

MEMORANDUM

Amended
Agenda Item No. 7(H)

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

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning;
amending sections 33-1, 33-279,
and 33-279.1 of the Code;
allowing rural event venues in
the agricultural zoning district
under certain circumstances;
providing definition and
establishing regulations
pertaining to rural event venues

Ordinance No. 20-108

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Dennis C. Moss and Commissioner Daniella Levine Cava, and Co-Sponsors Chairwoman Audrey M. Edmonson, Commissioner Barbara J. Jordan and Commissioner Jean Monestime.


Abigail Price-Williams
County Attorney

APW/smm

Date: October 6, 2020

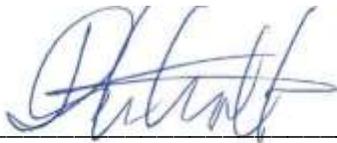
To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez".

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning; Rural Event Venues in the
Agricultural Zoning District

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

A handwritten signature in blue ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor

FIS06220 201387

Date: October 6, 2020

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

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning – Allowing Rural Event Venues in the Agricultural Zoning District

The proposed ordinance relating to Zoning amends Sections 33-1, 33-279, and 33-279.1 of the Code of Miami-Dade County (Code) allowing rural event venues, under certain conditions, including a requirement for the issuance of an annual Certificate of Use, to be permitted within the Agricultural Zoning District in unincorporated areas. The proposed amendments are part of a series of updates to the County's Agriculture Zoning District that seek to provide additional uses to the agricultural/rural community.

The proposed ordinance defines Rural Event Venue as a venue, located in an agriculturally zoned area, for special functions such as weddings, receptions, corporate meetings, or similar gatherings. The proposed ordinance is designed to allow such events while regulating potential impacts to preserve the agricultural character, beauty, and tranquility of the area, and to prevent interference with other agricultural operations, such as the raising or caring of farm animals.

A handwritten signature in blue ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor

201387



MEMORANDUM
(Revised)

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

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Amended
Agenda Item No. 7(H)

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 Amended
Veto _____ Agenda Item No. 7(H)
Override _____ 10-6-20

ORDINANCE NO. 20-108

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1, 33-279, AND 33-279.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING RURAL EVENT VENUES IN THE AGRICULTURAL ZONING DISTRICT UNDER CERTAIN CIRCUMSTANCES; PROVIDING DEFINITION AND ESTABLISHING REGULATIONS PERTAINING TO RURAL EVENT VENUES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, the rural and agricultural areas of Miami-Dade County are known for their natural beauty and tranquility; and

WHEREAS, as such, the rural and agricultural areas may be attractive locations for events, such as weddings, family reunions, or corporate gatherings; and

WHEREAS, the Board would like to allow such events within the agricultural (AU) in the unincorporated areas, under certain conditions, including a requirement for an annually-renewable certificate of use; and

WHEREAS, the Board would like to allow such events while also minimizing potential impacts to preserve the agricultural character, beauty, and tranquility of the area, and also to prevent interference with other agricultural operations, such as the raising or caring of farm animals; and

WHEREAS, although section 570.85, Florida Statutes, preempts certain local government regulations relating to “agritourism activity,” it 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, in addition, section 570.86, Florida Statutes, provides that agritourism 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

WHEREAS, consistent with the limited statutory authority for local regulation of agritourism, the Board would like to provide for a simplified certificate of use for rural event venues on certain properties that have a current classification as agricultural land from the Property Appraiser, together with limited regulations to mitigate offsite impacts and address potential emergencies, including minimum parking requirements, hours of operation, hours of amplified sound, light spillage, portable toilets, and the number of certain types of events for a particular property, as explained further below; and

WHEREAS, consistent with other certificates of use issued by the County, and consistent with the express limitation in section 570.86, Florida Statutes, as noted above, neither this ordinance, nor the required certificate of use provided for herein, would authorize construction; and

WHEREAS, to limit substantial offsite impacts from traffic and noise generated by events on lands classified by the Property Appraiser as agricultural, and to protect neighbors and neighboring properties and preserve the existing character of the agricultural area, the Board would like to limit the number of events with either more than 50 guests or amplified sound to one event per day and three events per week, and only allow such events to take place between the hours of 9:00 am and 11:00 pm; and

WHEREAS, to limit the substantial off-site impacts of event lighting on neighbors, drivers, neighboring properties, livestock, and crops, the Board also would like to require that all lighting installations in connection with a rural event venue on land classified as agricultural be designed to minimize direct spillage, sky glow, and hazardous interference with vehicular traffic on adjacent rights-of-way and adjacent properties, through the use of down-turned lights, light shields, building screening, landscaping or other similar elements; and

WHEREAS, to minimize negative impacts from events on septic tanks, which if overburdened, could result in substantial offsite impacts to neighboring water wells, this ordinance would require the provision of portable toilets, commensurate with the number of guests, at an event for lands classified as agricultural, unless the property has sufficient restrooms that are connected to the sanitary sewer system; and

WHEREAS, to address substantial off-site impacts related to events on lands classified as agricultural, and to help the County prepare for potential emergencies as provided in chapter 252 related to such events, the certificate of use requirement provides a vehicle for the County to obtain up-to-date information about the nature of the event operation on a particular property, including a site plan depicting emergency access, a brief description of events and

proposed schedule and hours, frequency of events with either more than 50 guests or amplified sound, and either a certification that all parking will be provided on site or submission of an alternative plan for off-site parking; and

WHEREAS, this ordinance also provides for some additional regulations for event venues on land that the Property Appraiser has not classified as agricultural land, such as limiting the maximum number of attendees based on the size of the property, which are similar to other County regulations for event venues and are designed to maintain the character of the area and minimize and address impacts that may affect neighboring properties,

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

Section 1. The foregoing recitals are incorporated into this ordinance 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:

* * *

- (43) *Estate*. Any residential site comprising an area of one (1) acre or more shall come within the meaning of the word "estate," as provided herein under Districts EU-1, EU-1C and EU-2.

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.

>>(43.1) Rural event venue. A venue, located in an agriculturally zoned area, for special functions such as weddings, receptions, corporate meetings, or similar gatherings.<<

* * *

Section 3. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-279. Uses permitted.

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

* * *

(1.1) A bed and breakfast establishment shall be permitted subject to the following limitations:

(a) The facility shall be located in property that is subject to a lawful agricultural property tax classification and designated in the Comprehensive Development Master Plan for Agriculture, except as provided in >>this subsection<< ~~[[the] below~~]].

* * *

(j) If designated historic by the Miami-Dade County Historic Preservation Board, structures located on a property designated Agriculture and situated outside the Urban Development Boundary >>on<< ~~[[of]]~~ the Comprehensive Development Master Plan Land Use Plan Map shall be exempt from the requirement of (a) above or any requirement that there be a working farm on the property.

* * *

>>(5.1) 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 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 CU for each such facility is obtained upon demonstrating compliance with this subsection. For each 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 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) above, 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. 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.<<

* * *

Section 4. Section 33-279.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-279.1. - Agricultural Uses Permitted in Open Land Subareas Areas 1 and 4 of the Comprehensive Development Master Plan (CDMP).

Notwithstanding any provisions to the contrary in >>chapter<< ~~[[Chapter]]~~ 33 or >>chapter<< ~~[[Chapter]]~~ 33B ~~[[of this Code]]~~, the agricultural uses provided in this >>section<< ~~[[Section]]~~ are permissible in areas zoned AU or GU with an AU trend in the Open Land Subareas 1 and 4, as designated in the Comprehensive Development Master Plan, to the extent such uses are permissible under >>section<< ~~[[Section]]~~ 33-279 ~~[[of this Code]]~~. No additional agricultural uses shall be permitted in these areas.

The CDMP acknowledges that the lands within these Subareas have special hydrologic conditions and are prone to flooding, and these lands are subject to wetlands regulation (where applicable) and stormwater management regulation pursuant to >>chapter<< ~~[[Chapter]]~~ 24 and floodplain regulations pursuant to >>chapter<< ~~[[Chapter]]~~ 11C ~~[[of this Code]]~~.

The County does not provide flood protection for properties in these areas, nor does the County have plans to provide flood protection in the future. Property owners should consider the risks of flooding in these areas.

* * *

- >>(d) A rural event venue is permissible only where contained entirely within land classified as agricultural land by the Property Appraiser, and only in compliance with:
1. The requirements set forth in section 33-279(5.1)(i), applicable to such a rural event venue; and
 2. For properties in Open Land Subarea 4, the applicable requirements of chapter 33B.<<

Section 5. 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 6. 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 7. 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:

October 6, 2020

Approved by County Attorney as
to form and legal sufficiency:

GKS for

Prepared by:



Abbie Schwaderer-Raurell

Co-Prime Sponsors: Commissioner Dennis C. Moss
Commissioner Daniella Levine Cava
Co-Sponsors: Chairwoman Audrey M. Edmonson
Commissioner Barbara J. Jordan
Commissioner Jean Monestime