

MEMORANDUM

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(A) (Second Reading: 1-22-25) November 6, 2024
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to zoning; amending sections 33-1 and 33- 247 of the Code; revising definitions; providing zoning definitions for hospital and small scale medical facility; providing standards and criteria for approval of small scale medical facilities, subject to certain conditions; amending the permitted uses related to the BU- 1A, BU-2, and BU-3 zoning districts

Ordinance No. 25-5

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Anthony Rodriguez.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: January 22, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning Definitions for Hospital and Small-Scale Medical Facilities

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County. Expansion of the BU zoning districts would allow small hospitals and medical facilities in these districts in accordance with State Law. Additional facilities would provide a more extensive network of care facilities across the community.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operating Officer

Date: January 22, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

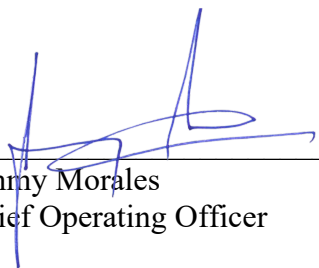
From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning - Amending Regulations to Revise Definitions and Standards for Hospital and Small-Scale Medical Facilities

The proposed ordinance amends Sections 33-1 and 33-247 of the Code of Miami-Dade County (Code) to provide zoning definitions for hospital and small-scale medical facilities and provide zoning standards for approval of small-scale medical facilities.

The purpose of this Code amendment is to enhance community health resources by permitting hospitals within BU1-A, BU-2, and BU-3 zoning districts. This amendment aims to increase the availability of potential sites where residents can access specialized medical care, meeting a growing demand for health services in more convenient, accessible locations. Standards, criteria, and conditions such as the site being under ten acres, located on a major access road, and having driveways only from that road are also being proposed in respect to small scale medical facilities allowance as an additional use in certain zoning districts. Additionally, the facility is limited to four stories, and 50 beds. It requires a 5-foot masonry wall along residential property lines, controlled outdoor lighting, and an annually renewable certificate of use.

The adoption of this ordinance will further the implementation of Comprehensive Development Master Plan Policy ECO-7A: *Miami-Dade County's strategy for meeting countywide employment needs for the next several years should be to emphasize its strengths in international commerce, health services, the visitor industry, and aviation-related activities, and endeavor to expand in the areas of biomedical, film and entertainment, financial services, information technology and telecommunications, while simultaneously promoting the creation and development of small and medium-sized, labor intensive enterprises geared to the socio-economic needs and opportunities of specific neighborhoods and locations meant to serve a diversity of markets.*



Jimmy Morales
Chief Operating Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- _____ **"3-Day Rule" for committees applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **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 ____, majority plus one ____, 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) ____, 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(A)
1-22-25

ORDINANCE NO. 25-5

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1 AND 33-247 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITIONS; PROVIDING ZONING DEFINITIONS FOR HOSPITAL AND SMALL SCALE MEDICAL FACILITY; PROVIDING STANDARDS AND CRITERIA FOR APPROVAL OF SMALL SCALE MEDICAL FACILITIES, SUBJECT TO CERTAIN CONDITIONS; AMENDING THE PERMITTED USES RELATED TO THE BU-1A, BU-2, AND BU-3 ZONING DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to section 33-246 of the Code, the purpose of the County’s Limited Business District, BU-1A, is to “provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods”; and

WHEREAS, pursuant to sections 33-253 and 33-255 of the Code, all of the uses permitted in the BU-1A district are permitted in the BU-2 and BU-3 zoning districts; and

WHEREAS, the State of Florida provides definitions for hospitals and other licensed facilities in chapter 395 of the Florida Statutes; and

WHEREAS, specifically, section 395.02(17) defines “licensed facilities” to refer to any “hospital or ambulatory surgical center licensed in accordance with this chapter” and section 395.02(12) further defines hospital as “any establishment that:

- (a) Offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and

(b) Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, except that a critical access hospital, as defined in s. 408.07, shall not be required to make available treatment facilities for surgery, obstetrical care, or similar services as long as it maintains its critical access hospital designation and shall be required to make such facilities available only if it ceases to be designated as a critical access hospital”; and

WHEREAS, in section 395.02(12), Florida Statutes, the State also specifically includes certain medical office buildings within the term hospital if such buildings were on the same premises of property zoned as a hospital before January 1, 1992; and

WHEREAS, in section 395.02(30), the State separately defines an “urgent care center” as “a facility or clinic that provides immediate but not emergent ambulatory medical care to patients”; and

WHEREAS, a small scale medical facility licensed by the State would fit the statutory definition of a hospital rather than an urgent care center; and

WHEREAS, hospitals are currently only allowed in the GP, Governmental Property; RU-4A, Hotel Apartment House District; BU-2 Special Business District; BU-3, Liberal Business District; and the Palmetto and Santa Clara Station Subzones of the Rapid Transit Zone; and

WHEREAS, this Board desires to provide for greater allowances for the development of small scale medical facilities of up to 50 beds, where such facilities operate as hospitals, in the BU-1A, BU-2, and BU-3 zoning districts, to provide more potential locations for the community to receive specialized care, so that more residents can access such care closer to where they live; and

WHEREAS, with respect to such small scale medical facilities, this Board wishes to create standards, criteria, and conditions, related to compatibility and other zoning considerations, because, for example, BU-1A properties are often adjacent to residential zoning districts; and

WHEREAS, the allowances in this ordinance are in addition to the existing allowances in the Code related to hospitals; and

WHEREAS, this ordinance provides for small medical facilities to be allowed as an additional use in the BU-1A zoning district, and because the other BU zoning districts generally incorporate the uses that are allowed in the BU-1A zoning district, this ordinance would also effectuate the allowance for small medical facilities in the other BU zoning districts,

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.

* * *

>>(57.5) Hospital. A hospital shall have the same definition as provided by the state in section 395.002 of the Florida Statutes, as may be amended from time to time, but shall minimally include any establishment that offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring

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.

diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy. The term hospital shall exclude nursing homes, group homes, and group residential facilities.<<

* * *

>>(97.001) Small scale medical facility. A hospital that provides an emergency department and that has fifty (50) or fewer in-patient beds.<<

Section 3. Section 33-247 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 33-247. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one or more of the following uses.

* * *

>>(39.5) Small scale medical facility, subject to the following conditions:
(1) the site contains less than ten acres; and
(2) the site has frontage on a major access road, which is limited to either major roadways (3 or more lanes) or frontage roadways serving limited access highways or expressways; and
(3) no ingress or egress driveways shall be permitted except from the major access road referenced in (2) above; and
(4) the facility may not exceed four stories or seventy feet in height; and
(5) the facility shall have capacity for no more than 50 beds; and
(6) the facility operates a 24-hour emergency room; and
(7) a minimum 5 foot high masonry wall shall be provided and maintained along all perimeter property lines abutting residentially zoned property, with wall openings only at points approved by both the Directors of the Regulatory and Economic Resources

Department and the Transportation and Public Works
Department for ingress and egress; and
(8) outdoor lighting shall be designed to avoid spilling
beyond the site boundaries; and
(9) an annually-renewable certificate of use shall be
required.<<

* * *

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

January 22, 2025

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Lauren E. Morse
Cristina Rabionet

Handwritten signature in blue ink, appearing to be "G.B.K." above "JEM".

Prime Sponsor: Chairman Anthony Rodriguez