:

- (a) After the owner of the property (excluding property upon which an agricultural vehicle or agricultural equipment maintenance facility operates) submits to the Director ~~[[or the Director's designee]]~~ a covenant running with the land executed by the owner of the property in favor of Miami-Dade County >>that<< ~~[[which]]~~ provides that the only liquid waste (>>except for those liquid wastes excluded by this subsection (4) above<< ~~[[excluding liquid wastes associated with the processing of agricultural produce in agricultural packing houses and liquid wastes associated with agricultural vehicle or agricultural equipment maintenance facilities, stormwater and water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters]]~~)

which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into >>an OSTDS<< ~~[[a septic tank]]~~.

>>(i)<< Said covenants shall be in a form(s) prescribed by the Director ~~[[and approved by the Board of County Commissioners]]~~.

>>(ii)<< The covenants shall be recorded by the Department at the expense of the owner of the property>>.

(iii) The Director is authorized to accept modifications of previously approved covenants to conform to this paragraph (4)(c)<<; and

* * *

(c) If the Director or the Director's designee determines that the existing nonresidential land use for the property or the nonresidential land use requested for the property is served or to be served by an onsite domestic well system and ~~[[a septic tank]]~~ >>an OSTDS<< and is not one ~~[[4]]~~ or more of the following nonresidential land uses:

(i) Establishments ~~[[primarily]]~~ engaged in the handling of food and drink>>; it is provided, however, that the preparation, cooking, or table service of food or drink when ancillary to a farm to the extent permitted in section 33-279 may be permitted<< ~~[[except factory prepackaged products and agricultural crops and, food preparation facilities on agricultural properties which serve the prepared food and drink on site]]~~.

* * *

(6) *Other nonresidential land uses without public water, public sanitary sewer, or both.* Notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use, certificate of occupancy, municipal occupational license, platting action (final plat, waiver of plat or equivalent municipal platting action),

development agreement subject to the Florida Local Government Development Agreement Act, zoning action (district boundary change, unusual use, special exception, use variance, or equivalent municipal zoning action), or other development order or development permit for any nonresidential land use served or to be served by any >>method for<< ~~[[liquid waste]]~~ storage, disposal, or treatment ~~[[method]]~~ >>of liquid waste (excluding liquid wastes associated with the following: the processing of agricultural produce in agricultural packing houses; agricultural vehicles or agricultural equipment maintenance facilities; or farm-related breweries, distilleries, or wineries without food service, preparation, or consumption, mobile food service operations with only self-contained utilities and ancillary to a farm, or farm stands with only self-contained utilities, provided that such uses comply with section 33-279)<< other than public sanitary sewers, or by any source of potable water supply other than a public water main, without obtaining the Director's prior written approval.

Furthermore, notwithstanding any provision of this code to the contrary, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit, or suffer to be constructed, utilized, operated, or occupied, any nonresidential land use served by any >>method for<< ~~[[liquid waste]]~~ storage, disposal, or treatment ~~[[method]]~~ >>of liquid waste (except for those liquid wastes excluded by this subsection (6) above)<<, other than public sanitary sewers or any source of potable water supply other than a public water main, without obtaining the Director's prior written approval. >>It is provided, however, that a farm stand or a mobile food service operation ancillary to a farm is not subject to this subsection where such use utilizes only self-contained utilities and complies with section 33-279.<<

Such written approval shall only be issued if one or more of the following is met:

- *
- *
- *

Sec. 24-43.2. Regulation of on-site domestic well systems and other water supply wells.

- (1) *Regulation of on-site domestic well systems generally.*
- (a) Notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use or occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action), development agreement subject to the Florida Local Government Development Agreement Act, zoning action (district boundary change, unusual use, special exception, use variance, or equivalent municipal zoning action), or other development order or development permit for any land use served or to be served by an on-site domestic well system without obtaining the Director's prior written approval.

Furthermore, notwithstanding any provision of this code to the contrary, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit, or suffer to be constructed, utilized, operated, or occupied, any land use served or to be served by a domestic well system without obtaining the Director's prior written approval.

Such written approval shall only be issued if the Director determines all of the following are met:

- (i) the existing or requested land use for the property complies with Section 24-43.1; and
- (ii) the installation of a public water main to serve the property from the nearest available point of connection to an available public water main is not within feasible distance for public water mains; and
- (iii) the groundwater at the site does not require treatment ~~[[in order]]~~ to meet the primary drinking water quality standards specified in Chapter >>62-550<< ~~[[62-55]]~~, Florida Administrative Code, as same may be amended from time to time; and
- (iv) the groundwater at the site does not contain more than 250 milligrams per liter (mg/l) of chlorides at a depth of 30 feet from ground elevation>>; and

- (v) for establishments engaged in the preparation, cooking, or table service of food or drink when ancillary to a farm to the extent permitted in section 33-279, the following additional requirements:
1. the on-site domestic well water treatment system or treatment train is designed for land uses within the cone of influence of the well based on the maximum day flow rate, but not less than 1/8-mile;
 2. the on-site domestic well system includes mechanical, electrical, and component reliability to assure uninterrupted supply and treatment;
 3. the Director has given written approval for monitoring plans for the following, including sampling frequency for primary and secondary drinking water standards:
 - a. where groundwater contamination has been identified within 1/8-mile, a sentinel groundwater monitoring plan, which includes monitoring wells and sampling contaminants identified; and
 - b. a raw (untreated) and treated water monitoring plan; and
 4. the Director has given written approval for a water treatment system operation and maintenance plan, which includes a Class D or higher Operator performing site visits at a rate of 2 visits per week for a total of 1 hour per week; and
 5. the system includes a disinfection system that provides 4-log removal or inactivation of pathogens with an inactivation ratio equal to or greater than one based on peak hourly flow rate.
 6. Notwithstanding any provision of this chapter to the contrary, a mobile food service operation that complies with

section 33-279 is not subject to this section.<<

* * *

Section 7. Section 33-279 of the Code shall be renumbered pursuant to the revisions in section 2 above.

Section 8. 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 9. 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 10. 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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Kionne L. McGhee

