Memorandum

MIAMI-DADE COUNTY

Date: May 6, 2019

To: Chairperson and Members
Planning Advisory Board

From: Jorge M. Fernandez, Jr.
Program Coordinator, Office of Management and Budget

Subject: Staff Report for Proposed Boundary Change to the Village of Virginia Gardens

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Background

On August 16, 2017, the Village of Virginia Gardens (Village) submitted a boundary change application to the Miami-Dade County Clerk of the Board. The Miami-Dade Board of County Commissioners (Board) referred the application to the Planning Advisory Board (PAB) at the October 3, 2017 Board meeting. As required by the Code of Miami-Dade County (Code), the Office of Management and Budget (OMB) has reviewed and processed the application for PAB consideration.

This annexation is being considered along with the annexation applications from the City of Doral, Town of Medley, and City of Miami Springs as depicted in Attachment A. The areas being requested by the four municipalities are not in conflict with each other. The Board requested these annexation requests be considered at the same time.

The proposed annexation is approximately 1,026.7 acres or 1.60 square miles of the Unincorporated Municipal Service Area (UMSA). The proposed annexation area is 5.6 times larger than the current Village boundaries.

The Annexation Area is generally bounded by NW 36th Street on the north, State Road 826 (Palmetto Expressway) on the west, State Road 836 (Dolphin Expressway) on the south, and the Miami International Airport Perimeter/Perimeter to the east connecting at a point with the southern boundary east of NW 57th Avenue, as depicted in Attachment B.

The Annexation Area is within County Commission District 6, represented by Commissioner Rebeca Sosa, and District 12, represented by Commissioner Jose "Pepe" Diaz.

Pursuant to Section 20-6 of the Code, OMB submits this report for your review and recommendation.

Summary of Issues for Consideration:

1. The annexation area has fewer than 250 resident electors and less than 50 percent developed residential; therefore, a vote in the area will not be required.
2. The annexation area will remain within the Miami-Dade Fire Rescue (MDFR) District and the Miami-Dade Library District in perpetuity.
3. The following are Facilities of Countywide Significance in the annexation area: Miami-Dade Aviation Department (MDAD) owned parcels, the Miami-Dade Fire Rescue Station 17, the SMART Plan Corridor, and all parcels within 1 mile of the East-West Corridor alignment.

4. Miami-Dade Water and Sewer Department (WASD) pump stations 19 and 22 will be added to the Facilities of Countywide Significance.
5. The County is proposing to keep the following roads:
   - NW 12th Street from SR 826 to Milam Dairy Airport Extension
   - NW 12th Street from NW 72nd Avenue to 1385' East of NW 57th Avenue
   - NW 25th Street from SR 826 to NW 22nd Street
   - NW 67th Avenue from NW 36th Street to NW 22nd Street
   - NW 68th Avenue north of NW 22nd Street to NW 25th Street, including the NW 25th Street Viaduct on/off ramp
   - NW 25th Street Viaduct
   - NW 68th Avenue from NW 22nd Street to NW 16th Street
   - NW 16th Street from Milam Dairy Road to NW 67th Avenue
6. The Village shall pay for its pro-rata share of the debt service on the County's Stormwater Utility Revenue Bonds. Payment to the County for Virginia Gardens' debt service on these bonds and secondary canal maintenance will initiate immediately upon annexation.
7. If any zoning covenants are in effect at the time of annexation, the Village of Virginia Gardens must comply with Section 20-8.-8 of the Code.
8. The annexation area lies within a ½ mile of a Comprehensive Development Master Plan designated Terminal (as depicted in Attachment C) or ½ mile from the SMART Plan Corridor, which is a Facility of Countywide Significance (as depicted in Attachment D); therefore, the County will retain regulatory control over the entire annexation area.

<u>Annexation Guidelines</u>:
The following analysis addresses the factors required for consideration by the Planning Advisory Board pursuant to Chapter 20-6 of the Code.

1. **Does the annexation divide a historically recognized community?**
   The proposed annexation does not divide a Census Designated Place.

2. **If approved, will the annexation result in an area that is compatible with existing planned land uses and zoning of the municipality to which the area is proposed to be annexed?**
   The annexation area abuts the southwestern boundary of the Village at the intersection of NW 36 Street and NW 67 Avenue. The annexation area is on the southside of NW 36 Street and generally west of NW 67 Avenue, while the Village is east of NW 67 Avenue and north of NW 36 Street. The proposed annexation area is predominantly zoned IU-1 (Light Manufacturing) and IU-2 (Heavy Manufacturing) and some areas are zoned BU-3 (Liberal Business), such as the area along NW 36 Street between NW 72 Avenue and SR 826 (Palmetto Expressway). The area within the Village adjacent to the proposed annexation area at the intersection of NW 36 Street and NW 67 Avenue is zoned for restricted commercial uses by the Village and is developed with office uses and airport (aviation) related uses. The adjacent annexation area, across NW 36 Street, is developed with a parking lot. These two areas are separated by roadways and a canal; therefore, the existing and planned uses within these two areas are generally compatible.

   The Village states in the Annexation Report that upon annexation, the Village will rezone properties within the proposed annexation area to the Village's closest zoning equivalent and adds that its Comprehensive Plan and Land Use Districts will be amended to incorporate any new land use categories as it deems necessary (see pages 38 and 57 of the Village of Virginia Gardens 2017 Annexation Report). However, the Village does not

indicate which zoning districts are the closest equivalents. The Village must identify which of its zoning districts are the closest equivalent to the current zoning of the annexation area properties zoned districts or, if there are none, the Village must adopt zoning district regulations that are consistent with the existing industrially zoned properties in the proposed annexation area in order to maintain consistency with the County's future land use plan.

It is important to note that, in order to avoid the potential abrogation of property rights, the Village must ensure that upon annexation, the zoning designations applied to the annexation area properties do not conflict with their existing industrial and commercial uses or zoning.

Additionally, land within the annexation area are also within the No School Zone, Outer Safety Zone, and Inner Safety Zone for the Miami International Airport (MIA) (Article XXXVII of the Code. Notwithstanding the Village stating in the Annexation Application that it would abide by the "Terminal Ordinance" (page 58 of Annexation Application), the Village must demonstrate how it would maintain compatibility and consistency with the Airport Zoning.

3. **Preserve, if currently qualified, eligibility for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state, and local government agencies?**
   The annexation will not impact the federal/state entitlement funding administered by the Miami-Dade Community Action and Human Services Department. If by annexing the area the City's population increases over 50,000, the County's Public Housing and Community Development Department may see a decrease in revenues from the following federal and state programs: Community Development Block Grant (CDBG); HOME; Emergency Solutions Grants (ESG), and State Housing Initiative Partnership (SHIP). The municipality will have the ability to apply for these funding sources directly.

4. **Will the annexation impact public safety response times?**
   <u>Fire and Rescue:</u>
   The proposed annexation will not impact MDFR service delivery and/or response time. Currently, the area is served as part of UMSA. If the annexation is approved, fire protection and emergency medical services will continue to be provided by the County and will continue to be served by the same stations and resources within the Fire District in an efficient and effective manner. As a condition of annexation, the Village, through an Interlocal Agreement with the County, shall agree that the proposed annexation area remain within the MDFR District in perpetuity.

   <u>Police:</u>
   In the event the annexation application is approved, the total service area within UMSA will be reduced. Departmental resources will be reallocated from the annexed area to the remaining portions of UMSA. As a result of this reallocation, response times within UMSA would be reduced accordingly. However, due to continual incorporation and annexation, the full impact upon UMSA is yet to be determined.

5. **Will the annexation introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads?**
   There are no special taxing districts within the boundaries of the proposed annexation; therefore, the proposed annexation area has no related traffic impacts to the County.

6. **Will the annexation area be served by the same public service franchises, such as cable and communications services, as the existing municipality, or with full access to all available municipal programming through its franchise provider(s)?**
   The proposed annexation will continue to be served by the same cable television and telecommunication operators as before. Pursuant to State law effective July 1, 2007, the County no longer has the ability to license new cable television companies and enforcement activities will be limited to rights-of-way issues only. Therefore, the proposed annexation will not have an impact on the County's ability to enforce rights-of-way issues as per the Code. A list of new cable franchise certificates that may affect the County's rights-of-way can be found at the following site: http://sunbiz.org/scripts/cable.exe.

   Telecommunications Service Providers are required to register with the County only if they have facilities located within UMSA. The purpose of the registration process is to determine users of the County's rights-of-way. Therefore, companies that have facilities within the proposed annexation area will no longer be required to register with the County. Municipalities are responsible for managing their public thoroughfares.

   Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within their respective municipality. The cable operator's obligation to broadcast municipal meetings is outlined in these agreements. Technically, cable operators have the ability to add municipal programming to the proposed annexed areas if required.

7. **If the area has been identified by the Federal Government as a flood zone or by emergency planners as an evacuation zone, has the existing municipality indicated its preparedness to address any extraordinary needs that may arise?**
   There are portions of the proposed annexation area located within the federally designated 100-year floodplain. This area will flood under sustained rains and property owners within it are required to obtain flood insurance.

   The proposed annexation area is not located within any County designated hurricane evacuation zone and residents of the area are not obligated to evacuate when hurricane warnings are issued.

8. **Will the annexation area be connected to municipal government offices and commercial centers by public transportation?**
   The proposed annexation area is currently served by Metrobus Routes 36, 73, 95 Express (Golden Glades), 132 (Tri-Rail Doral Shuttle) and 238 (East-West Connection). The service headways (in minutes) for these routes are detailed in the table below.

Annexation Application: Village of Virginia Gardens							
Route	Service Headways (in minutes)						Type of Service
	Weekday				Weekend		
	Peak (AM/PM)	Off-Peak (midday)	Evenings (after 8pm)	Overnight (OVN)	Saturday	Sunday	
36	20	60	20	n/a	60	60	L/F
73	30	40	60	n/a	60	60	L/F
95 Express (Golden Glades)	*	n/a	n/a	n/a	n/a	n/a	E
132 (Tri-Rail Doral Shuttle)	80	n/a	n/a	n/a	n/a	n/a	L/F
238 (East-West Connection)	40	60	n/a	n/a	n/a	n/a	L/F

Notes:
L means Metrobus local route service
F means Metrobus feeder service to Metrorail or Tri-Rail
E means Metrobus Express or Limited-Stop service
** one trip at 7:11 am and one trip at 6:06 pm only*
December 2016 Line Up

The area being considered for annexation lies immediately north of the East-West Rapid Transit Corridor, which is one of the six proposed premium transit corridors of the County's Strategic Miami Area Rapid Transit (SMART) Plan.

9. **To the degree possible, would the proposed annexation area be contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality?**
   The proposed annexation area is contained within the same school district boundaries as the adjoining unincorporated area and the Village. The schools serving the proposed annexation area are Miami Springs Elementary, Miami Springs Middle, and Miami Springs Senior High.

The following analysis addresses the factors required for consideration by the Board and the PAB pursuant to Chapter 20-7 of the Code.

1. **The suitability of the proposed annexation boundaries, in conjunction with the existing municipality, to provide for a municipal community that is both cohesive and inclusive.**

   a. **Does the area divide a Census Designated Place, (an officially or historically recognized traditional community?**
      The proposed annexation area does not divide a Census Designated Place.

   b. **Have any adjacent unincorporated areas with a majority of ethnic minority or lower income residents petitioned to be in the annexation area?**
      No adjacent unincorporated areas having a majority of ethnic minority or lower income residents have petitioned to be included the annexation area.

   c. **Is the area or does it create an unincorporated enclave area (surrounded on 80 percent or more of its boundary by municipalities) that cannot be efficiently or effectively served by the County?**
      The proposed annexation area is not an enclave.

Annexation of the proposed area would result in an unincorporated pocket (south of the annexation area) that is surrounded on approximately 78 percent of its boundaries by municipalities and Miami International Airport. However, this area can be efficiently and effectively served by the County.

d. **Are the boundaries logical, consisting of natural, built, or existing features or City limits?**
The boundaries are logical and follow major roadways.

2. **Land Use and Zoning Covenants - Provide a listing of all declaration of restrictions within the annexation area (include folios and copies of covenants).**
The Board shall require, as a condition of municipal boundary change, that the Board retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan (CDMP) application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body. (A search of County records indicates that no CDMP land use covenant is in effect within the proposed annexation area.) If any zoning covenants are in effect at the time of annexation, the Village must comply with Section 20-8.8 of the Code. It is provided, however, that the Board may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion. In the event that any such declaration of restrictive covenant is not brought to the Board, any action relating to the covenant by the municipality shall not be deemed final until the requirement of County approval is complied with. The identification of any declarations of restrictive covenants subject to this paragraph shall be the responsibility of each zoning applicant in the applicable municipality.

3. **The existing and projected property tax cost for the municipal-level service to the average homeowners in the area currently as unincorporated and as included as part of the annexing municipality.**
The taxable value within the annexation area is $946,301,461. At the current Village millage rate (5.1000 mills), the ad valorem revenues attributable to the annexation area would be $4,584,831. At the current UMSA millage rate (1.9283 mills), the ad valorem revenues attributable to the annexation area would be $1,733,515 as noted in the table below. The expected tax increase to the entire annexation area would be 3.1717 mills and $2,851,315. There are 515 folios in annexation Area, and the average property owner would see an increase of $5,537 if this annexation is approved.

Existing and Projected Property Tax Cost		
Village of Virginia Gardens **FY 2018-19**		
	Millage Rate	Millage x Taxable Value
Village of Virginia Gardens		
Municipal Millage	5.1000	$4,584,831
Unincorporated Area		
UMSA Millage	1.9283	$1,733,515
Increase	**3.1717**	**$2,851,315**

4. **Relationship of the proposed annexation area to the Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan (CDMP).**
   The proposed annexation area comprises a total of 1,026.7 acres and is located inside the 2020 UDB as depicted on the County's CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map.

5. **What is the impact of the proposal on the revenue base of the unincorporated area and on the ability of the County to efficiently and effectively provide services to the adjacent remaining unincorporated areas?**
   The total taxable value of the annexation area is $946,301,461. The area generates an estimated $2,041,153 in revenue excluding franchise fees ($168,072) and utility taxes ($583,659), which would be retained by the County pursuant to Section 20-8.1 and 20-8.2 of the Code. The County spends an estimated $1,519,356 per year providing services to the area. Therefore, the net revenue loss to the UMSA budget is an estimated $521,797 (Attachment E).

6. **What is the fiscal impact of the proposed annexation on the remaining unincorporated areas of Miami-Dade County? Specifically, does the per capita taxable value of the area fall within the range of $20,000 to $48,000?**
   There are no residents in the annexation area. Therefore, this metric is not applicable.

7. **Is the annexation consistent with the Land Use Plan of the County's CDMP?**
   The CDMP Adopted 2020 and 2030 LUP map designates the properties within the proposed annexation area as "Industrial and Office," "Restricted Industrial and Office," "Transportation", "Terminals", and "Business and Office."

The Village recognizes the CDMP land use designations of the proposed annexation area properties and indicates that the Village has amended the text of its Comprehensive Plan to incorporate land use categories to maintain consistency with the County's land use designations (see pages 25 and 34-38 of the Village of Virginia Gardens 2017 Annexation Report). However, after discussions with the Village these text amendments have not been yet been adopted by the Village. The Village's current land use districts include: Single Family Residential, Medium Multiple Family Residential, Multiple Family Residential, Restricted Commercial, General Commercial, Institutional and Recreational Open Space. However, the Village does not provide for land use districts that are consistent with the County's CDMP land use designations of "Industrial and Office," "Transportation," "Terminals" and "Restricted Industrial and Office." Therefore, the Village must clearly identify the land use designation(s) that would be applied to the annexation area properties and demonstrate how it would maintain consistency with the CDMP land use designations of "Industrial and Office," "Transportation," "Terminals" and "Restricted Industrial and Office."

Facilities of Countywide Significance:

The County's policy regarding Facilities of Countywide Significance is to maintain regulatory control over planning, zoning, land use, and development of such facilities. Specifically, Section 20-8.6 (c) of the Code, requires that the County retain jurisdiction of such facilities as a condition of approval for annexation.

As stated in Section 20-28.1 of the Code, the County shall not transfer operation, maintenance, or regulatory jurisdiction of a municipality. Furthermore, adherence to this requirement is a condition of annexation and shall be included in any interlocal agreement for such area.

The following are Facilities of Countywide Significance within the proposed annexation boundaries.

1. The Miami-Dade Fire Rescue Station 17, located at 7050 NW 36th Street.
2. All Miami-Dade Aviation parcels.
3. Pursuant to Section 2-2363 of the Code, the SMART Plan Corridor and all real properties wholly or partially located within 1 mile from the proposed East-West Corridor alignment.

The following facilities will remain under the jurisdiction of the County and be added to the list of Facilities of Countywide Significance.

- WASD pump station No. 19, 2201 NW 70 Avenue, Miami, FL; and
- WASD pump station No. 22, 7450 NW 31 Street, Miami, FL.

DEPARTMENTAL ANALYSES:

Police

MDPD currently provides police services to the proposed annexation areas. However, if annexed, the Village has a full service law enforcement agency that will be providing police protection to the proposed area. The Village currently has twenty-two (22) sworn full-time officers and three (3) certified reserve officers. If the proposed annexation area is incorporated into the Village, an increase of sworn officers would be contemplated.

The following MDPD tables represent all calls for uniform and non-uniform police calls within the proposed annexation area for calendar year 2017.

Calls For Service – Village of Miami Springs – Annexation Area

Year	Criteria	Routine Calls	Code 3 Emergency Calls	Code 2 Emergency/ Priority Calls	All Calls
2017	Total Calls	3,927	200	120	4,247

Part I and Part II Crimes – Annexation Area

Year	Part I Crimes	Part II Crimes	Total
2017	111	63	174

Definition of Code 2 Emergency: A situation which poses a potential threat of serious injury or loss of human life that may require swift police action; e.g., assault, robbery, or burglary of an occupied structure in progress; hazardous chemical spill; toxic gas leak; serious motor vehicle crash in which the extent of injuries is unknown; etc.

Definition of Code 3 Emergency: A situation or sudden occurrence that poses an actual threat of serious injury or loss of human life and which demands swift police action; e.g., seriously ill or injured person, shooting, sexual battery, etc.

Definition of Part I Crimes: Uniform Crime Report (UCR) Part I Offenses are those crimes reported to MDPD in the following classifications: murder and non-negligent manslaughter, robbery, aggravated assault, forcible rape, motor vehicle theft, larceny, burglary. The UCR is a standard method of reporting crime, administered by the Federal Bureau of Investigation (FBI) through the UCR Program. The classification for the offense is based on a police investigation, as opposed to determinations made by a court, medical examiner, jury, or other judicial body.

Definition of Part II Crimes: All crimes not covered under Part I Crimes.

Fire and Rescue

The proposed annexation will not impact MDFR service delivery and/or response time. Currently, the area is served as part of UMSA. If the annexation is approved, fire protection and emergency medical services will continue to be provided by the County and will continue to be served by the same stations and resources within the Fire District in an efficient and effective manner. As a condition of annexation, the Village through an Interlocal Agreement with the County, shall agree that the proposed annexation area remain within the MDFR District in perpetuity.

Existing Stations:

Station 17, located at 7050 NW 36th Street, serves the annexation area. The station is equipped with a ladder apparatus totaling four (4) firefighter/paramedics, 24 hours a day, seven days a week. The station is located along the northern boundary of the annexation area.

Planned Stations:

There are no planned stations in the area.

Service Delivery – Last Three Calendar Years Annexation Area:

	2015	2016	2017
Life Threatening Emergencies			
Number of Alarms	20	15	21
Average Response Time	4:59	6:51	6:52
Structure Fires			
Number of Alarms	0	0	0
Average Response Time	N/A	N/A	N/A

Water and Sewer

The proposed annexation area is within WASD's water and sewer service area. There is water and sewer infrastructure within the subject annexation area. Any request for future water and sewer service shall be determined at the time the proposed development occurs, based on the adequacy and capacity of the County's water and sewer systems at the time of the proposed development.

WASD pump station No. 19 and WASD pump station No. 22 are within the annexation area, and shall be retained by the County.

At this time, there are no active GOB projects under construction within the annexation area.

The annexation will have no impact on WASD's ability to provide services to the remaining areas in the vicinity.

Department of Solid Waste Management (DSWM)

The proposed annexation area includes commercial and industrial land uses, with virtually no residential development. Currently, a private waste hauler provides garbage and trash pickup for the commercial establishments located in the proposed annexation area.

The proposed annexation area is located within Miami-Dade County's Waste Collection Service Area.

Department of Transportation & Public Works

There are approximately 10.6 centerline miles in the proposed annexation area. Approximately, 3.6 centerline miles will be transferred to the Village.

The County is proposing to keep the following roads (approximately 7.0 centerline miles):

NW 12th Street from SR 826 to Milam Dairy Airport Extension
NW 12th Street from NW 72nd Avenue to 1385' East of NW 57th Avenue
NW 25th Street from SR 826 to NW 22nd Street
NW 67th Avenue from NW 36th Street to NW 22nd Street
NW 68th Avenue north of NW 22nd Street to NW 25th Street, including the NW 25th Street Viaduct on/off ramp
NW 25th Street Viaduct
NW 68th Avenue from NW 22nd Street to NW 16th Street
NW 16th Street from Milam Dairy Road to NW 67th Avenue

Street pavement markings will remain under DTPW, since the County has traffic jurisdiction within municipalities.

Department of Regulatory and Economic Resources (RER)

Demographic Profile of the Area

According to the Census 2015 population files, there is no population within the proposed annexation area.

Development Profile of the Area

Shown in Table 1 is the 2017 land use profile for the proposed annexation area. Of the 1,025.6 acres in the proposed annexation area, approximately 37.5 percent of that acreage is in industrial use, 34 percent is in transportation\communication\utilities use, and 9 percent is in commercial, office and transient residential use. Table 1 also shows that there are no residential units within the proposed annexation area while more than half of the land within the Village is in residential use. Finally, Table 1 shows that the proposed annexation area is predominantly industrial while only 0.9 percent of the Village's land is in industrial use.

Within the proposed annexation area, a considerable amount of the acreage is in transportation\communication\utilities use consisting of properties along the Florida East Coast (FEC) railroad corridor and properties owned by Miami-Dade County's Aviation Department that are contiguous to or part of the Miami International Airport (MIA).

Table 1

Village of Virginia Gardens Proposed Annexation Area

Portions of Section 26, 35, and 36 Township 53 , Range 40;

Government Lot 2; Section 31, Township 53, Range 41

2017 Existing Land Use

Land Use	Annexation Area (Acres)	Annexation Area (Percent of Total)	Village of Virginia Gardens (Area Acres)	Village of Virginia Gardens (Percent of Total)	Miami-Dade County (Acres)	Miami-Dade County (Percent of Total)
Residential	0.0	0.0	94.3	51.5	112,469.4	8.9
Commercial, Office, and Transient Residential *	92.6	9.0	26.6	14.5	14,233.7	1.1
Industrial	384.4	37.5	1.6	0.9	19,390.2	1.5
Institutional	35.1	3.4	13.7	7.5	15,461.5	1.2
Parks/Recreation	0.0	0.0	3.4	1.9	834,283.5	65.9
Transportation, Communication, Utilities	349.1	34.0	42.5	23.2	87,396.2	+6.9
Agriculture	0.0	0.0	0.0	0.0	63,175.8	5.0
Undeveloped	141.9	13.8	1.0	0.6	82,109.8	6.5
Inland Waters	22.6	2.2	0.0	0.0	37,794.1	3.0
Total:	**1,025.6**	**100.0**	**183.1**	**100.0**	**1,266,314.2**	**100.0**

* Transient Residential includes Hotels and Motels

Source: Miami-Dade County Department of Regulatory and Economic Resources, Planning Research & Economic Analysis Section April, 2017

A description of the services provided by Division of Environmental Resources Management (DERM), information relating to Chapter 24 of the Code and assessment of environmental issues with the proposed annexation are included below. A majority of the services provided by this department in the proposed annexation area will continue to be provided by the department and include but are not limited to:

<u>Review and approval or disapproval of development orders</u>
This includes the following:

- Building Permits
- Zoning Actions
- Platting Actions (Land Subdivision)
- Building Occupancies (Residential and Nonresidential)
- Municipal Occupational Licenses

The department reviews applications for consistency with the requirements of the Code. The review includes but is not limited to the following:

- Protection of public potable water supply wellfields
- Potable water supply
- Liquid waste disposal
- Stormwater management and disposal
- Tree resources preservation and protection
- Wetland preservation and protection
- Coastal resources preservation and protection
- Air quality requirements
- Flood protection

Operating Permits
Section 24-18 of the Code authorizes DERM to require and issue operating permits for any facility that could be a source of pollution. This includes a wide variety of nonresidential activities or facilities and some ancillary operations to residential land uses.

Enforcement Activities
These include regular inspections of facilities that maintain a DERM operating permit as well as of any potential source of pollution, responses to complaints, and general enforcement operations. DERM's regulatory activities are enforceable under County Code in both incorporated and unincorporated areas, this department currently provides the above services to the subject area. Accordingly, annexation of the parcels in question will not affect the ability to provide adequate levels of service to the areas being annexed or to the areas adjacent to the parcels being annexed.

Wellfield Protection
The northeast portion of the proposed annexation area is located within the maximum and average protection area of the Upper/Lower Miami Springs and Preston Wellfield Complex. Section 24-43(5) of the Code provides that hazardous materials and hazardous wastes shall not be used, generated, handled, discharged, disposed of or stored on properties located within the Wellfield protection Area.

The Environmental Quality Control Board (EQCB) has the authority to grant variances from certain sections of the Code, including variances to Section 24-43(5) to allow land uses that are otherwise prohibited within a wellfield protection area. The EQCB has granted variances to FDG Hialeah LLC for the parcel identified with folio 30-3026-000-0066 via Board Order 16-25, recorded in Official Records Book 30499, Page 2115.

Properties located within the proposed annexation area shall submit a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous wastes shall not be used, generated, handled, discharged, disposed of or stored on such properties.

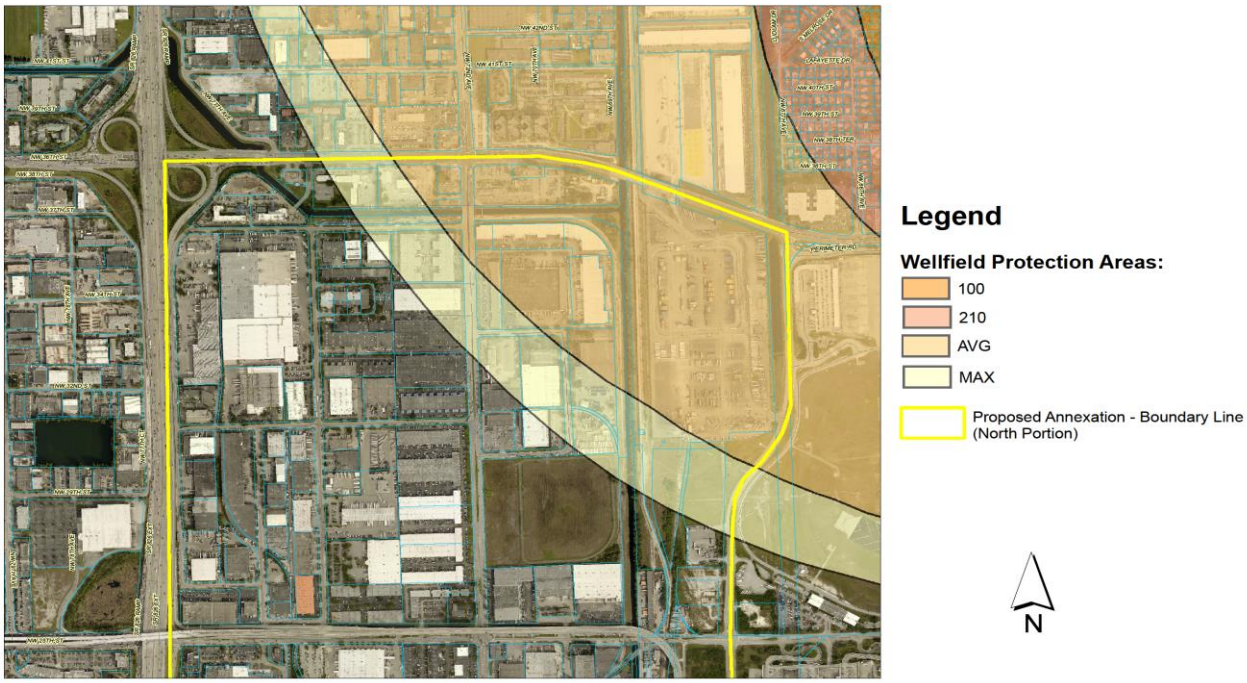
Additionally, the Conservation Element of the Miami-Dade County Comprehensive Development Master Plan (CDMP) addresses land uses within wellfield protection areas:

- Conservation Objective CON 3A – no new facilities that use, handle, generate, transport, or dispose of hazardous wastes shall be permitted within wellfield protection areas.

ANNEXATION AREA

WELLFIELD DELINEATION

Upper/Lower Miami Springs and Preston Wellfield Complex



Water Supply and Distribution

All sections proposed for annexation are located within the Miami-Dade Water and Sewer Department (WASD) potable franchised service area. The source of water for the Amendment area is the Hialeah/Preston Water Treatment Plant, which is owned and operated by WASD. Currently, this plant has sufficient capacity to provide current water demand. Water produced by this plant meets the required Drinking Water Standards.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. Based on the industrial and office trend of uses on the annexation areas, connection to public sanitary sewers is required as provided in Chapter 24 of the Code.

The proposed annexation area is served by four sewer pump stations owned and operated by WASD: 30-0019, 30-0022, 30-0100 and 30-0168. The following Nominal Average Pump Operating Time (NAPOT) information for the pump stations is based on the current conditions of the sanitary pump stations. Please note at the time of final development orders, sewer capacity certification will be required.

The sewer flow collected is routed to the Central District Sewer Treatment Plant that is currently working within the mandated criteria set forth in the new USEPA/FDEP Consent Decree. At this time, the Central District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Drainage and Flood Protection

For all new developments within the proposed annexation area, storm water drainage systems are required to provide flood protection and storm water quality treatment. The objective of these systems is to reduce pollution in stormwater runoff, and reduce flooding impacts to area residents and properties. Any proposed drainage/water management system shall comply with the regulations from all the permitting agencies having jurisdiction.

The Division of Environmental Resources Management issues the Surface Water Management Standard General Permit (SWMSGP) on behalf of the South Florida Water Management District. Jurisdiction to require a SWMSGP is countywide and is dependent upon the size of the development. In addition, DERM has authority under Section 24.48.1 of the Code, for the issuance of a number of drainage permits, which include: Class II (for drainage overflows), Class III (works within County canals), Class V (dewatering permits), and Class VI (drainage systems within industrial land use). The above requirements and authority will remain with the County in any annexed area.

The entire annexation area is within Flood Zones X, AH, and AE at elevation 7 or above the flood plain as determined by FEMA. County Flood Criteria ranges between Elevation +6.00 feet and +7.00 feet National Geodetic Vertical Datum. Any new development planned for the future will have to comply with the requirements of Chapter 11C of the Code for flood protection.

Three (3) canals exist within the proposed annexation area; the FEC Canal (FEC Borrow Ditch Canal), Northline Canal, and Dressels Dairy Canal. A Class II permit from DERM may be required for any new development that includes proposed drainage systems containing an outfall or overflow system in, on, or upon any water body of Miami-Dade County, and a DERM Class III for construction within any county canal right-of-way, reservation, or easement.

Stormwater Utility (SWU) Program and Fees

At the time of annexation, the following conditions will be required as part of this annexation: 1) the Village shall execute or modify (if applicable) a stormwater billing agreement with the County's Water and Sewer Department (WASD) to continue billing in the WASD service area; 2) The Village shall execute a cost-share Interlocal Agreement with the County for canal and/or drainage system maintenance activities to cover expenditure cost-share in the annexed area; 3) The Village shall pay its pro-rata share of the debt service on the County's Stormwater Utility Revenue Bonds; and 4) The Village shall execute or modify a National Pollutant Discharge Elimination System (NPDES) Interlocal Agreement with the County to satisfy the requirements of the NPDES Permit.

1) Stormwater Utility Billing Agreement:
   The proposed annexation area has approximately 14,200 Equivalent Residential Units (ERUs), which would generate $681,600 annual revenue at the current Miami-Dade County stormwater utilities rates.

2) Stormwater Management Interlocal Agreement (Canals):
   The County operates and maintains stormwater infrastructure within the proposed annexation area. All secondary canals will remain under the control of the County. The Village will be required to enter into an interlocal agreement to cost-share until perpetuity, the maintenance of the following canals that provide drainage services and flood protection to the proposed annexation area:

   - NW 25th Street Canal
   - Northline Canal

- FEC Canal
- Dressels Canal
- Comfort Canal

Actual costs for the above will be determined at the time of annexation, and the municipality will be billed annually for its cost-share of the canal maintenance.

3) Stormwater Utility Revenue Refunding Bonds, Series 2013:
At the time of annexation, the Village shall enter into an interlocal agreement with the County to pay its pro-rata share of the debt service on the County's Stormwater Utility Revenue Refunding Bonds, Series 2013, for the annexed areas. The Village's debt service payment to the County will be approximately $152,000 annually until the bonds mature in 2029.

4) NPDES Water Monitoring Interlocal Agreement:
NPDES is a nationwide permit program that has an objective of controlling pollution that is inherent in stormwater runoff. NPDES started as a federal program and has now been delegated to the State of Florida. Municipalities must apply to and receive from the state a permit that outlines best management programs designed to reduce the pollution in stormwater runoff. These stormwater management programs can consist of sampling programs, educational programs, street sweeping, drainage inspection and maintenance, and various other best management practices.

Miami-Dade County's NPDES permit is a joint permit with 32 co-permittees (including Virginia Gardens), with Miami-Dade County as the lead agency. Because sampling of stormwater runoff is required, the County performs the sampling and all the parties to the permit cost-share the monitoring costs. Co-permittees also cost-share NPDES required modeling and results.

Upon annexation, the annual cost-share of the Village may change in response to an increased number of outfalls. Additionally, the NPDES Permit Surveillance fee paid by permit holders to the FDEP may increase as a result of a change in population.

<u>Drainage Permitting</u>
All new development requires that drainage systems be provided as part of the planned project. The objective of these systems is to reduce pollution in stormwater runoff, and reduce flooding impacts to area residents and properties. Any proposed Drainage/Water Management system shall comply with the regulations from all the permitting agencies having jurisdiction.

<u>National Flood Insurance Program (NFIP)</u>
The NFIP is a program wherein the Federal Emergency Management Agency (FEMA) agrees to subsidize flood insurance policies for residents of a community, if the community agrees to enforce minimum flood protection standards.

When a municipality incorporates or annexes an area, it would need to apply to FEMA and be responsible for its own Community Rating System (CRS) program. Depending on the Village's Stormwater Management programs, the residents of the annexed areas may lose their current County DRS discount.

Stormwater Management Master Plan

UMSA is divided into stormwater management drainage basins. DERM is responsible for planning, analysis, and design of drainage systems to determine existing and future needs for stormwater management. By planning for future drainage needs, the County can ensure that the level of floor protection service provided to residents is maintained. Upon annexation, stormwater master planning for these annexed areas will become the responsibility of the Village.

Natural Resources

The proposed annexation area contains tree resources including specimen tree resources (trees with a trunk diameter at breast height of 18 inches or greater). Specimen trees are protected by Section 24-49.2(II) of the Code and CON-8A of the CDMP. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/ Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code.

Air Quality Management

The DERM Office of Air Quality Management Division can be reached at (305) 372-6764.

Parks, Recreation and Open Spaces

There are no County parks within the proposed Virginia Gardens annexation area.

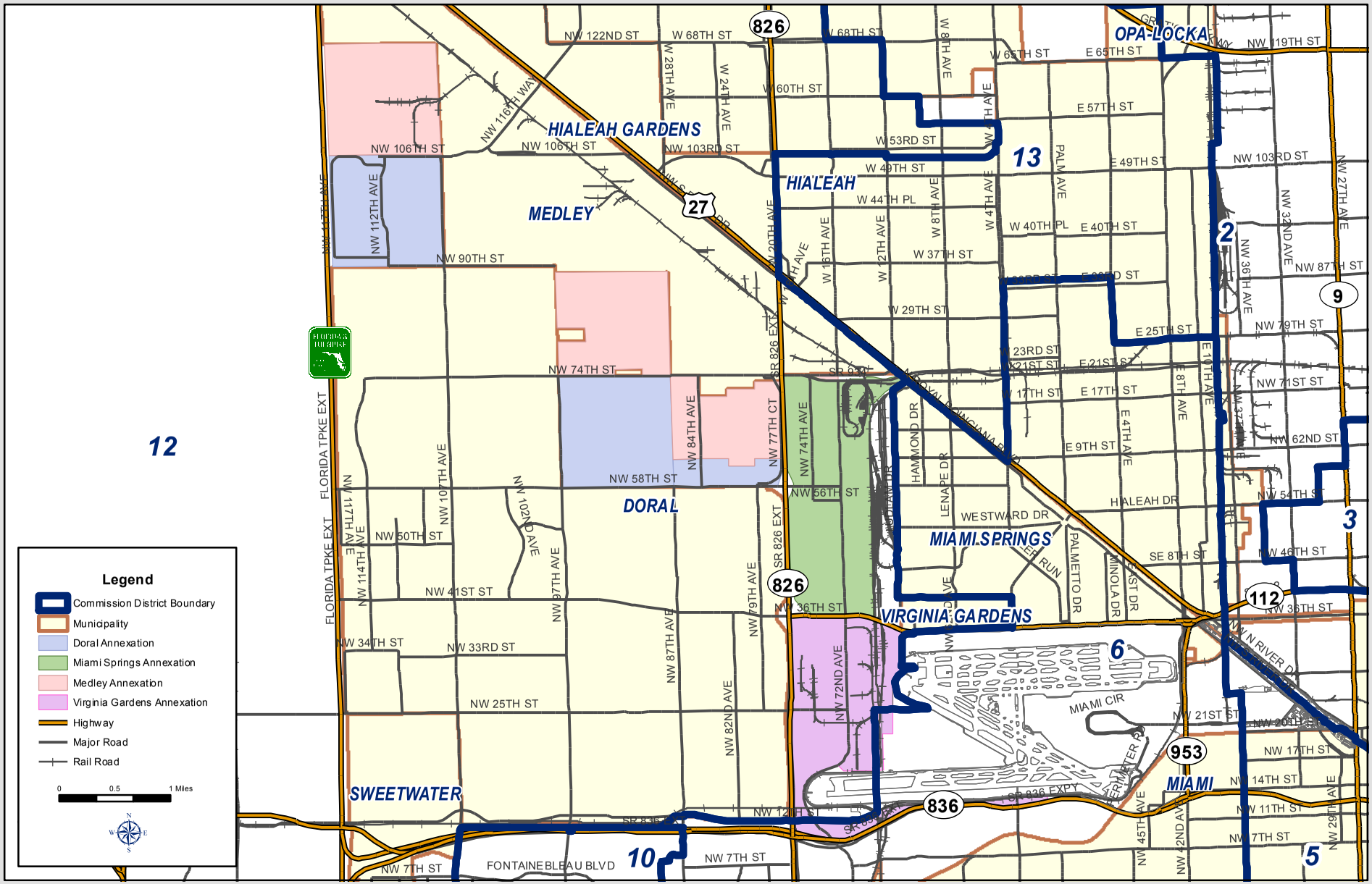
Attachments:

A. Map of four city proposed annexations
B. Map of proposed annexation area
C. Map of proposed annexation area with Terminals
D. Map of proposed annexation area with SMART Plan Corridor
E. Estimated Impact on UMSA Budget Statement
F. Village of Virginia Gardens Annexation Application

C: Jennifer Moon, Director, Office of Management and Budget

MIAMI-DADE COUNTY

Doral, Miami Springs, Medley and Virginia Gardens Proposed Annexations



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October 2018

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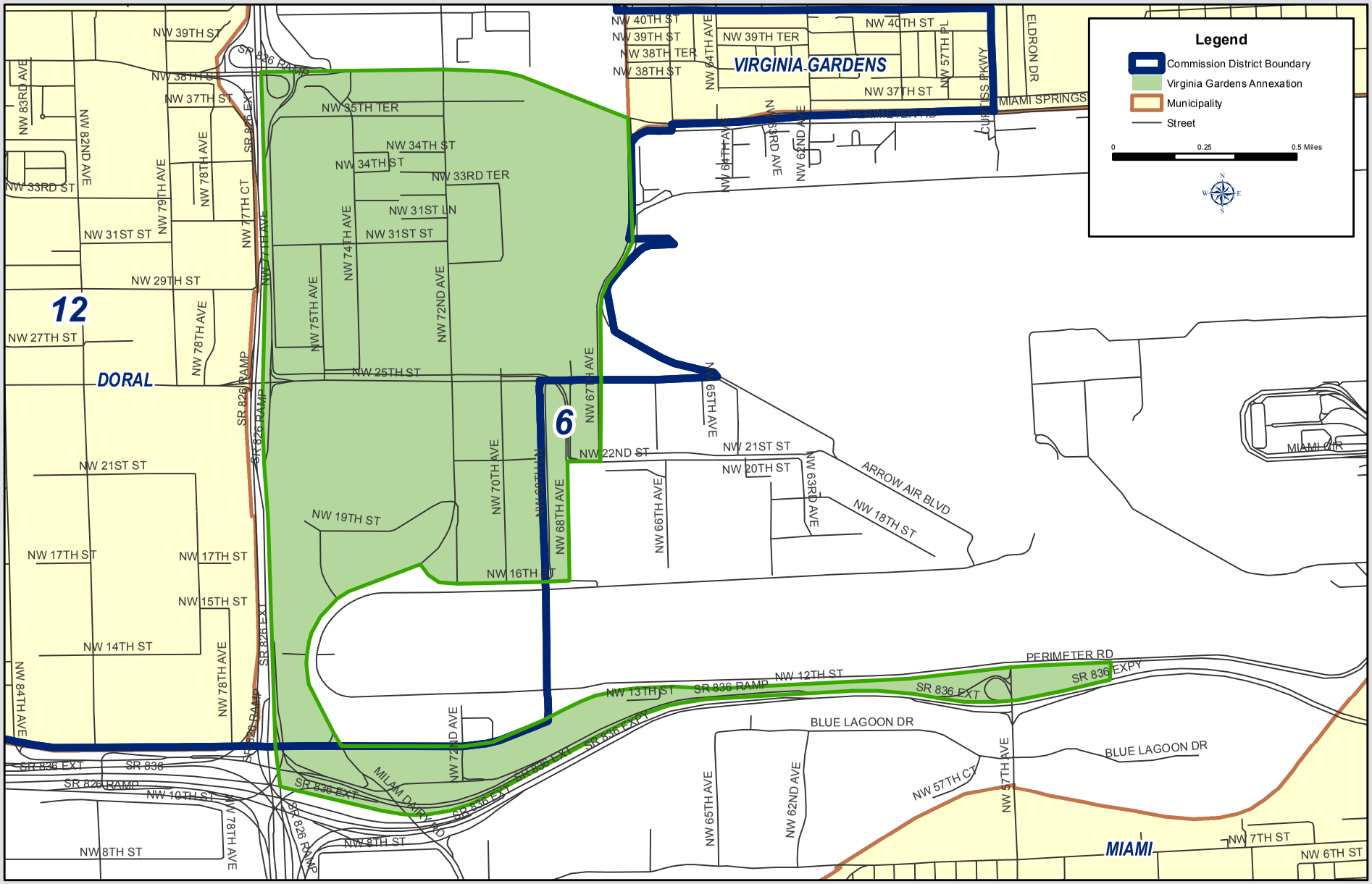
ATTACHMENT A

MIAMI-DADE COUNTY

Virginia Gardens Proposed Annexation



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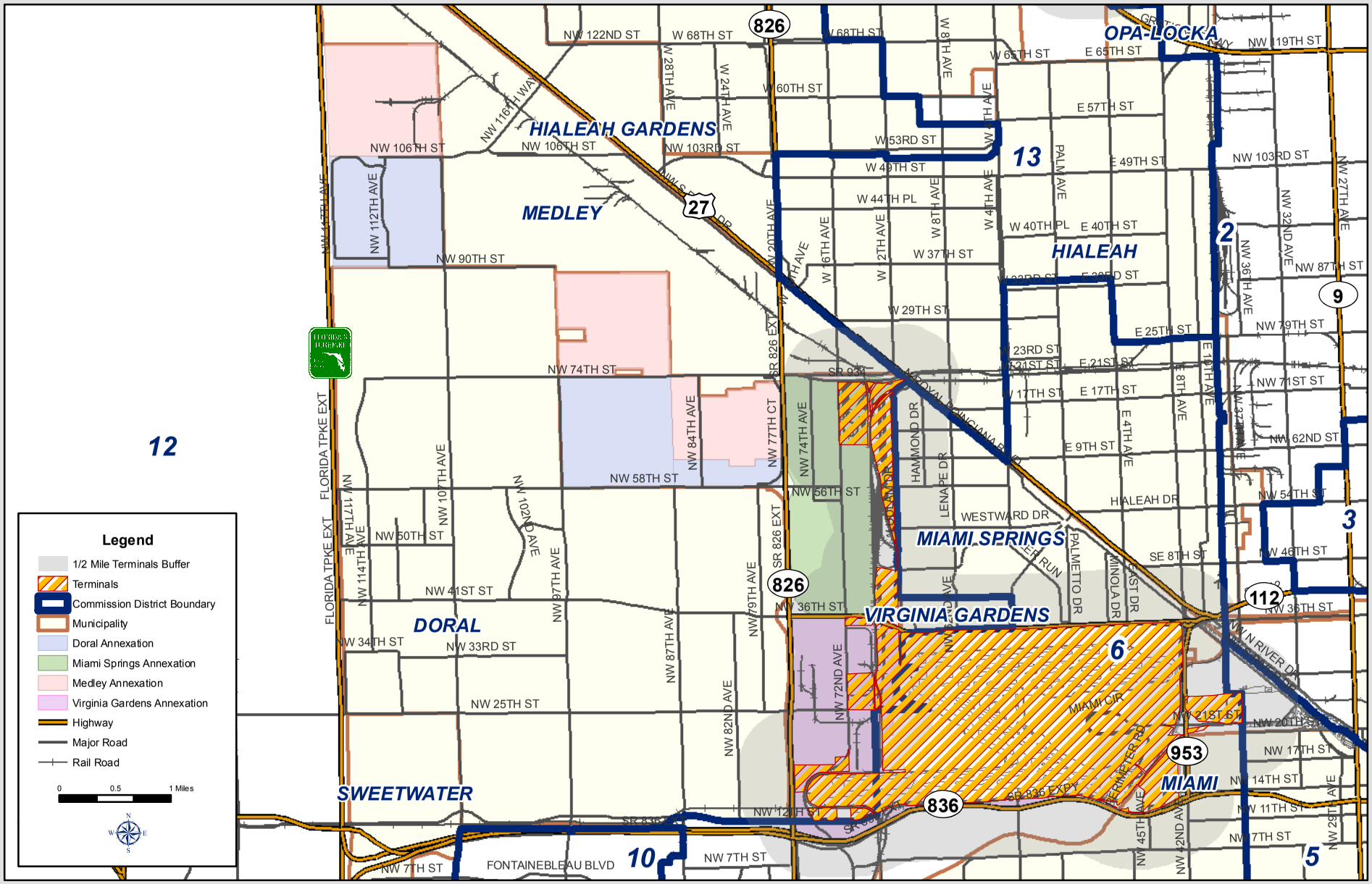
ATTACHMENT B

MIAMI-DADE COUNTY

Doral, Miami Springs, Medley and Virginia Gardens Annexations - CDMP Terminals



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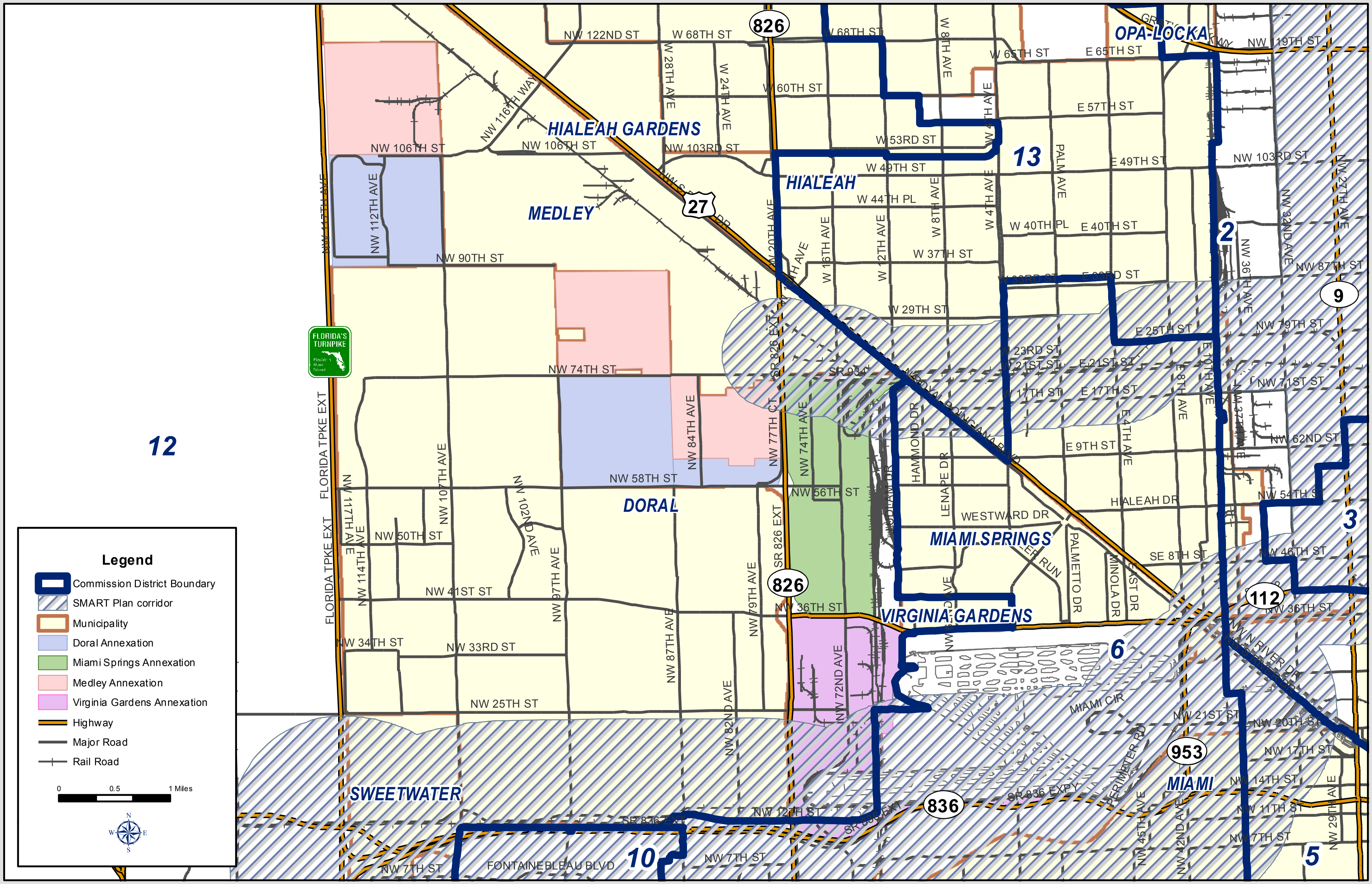
ATTACHMENT C

ATTACHMENT D

MIAMI-DADE COUNTY

Doral, Miami Springs, Medley and Virginia Gardens Proposed Annexations



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October 2018
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ATTACHMENT E

Virginia Gardens

Based on FY 2018-19 Budget	Assumptions	
Property Tax Revenue	Allocation based on tax roll & millage	$1,733,515
Franchise Fees	Allocated based on tax roll/population	
Sales Tax	Allocation based on $76.52 per person	$0
Utility Taxes	Allocated based on tax roll/population	$56,265
Communications Tax	Allocated based on tax roll/population	$180,355
Alcoholic Beverage License	Allocation based on $0.23 per person	$0
Business Tax		$56,265
Interest	Allocation based on .542% of total revenue	$14,753
Sheriff and Police Fees	Allocation based on population	$0
Miscellaneous Revenues	Allocation based on $0.79 per person	$0
Revenue to UMSA		**$2,041,153**
Cost of Providing UMSA Services		
Police Department UMSA Police Budget (without specialized)		$1,259,614
Parks, Recreation and Open Spaces Dept.	Based on cost of parks	$0
Right-of-Way Maintenance Centerline Miles	Centerline miles times cost per lane mile	$13,820
Policy Formulation Commission, Mayor, County Attorney	Direct Cost multiplied by 2.71%	$34,510
Internal Support Information Technology, Internal Services, Human Resources Communications, Audit and Management, Management and Budget	Direct Cost multiplied by 4.86%	$61,889
Planning and Non-Departmental Regulatory and Economic Resources, Rec. and Culture, Economic Development, Neighborhood Infrastructure	Direct Cost multipliplied by 6.7%	$85,320
QNIP Debt Service Payment	Utility Taxes as a % of debt service 11.0%	$64,202
Cost of Providing UMSA Services		**$ 1,519,356**
Net to UMSA		$521,797

1. Does not include gas tax funded projects
2. Does not include canal maintenance revenues or expenses
3. Does not include proprietary activities: Building, Zoning, Solid Waste
4. Does not include Fire and Library Districts
5. Revenues are based on allocations not actuals

Disclaimer: These calculations do not represent a projected or suggested municipal budget. They indicate only the fiscal impact of this area's incorporation on the remaining UMSA.

2018 Taxable Property Rolls		$946,301,461
2018 Area Population		0
2018 UMSA Population		1,184,388
2018-19 UMSA Millage		1.9283
Patrollable Sq. Miles - UMSA		207.90
Total Calls For Service - UMSA CY 2017		647,328
Part 1 Crimes - UMSA 2017		41,037
Part 2 Crimes - UMSA 2017		17,032
Patrollable Sq. Miles - Study Area		1.60
Total Calls for Service - Study Area		4,247
Part 1 Crimes - Study Area		111
Part 2 Crimes - Study Area		63
Cost per Centerline Mile		$3,839
Number of Centerline Miles		3.6
Per Capita Taxable Value		N/A

ATTACHMENT F

Village of Virginia Gardens 2017 Annexation Report

THE CORRADINO GROUP

The Village of Virginia Gardens
2017 Annexation Report

Pursuant to Resolution No. 924, the Village of Virginia Gardens authorized the submittal of this Annexation Report to Miami-Dade County

Prepared by:

The Corradino Group
4055 NW 97th Avenue, Suite 200
Doral, FL 33178
305-594-0735

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Attachment "A"

Attachment "B"

1. Executive Summary

With this re-submittal, the Village of Virginia of Gardens (Village) wishes to reinitiate the annexation process begun in August 2003 and resumed in September 2008. The Village wishes to annex approximately 1.60 square mile area which is contiguous to the Village's current southwestern municipal boundary (See Location Aerial). The annexation boundaries have not changed since the previous (2008) resolution and application. Of further interest is that the Village requested to amend its boundaries took place in April, 1962 (See Attachment "A" Resolution #138).

The Annexation Area is described as portions of: Sections 26, 35, 36 and 52, Township 53, Range 40 and Section 31, Township 53, Range 41 in Miami-Dade County, Florida and is generally bounded by NW 36th Street on the north, State Road 826 (Palmetto Expressway) on the west, State Road 836 (Dolphin Expressway) on the south, and the Miami International Airport Perimeter/Perimeter Road to the east connecting at a point with the southern boundary east of NW 57th Avenue. This proposed annexation area comprises approximately 1,026.7 (MDC Department Planning and Zoning) acres of mostly industrial and commercial land.

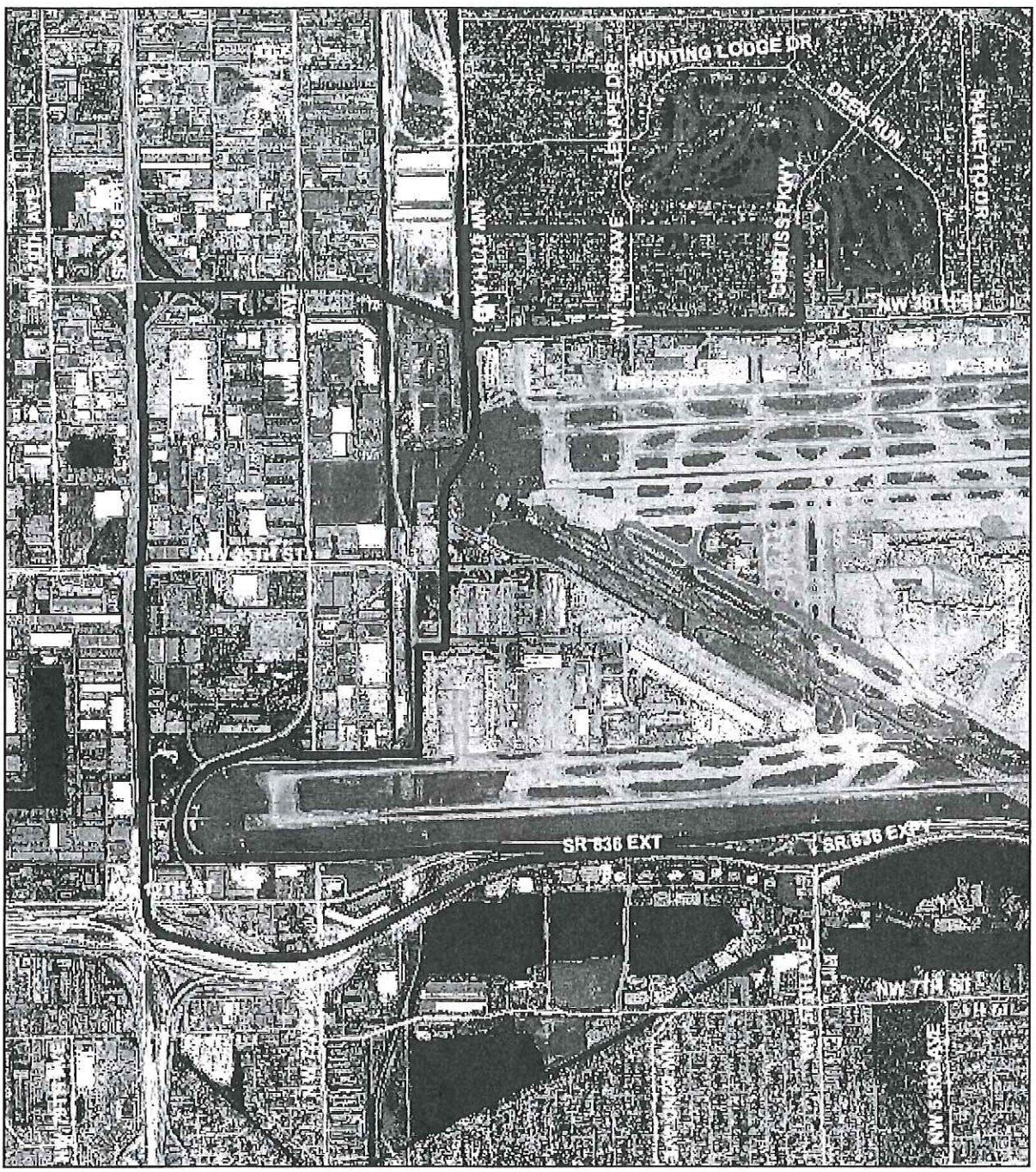
The predominant character of the Village of Virginia Gardens is that of an enclave of 2,375 persons (2010 census) residing in a fully developed, single-family residential community within the urbanized area of Miami-Dade County. Commercial land use is limited to N.W. 57th Avenue and N.W. 36th Street, respective eastern and southern boundary markers of the Village. Recent amendments to the Comprehensive Development Master Plan of the Village have occurred to allow Industrial and Terminal land uses in advance of annexing the proposed area. There are no major commercial developments in the Village, unique historic or archeological resources, or geographic features other than the Ludlum Canal at the Village western boundary. The Village is bordered to the north by the City of Miami Springs, to the east by the City of Miami, to the south by the Miami International Airport and to the west by unincorporated Miami-Dade County. Virginia Gardens was incorporated in 1947, and occupied all of Section 25, Township 53, Range 40. The Village was subsequently reduced to 183 acres when the County Aviation Department assumed jurisdiction of 451 acres of the section for the purpose of airport expansion.

As a successful community, the Village wishes to expand its municipal boundaries so that the following goals may also benefit the Annexation Area:

- Improving services and infrastructure;

- Having a local government that is aware of and concerned with the business community's development and the quality of life for local residents and businesses;
- Instilling pride and participation;
- Improving the process of development regulation; and
- Providing for a local government that is accountable for how taxes are spent and is willing to participate with all other Miami-Dade municipalities, old and new, in providing financial assistant to some of the less fortunate areas of the County.

In summary, the Annexation Area will further provide for the fiscal strength of the Village by increasing its tax base and allowing for significant job creation opportunities. Through more localized planning, review and enforcement of regulations the needs of this very important employment and economic center will be fully realized. Additionally, the Village is aware of the provisions of the Miami-Dade County Terminal Ordinance and would abide by the terms within the Ordinance with respect to planning and zoning regulations.



Legend

- Annexation Boundary
- Village Boundary

Location Map

Virginia Gardens Annexation
Sections 26, 31, 35, 36 and 52

0 0.125 0.25 0.5 0.75 Miles

3. Resolutions Authorizing Submittal of Annexation Request to Miami-Dade County

RESOLUTION NO. 924

A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA REINITIATING RESOLUTION NO. 806 WHICH AMENDED RESOLUTION NO. 734, WHICH INITIATED AND REQUESTED THE PROPOSED BOUNDARY CHANGES OF THE VILLAGE OF VIRGINIA GARDENS IN ORDER TO ANNEX PROPERTY BEARING THE LEGAL DESCRIPTION CONTAINED IN EXHIBIT "A" TO RESOLUTION NO. 734, SO AS TO MODIFY THE BOUNDARIES FOR PROPOSED ANNEXATION SET FORTH IN RESOLUTION NO. 734; AUTHORIZING THE MAYOR AND THE VILLAGE CLERK AND OTHER PROPER ASSISTANTS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT/PURSUE THE REQUEST FOR THE PROPOSED BOUNDARY CHANGES TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI DADE COUNTY, FLORIDA; AND AUTHORIZING THE VILLAGE CLERK TO TRANSMIT COPIES OF THIS RESOLUTION TO THE CLERK OF THE COUNTY COMMISSION; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 6.04 of the Miami-Dade County Home Rule Charter and section 20-3 of the Code of Miami-Dade County Florida, the Village of Virginia Gardens may initiate, by Resolution, a proposed boundary change where there are 250 or fewer registered electors within the proposed annexation area and where the area is less than 50% developed residential;

WHEREAS, the Village of Virginia Gardens conducted duly noticed and advertised public hearings coinciding with the reading of this Resolution; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA, THAT:

Section 1: The Mayor and the Village Council of the Village of Virginia Gardens hereby approve the changes, extension and enlargement of the municipal boundaries of the

Village of Virginia Gardens, Florida, and to affect such change, by the annexation to the Village of Virginia Gardens of property legally described in Exhibit "A" to Resolution No. 806, and shown on an accompanying map, Exhibit "B" to Resolution Nos. 806 and 734. A copy of Resolution Nos. 806 and 734 are attached hereto and made a part hereof.

Section 2: The Village Council of the Village of Virginia Gardens, Florida hereby requests that the Board of County Commissioners of Miami-Dade County, Florida adopt an ordinance changing, extending and enlarging the Village's municipal boundaries as approved by the Village and as described in the legal description set forth in Exhibit "'A" to this Resolution.

Section 3: The Mayor and the Village Clerk and all such other Village officials and officers are hereby authorized and directed to take all action and to execute such certificates, documents and agreements as may be deemed necessary or desirable in connection with the submission of the request for such boundary change to the Board of County Commissioners of Miami-Dade County, Florida, for approval.

Section 4: The Village Clerk is hereby authorized and directed to transmit three certified copies of the Resolution, together with proof of compliance of notice procedures to the Clerk of the County Commission, accompanied by the attachments as required by Section 20-3 of the Code of Miami-Dade County, Florida.

Section 5: Repeal of Resolutions in Conflict. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: Severability Clause. If any phrase, clause, sentence, paragraph or section of this Resolution shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any

of the remaining phrases, clauses, sentences, paragraphs or sections of this Resolution.

Section 7: Effective Date. This Resolution shall take effect and be in force from and after its date of passage.

PASSED, and ADOPTED on this 2nd day of August, 2017.

ATTEST:

MARITZA FERNANDEZ
VILLAGE CLERK

FRED SPENCER DENO, IV
MAYOR OF THE
VILLAGE OF VIRGINIA GARDENS

DEBRA CONOVER
COUNCIL PRESIDENT

VOTE OF THE COUNCIL:

Councilwoman Elizabeth Taylor-Martinez	YES
Councilman Steven K. Petterson	YES
Councilman Jorge Arce	YES
Councilwoman Debra Conover	YES
Councilman Richard Block	YES

I, HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY.

VILLAGE CLERK

APPROVED AS TO FORM AND SUFFICIENCY:

JOSE M. HERRERA, ESQ.
VILLAGE ATTORNEY

4. NOTICE OF PUBLIC HEARING

VILLAGE OF VIRGINIA GARDENS

NOTICE IS HEREBY GIVEN that on August 2, 2017 at 6:30 p.m., the Village Council of the Village of Virginia Gardens will hold a Public Hearing in the Council Chambers of Virginia Gardens Village Hall pursuant to the Miami-Dade County Charter Section 6.04 and the Code of Miami-Dade County, Article 1, Section 20-3, to consider annexation and enactment of a Resolution concerning the annexation of certain land as legally described according to the following legal description and map. All interested parties are urged to attend the meeting and be heard.

LEGAL DESCRIPTION OF AREA TO BE ANNEXED

A portion of Miami-Dade County, Florida lying in Sections 22, 23, 26, 27, 34 and 35 all in Township 53 South, Range 40 East, as it is more particularly described to wit:

BEGIN at the Northeast corner of said Section 22, Township 53 South, Range 40 East: thence run West along the North line of said Section 22 (centerline of NW 58th Street) to the Northeast corner of the City of Doral; thence Southerly following the Eastern boundary of the City of Doral, along the Westerly limited access right-of-way line of State Road 826 (Palmetto Expressway) as shown on the Florida Department of Transportation Right-of-Way Map Section 8726-101 recorded in Plat Book 72 at Page 61 of the Public Records of Miami-Dade County, Florida, through said Sections 22, 27, and 34, to the intersection of said Eastern boundary of the City of Doral with the South line of said Section 34; thence Easterly along the South line of said Section 34 (centerline of NW 12 Street) to the Southeast corner of said Section 34; thence continue Easterly, along the South line of said Section 35, Township 53 South, Range 40 East (centerline of NW 12th Street) to the Southeast corner of the Southwest 1/4 of said Section 35; thence continue Easterly, along the South line of the Southeast 1/4 of said Section 35, to the point of intersection of said South line of the Southeast 1/4 of Section 35 with the West right-of-way line of the 275 foot wide Florida East Coast Railway (FEC) Miami Belt Line right-of-way, as shown on said FEC Railway's R/W and Track Map number V3b/12; thence North along said West right-of-way line of said 275 foot wide FEC Railway Miami Belt Line to a point on the Northerly right-of-way line of the CSX Railway (formerly Seaboard Coastline Railroad), said point also being on the Southerly right-of-way line of the realigned FEC Railway described in that certain County Deed recorded in Official Record Book 10935 at Page 871 of the Public Records of Miami-Dade County, Florida; thence Northwesterly to Westerly to Northerly to Easterly, following the Southernmost, Westernmost, and Northernmost right-of-way lines of said realigned FEC Railway as described in said County Deed, to the intersection of said Northernmost right-of-way line with the West line of the original (275 foot wide) FEC Miami Belt Line right-of-way, said West line of the Miami Belt Line right-of-way lying 1304 feet, more or less, East of the West line of the Northeast 1/4 of said Section 35; thence Northerly, along said West line of said Miami Belt Line right-of-way to a point on the South line of the Southeast 1/4 of said Section 26, Township 54 South, Range 40 East (centerline NW 25th Street), said point lying 1304 feet, more or less, East as measured from the West line of the Northeast 1/4 of the aforementioned Section 35; thence East along said South line of the Southeast 1/4 of said Section 26 (centerline of NW 25 Street), to the Southeast corner of said Section 26; thence North along the East line of said Section 26 to the most Southwestern corner of Village of Virginia Gardens; thence continue North, following the Western boundary of the Village of Virginia Gardens along said East line of said Section 26, to the Northeast corner of said Section 26; thence West, following the municipal boundary of the City of Miami Springs, along the South line of said Section 23, Township 53 South Range 40 East (theoretical centerline NW 41 Street), to the point of intersection with the West line of the East 50 feet of said Section 23; thence North, following the Western boundary of the City of Miami Springs, along the West line of the East 50.00 feet of said Section 23, to the North line of said Section 23; thence West along said North line of said Section 23 (centerline of NW 58th Street) to the Northwest corner of said Section 23, being also the Northeast corner of said Section 22 and the **POINT OF BEGINNING**;

-AND-

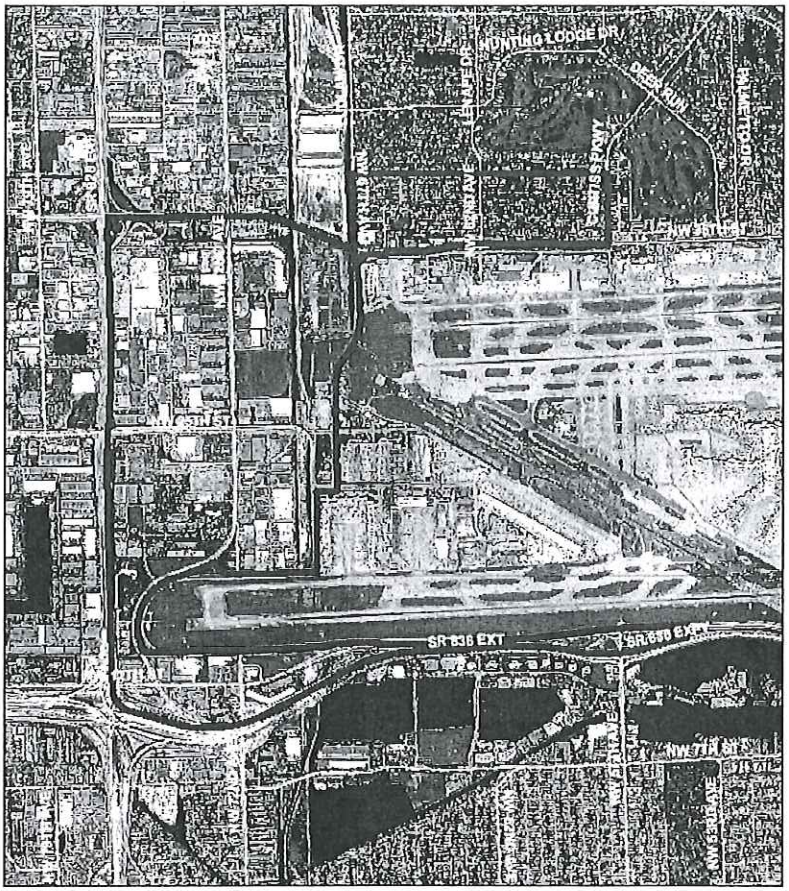
All of NW 36 Street Extension according to the Right-of-Way Map thereof recorded in Plat Book 75 at Page 80 of the Public Records of Miami-Dade County Florida, in Section 25, Township 53 South, Range 40 East, not previously included within the municipal boundaries of the Village of Virginia Gardens.

Anyone desiring to appeal any decision of the Village Council must arrange for a verbatim record of the proceedings, including testimony and evidence upon which any appeal may be issued (F.S. 286.0105).

A copy of the annexation Resolution and a copy of the legal description and map can be obtained from the Office of the Village Clerk.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the office of the village clerk for assistance no later than seven (7) days prior to the proceeding at (305) 871-6104; if hearing impaired, telephone the Florida relay services number (800) 955-8771 (tdd) or (800) 955-8770 (voice).

Maritza Fernandez
Village Clerk



Legend

Annexation Boundary

Village Boundary

Location Map

Virginia Gardens Annexation
Sections 26, 31, 35, 36 and 52

0 0.125 0.25 0.5 0.75 Miles

5. Legal Description (Resolution # 924 – August 2, 2017)

A portion of sections 25, 26, 34, 35, 36, Government Lots 2 and 3, lying in township 53 south, range 40 east and a portion of section 31, township 53 south, range 41 east, all lying and being in Miami- Dade County, Florida, as it is more particularly described to wit;

Commence at the northwest corner of the Village of Virginia Gardens, said point also being the northeast corner of section 26, township 53 south, range 40 east; thence southerly along the east line of said section 26 to the Point of Beginning, said point being the intersection of the centerline of NW 36 Street (state road 948) as shown on Florida Department of Transportation right-of-way map section 87220-2506 and the east line of said section 26; thence westerly along the centerline of NW 36 Street (state road 948) as shown on Florida Department of Transportation right-of-way map section 87220-2506 to the intersection of the northerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2516; thence southerly along the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map sections 87260-2516 and 87260-2583 to the intersection of the south line of section 26, township 53 south, range 40 east and the southerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2583; thence easterly along the south tine of said section 26 to a point, said point being the intersection of the northerly extension of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2583 and the south line of said section 26, thence continue southerly along the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 87260-2583 and section 8726-101 to a point, said point being the southernmost point of the easterly limited access right-of-way line of state road 826 (Palmetto Expressway) as shown on Florida Department of Transportation right-of-way map section 8726-101; thence N02°37'59"W for a distance of 165.36 feet to a point; said point being the beginning of a curve concave to the northeast having a radius of 405.49 feet; thence southeasterly 493.54 feet along said curve through a central angle of 69°44'10" to a point of tangency; thence S72°18'25"E for a distance of 79.70 feet to a point on the northerly limited access right-of-way line of state road 836 as shown on Florida Department of Transportation right-of-way map section 87200-2503; thence along the northerly limited access right of-way line of state road 836 for the next (7) seven courses; (1) thence S81°35'12"W for a distance of 100.81 feet to a point; (2) thence S50°09'32'W, for a distance of 64.16 feet to a point; (3) thence S01°20'28"E, for a distance of 362.25 feet to a point; (4) thence S72°18'25"E for a distance of 1,003.96 feet to a point; (5) thence S87°34'37"E for a distance of 501.63 feet to a point; (6) thence N86°09'55"E for a distance of 400.30 feet to a point; (7) thence N77°39'11"E along the last course along the northerly limited access right-of-way line of state road 836 as shown in Florida Department of Transportation right-of-way map section 87200-2503, for a distance of

407.44 feet to a point on the westerly right-of-way line of NW 72 Avenue; thence N64°07'24"E for a distance of 720.77 feet to a point on the northerly limited access right-of-way line of state road 836 as shown in Florida Department of Transportation right-of-way map section 87200-2503; thence N62°54'46"E for a distance of 688.08 feet to a point on the westerly right-of-way line of the Seaboard Air Line Railway; thence N64°48'40"E for a distance of 508.71 feet to a point on the northerly limited access right-of way line of state road 836 as shown in Florida Department of Transportation right-of-way map section 87200-2503; thence along the northerly limited access right-of-way line of state road 836 for the next (8) eight courses; (1) thence N65°23'54"E for a distance of 963.81 feet to a point; (2) thence N69°02'05"E for a distance 417.52 feet to a point; (3) thence N85°36'10"E for a distance of 105.86 feet to a point; (4) thence N02°57'51"W for a distance of 22.73 feet to a point; (5) thence N87°02'09"E for a distance of 3,482.23 feet to a point; (6) said point being the beginning of a non-tangent curve concave to the southeast, having a radius of 583.69 feet; and to which beginning a radial line bears N22°10'32"W; thence northeasterly 192.65 feet along said curve through a central angle of 18°54'38" to a point of non-tangency; (7) thence N83°33'49"E for a distance of 1,019.84 feet to a point, (8) said point being the beginning of a curve concave to the southeast having a radius of 1,885.08 feet; thence northeasterly 104.34 feet along said curve through a central angle of 03°10'17" to a point, said point lying on the westerly right-of-way line of NW 57 Avenue; thence N88°18'00"E for a distance of 50.00 feet to a point on the east line of the SE ¼ of section 36, township 53 south, range 40 east; thence S01°42'00"E along the east line of the SE¼ of said section 36 for a distance of 2.66 feet to a point; thence N88°18'00"E for a distance of 50.00 feet to a point, said point lying on the easterly right-of-way line of NW 57 Avenue; thence S01°42'00"E along the easterly right-of-way line of NW 57 Avenue, for a distance of 254.44 feet to a point, said point being on the northerly limited access right-of-way line of state road 836 as shown in Florida Department of Transportation right-of-way map section 87200-2503; thence N76°37'09"E along the northerly limited access right-of-way line of state road 836, for a distance of 1,363.21 feet to a point on the southerly right-of-way line of the Seaboard Air Line Railway; thence S87°22'30"W along the southerly right-of-way line of the Seaboard Air Line Railway, for a distance of 1,335.15 to a point on the easterly right-of-way line of NW 57 Avenue; thence N01°42'00"W along a line 50.00 east of and parallel to the SE¼ of section 36, township 53 south, range 40 east, for a distance of 54.47 feet to a point, said point being on the northerly right-of-way line of the Seaboard Air Line Railway and also being the southerly limits of the Miami-Dade County Aviation Department Property as shown on the Miami-Dade County Public Works Department, Right-of-Way Division, section sheet for section 36, township 53 south, range 40 east; thence along the northerly right-of-way line of the Seaboard Air Line Railway for the next (7) seven courses; (1) thence S87°19'57"W for a distance of 80.38 feet to a point, (2) said point being the beginning of a curve concave to the southeast having a radius of 1,935.08 feet, thence northwesterly 127.29 feet along said curve through a central angle of 03°46'08" to a point; (3) thence S83°33'49"W along a line 50.00 feet north of and parallel to the northerly limited access right-of-way line of state road 836 as shown in Florida Department of Transportation right-of-way map section 87200-2503, for a distance of 1,333.48 feet to a

point; (4) said point being the beginning of a curve concave to the northwest having a radius of 1,885.08 feet; thence northwesterly 114.24 feet along said curve through a central angle of 03°28'20" to a point; (5) thence S87°02'09"W along a line 60.00 feet north of and parallel to the northerly limited access right-of-way line of state road 836, for a distance of 3,678.71 feet to a point; (6) thence S87°00'28"W for a distance of 198.75 to a point; (7) thence N87°06'17"W along the last course along the northerly right-of-way line of the Seaboard Air Line Railway for a distance of 106.69 feet to a point; thence S81°23'10"W for a distance of 1,022.10 feet to a point on the east line of the SW ¼ of the SE ¼ of section 35, township 53 south, range 40 east; thence S89°50'55"W along a line 585.00 feet north of and parallel to the south line of SW¼ of the SE ¼ of section 35, township 53 south, range 40 east, for a distance of 1,322.34 feet to a point on the west line of the SW ¼ of the SE ¼ of said section 35; thence S89°50'57"W along a line 585.00 feet north of and parallel to the south line of SW ¼ of section 35, township 53 south, range 40 east, for a distance of 1991.08 feet to a point on the easterly right-of-way line of Milam Dairy Airport Loop (state road 969) as shown on the Florida Department of Transportation right-of-way map section 87027; thence along the easterly right-of-way line of Milam Dairy Airport Loop (state road 969) for the next (3) three courses; (1) thence N29°09'38"W for a distance of 104.72 feet to a point; (2) said point being the beginning of a curve concave to the east having a radius of 1,145.92 feet, thence northeasterly 2,029.03 feet along said curve through a central angle of 101°27'04" to a point; thence N72°17'26"W along the last course along the easterly right-of-way line of Milam Dairy Airport Loop (state road 969) for a distance of 167.13 feet to a point; thence N89°52'05"E along a line 338.00 feet south of and parallel to the north line of the SW ¼ of section 35, township 53 south, range 40 east, for a distance of 1,210.01 feet to a point of the east line of the SW ¼ of said section 35; thence N89°52'05"E along a line 338.00 feet south of and parallel to the north line of the SE¼ of section 35, township 53 south, range 40 east, for a distance of 1,663.46 feet to a point; thence N01°36'31"W for a distance of 1,711.55 feet to a point; thence N89°50'23"E along a line 50.00 feet north of and parallel to the south line of the NE ¼ of the NE ¼ of section 35, township 53 south, range 40 east, for a distance of 462.52 feet to a point; thence N01°35'50"W along a line 520.00 feet west of and parallel to the east line of the NE ¼ of section 35, township 53 south, range 40 east, for a distance of 1,271.55 feet to a point on the north line of the NE ¼ of said section 35; thence N01°11'07"W along a line 520.00 feet west of and parallel to the east line of section 26, township 53 south, range 40 east, for a distance of 367.43 feet to a point; thence N02°44'59"E for a distance of 283.32 to a point; thence N01°34'10"W for a distance of 368.29 to a point; said point being the beginning of a curve concave to the southeast having a radius of 686.56 feet; thence northeasterly 450.92 feet along said curve through a central angle of 37°37'50" to a point; thence N38°07'56"E for a distance of 196.03 to a point; said point being the beginning of a curve concave to the northwest having a radius of 1,167.34 feet; thence northeasterly 521.95 feet along said curve through a central angle of 25°37'06" to a point of non-tangency; said point being on the east line of section 26, township 53 south, range 40 east; thence northerly along the east line of said section 26, for a distance of 1,670.68 feet to the Point of Beginning.
Containing 1,026 acres, more or less.

6. Certificate of County Supervisor of Registration and Department of Planning and Zoning

THE CORRADINO GROUP, INC.

CORRADINO

ENGINEERS · PLANNERS · PROGRAM MANAGERS · ENVIRONMENTAL SCIENTISTS

March 22, 2017

Christina White
Supervisor of Elections
Miami-Dade County Elections Department
2700 NW 87th Avenue
Doral, FL 33172

RE: Certificate of the Supervisor Certifying the Number of Qualified Electors, Village of Virginia Gardens Annexation Request – Portions of Sections 26, 35 and 36, Township 53, Range 40; Government Lot 2; and Section 31, Township 53, Range 41

Dear Ms. White,

My client, the Village of Virginia Gardens, is reinitiating the process to have the above referenced land annexed into the Village which is located southwesterly and south of and adjacent to the existing municipal boundaries. More particularly, the annexation area is described as generally bounded by NW 36th Street on the north, State Road 826 (Palmetto Expressway) on the west, State Road 836 (Dolphin Expressway) on the south and the Miami International Airport Perimeter/Perimeter Road to the east connecting at a point with the southern boundary east of NW 57th Avenue. This proposed annexation area comprises approximately 1,026 acres of mostly industrial and commercial land (see attached).

As referenced in Chapter 20 "Municipalities", Section 3(c), a Certificate of the County Supervisor of Registration certifying that the area involved in the proposed boundary change contains either more than two hundred fifty (250) residents who are qualified electors, or less than two hundred fifty (250) residents who are qualified electors is required for the application submittal.

We would appreciate your assistance in this matter and respectfully request the referenced certification letter. If you have any questions, I may be reached at 786-510-4799.

Sincerely,

Scarlet R. Hammons

Scarlet R. Hammons, AICP
Senior Project Manager

Attachments

Copy to: Fred Spencer Deno, IV, Mayor Village of Virginia Gardens

4055 NW 97th AVE STE 200 • MIAMI FL 33178
TEL: 305.594.0785
FAX: 305.594.0755
WWW.CORRADINO.COM

THE CORRADINO GROUP, INC.

CORRADINO

ENGINEERS · PLANNERS · PROGRAM MANAGERS · ENVIRONMENTAL SCIENTISTS

March 22, 2017

Jack Osterholt
Deputy Mayor
Department of Regulatory and Economic Resources Planning Division
111 NW 1st Street, 29th Floor
Miami, FL 33128

RE: Certificate of the Supervisor Certifying the Number of Qualified Electors, Village of Virginia Gardens Annexation Request – Portions of Sections 26, 35 and 36, Township 53, Range 40; Government Lot 2; and Section 31, Township 53, Range 41

Dear Mr. Osterholt,

My client, the Village of Virginia Gardens, is reinitiating the process to have the above referenced land annexed into the Village which is located southwesterly and south of and adjacent to the existing municipal boundaries. More particularly, the annexation area is described as generally bounded by NW 36th Street on the north, State Road 826 (Palmetto Expressway) on the west, State Road 836 (Dolphin Expressway) on the south and the Miami International Airport Perimeter/Perimeter Road to the east connecting at a point with the southern boundary east of NW 57th Avenue. This proposed annexation area comprises approximately 1,026 acres of mostly industrial and commercial land (see attached).

As referenced in Section 20-3(G) and pursuant to the Miami-Dade County Code, Chapter 20 "Municipalities", Section 20-9 "Election on proposed boundary changes; required", a determination by the Director of the Department of Planning and Zoning concerning the percentage of development within the annexed area is required.

Section 20-9 states; ...if a boundary change involves the annexation or separation of an area having two hundred fifty (250) or fewer resident electors, and the area is less than fifty (50) percent developed residential, the Commission may by ordinance effect the boundary change in accordance with Section 5.04.B of the Home Rule Charter. The determination of whether an area is more or less than fifty (50) percent developed residential shall be made in the sole discretion of the Director of Regulatory and Economic Resources Planning Division.

We would appreciate your assistance in this matter and respectfully request the referenced certification letter. If you have any questions, I may be reached at 786-510-4799.

Sincerely,

Scarlet R. Hammons

Scarlet R. Hammons, AICP
Senior Project Manager

Attachments

Copy to: Fred Spencer Deno, IV, Mayor Village of Virginia Gardens

4055 NW 97th AVE, STE 200 • MIAMI, FL 33178
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MIAMI-DADE COUNTY

Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-8682 F 305-499-8547
TTY 305-499-8400

miamidade.gov

CERTIFICATION

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, Christina White, Supervisor of Elections of Miami-Dade County, Florida, do hereby certify the proposed **Virginia Gardens Village Annexation**, as described below, has **3** voters.

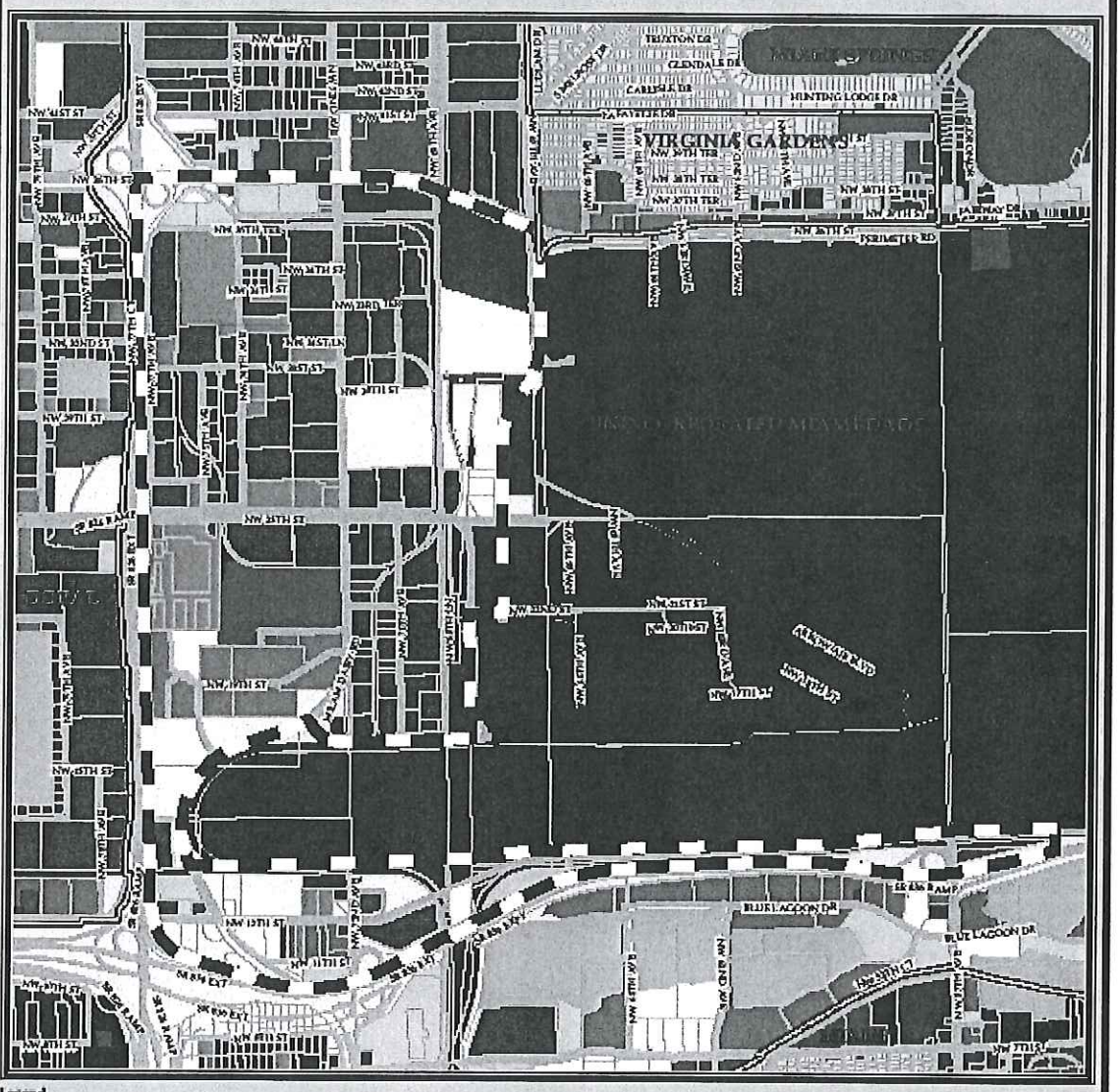
The Annexation Area is described as: Portions of Sections 26, 35 and 36, Township 53, Range 40; Government Lot 2; and Section 31, Township 53, Range 41 in Miami-Dade County, Florida bounded by NW 36th Street on the north, State Road 826 (Palmetto Expressway) on the west, State Road 836 (Dolphin Expressway) on the south and the Miami International Airport Perimeter/Perimeter Road to the east connecting at a point with the southern boundary east of NW 57 Avenue.

WITNESS MY HAND AND OFFICIAL SEAL, AT MIAMI, MIAMI-DADE COUNTY, FLORIDA, ON THIs 31st DAY OF MAY, 2017

Christina White
Supervisor of Elections

VIRGINIA GARDENS PROPOSED ANNEXATION AREA

PORTIONS OF SECTION 26, 35, AND 36 TOWNSHIP 53 , RANGE 40;
GOVERNMENT LOT 2; SECTION 31, TOWNSHIP 53, RANGE 41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7. Statement of Reason for Boundary Changes

The proposed annexation area as shown abuts the Village of Virginia Gardens at its southwestern limit. Annexing the approximately 1.60 square mile area will also insure that the high quality of life for businesses and visitors will remain through continued proper planning and development practices. It is a fact that the existing and proposed development within the annexation area will complement the Village and strengthen the long-term viability of Virginia Gardens.

As stated in the previous paragraph, proper planning and development practices and compatibility are extremely important to the Village. Through more localized planning, review and enforcement of regulations the needs of this very important employment and economic center will be fully realized.

Finally, the Village of Virginia Gardens is fiscally sound. This will only be enhanced through the annexation of the proposed lands by providing an industrial/commercial component to the tax base. Also, property owners within the proposed annexation area will benefit from more localized government.

8. Notification of Property Owners

At the time of formal hearing by the Village to proceed with the annexation in 2003 and 2008 mailed notice was sent to property owners within the area and within 600 feet thereof. Proof of compliance with this section shall be required. (See Attachment "B" - CERTIFIED LIST OF PROPERTY OWNERS)

9. Land Use Plan and Zoning

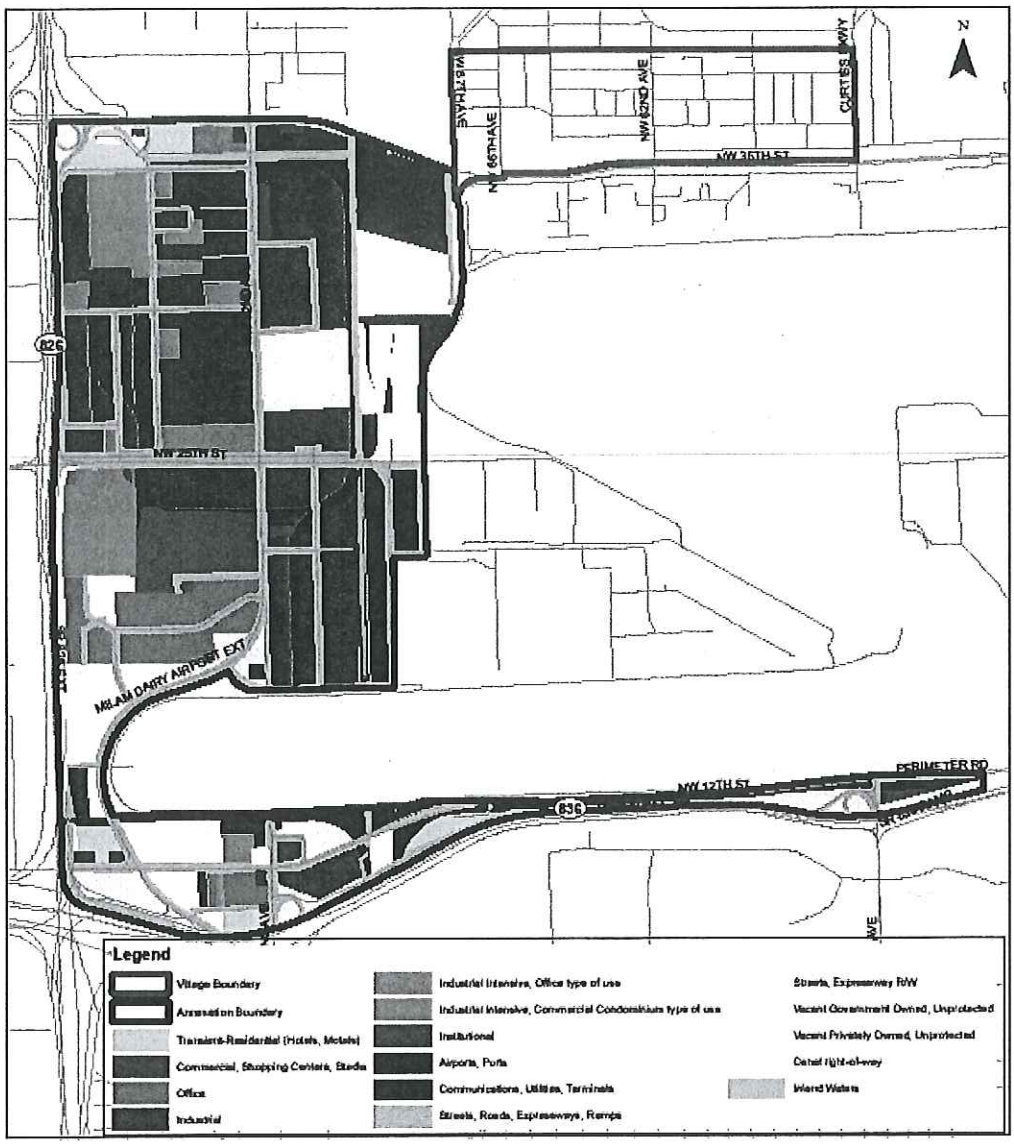
The land use and zoning consists mostly of industrial and office, as shown on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map and the respective Zoning Map.

According to the Inventory of Existing Land Uses provided by the Miami-Dade County Department of Regulatory and Economic Resources, Planning Research & Economic Analysis Section (April, 2017), the Annexation Area is approximately 1.60 square mile (1,026 acres) in size. The following table details the major land use categories by number of acres and percentage of total. A map of the existing land uses is on the following page.

Table 1.
Inventory of Land Uses

Land Use	Number of Acres	Percentage of Total
Residential	0.0	0.0
Commercial & Office; Hotels & Motels	92.6	9.0
Industrial	384.4	37.5
Institutional	35.1	3.4
Parks & Recreation Open Space	0.0	0.0
Transportation, Communications, Utilities	349.1	34
Agriculture	0.0	0.0
Undeveloped	141.9	13.8
Inland Water	22.6	2.2
Coastal Water	0.0	0.0
TOTAL	1,026	100.0

Exiting Land Use Map



Miami-Dade County Existing Land Use Map

Virginia Gardens Annexation
Sections 26, 31, 35, 36 and 52

0 0.1 0.2 0.4 0.6 Miles

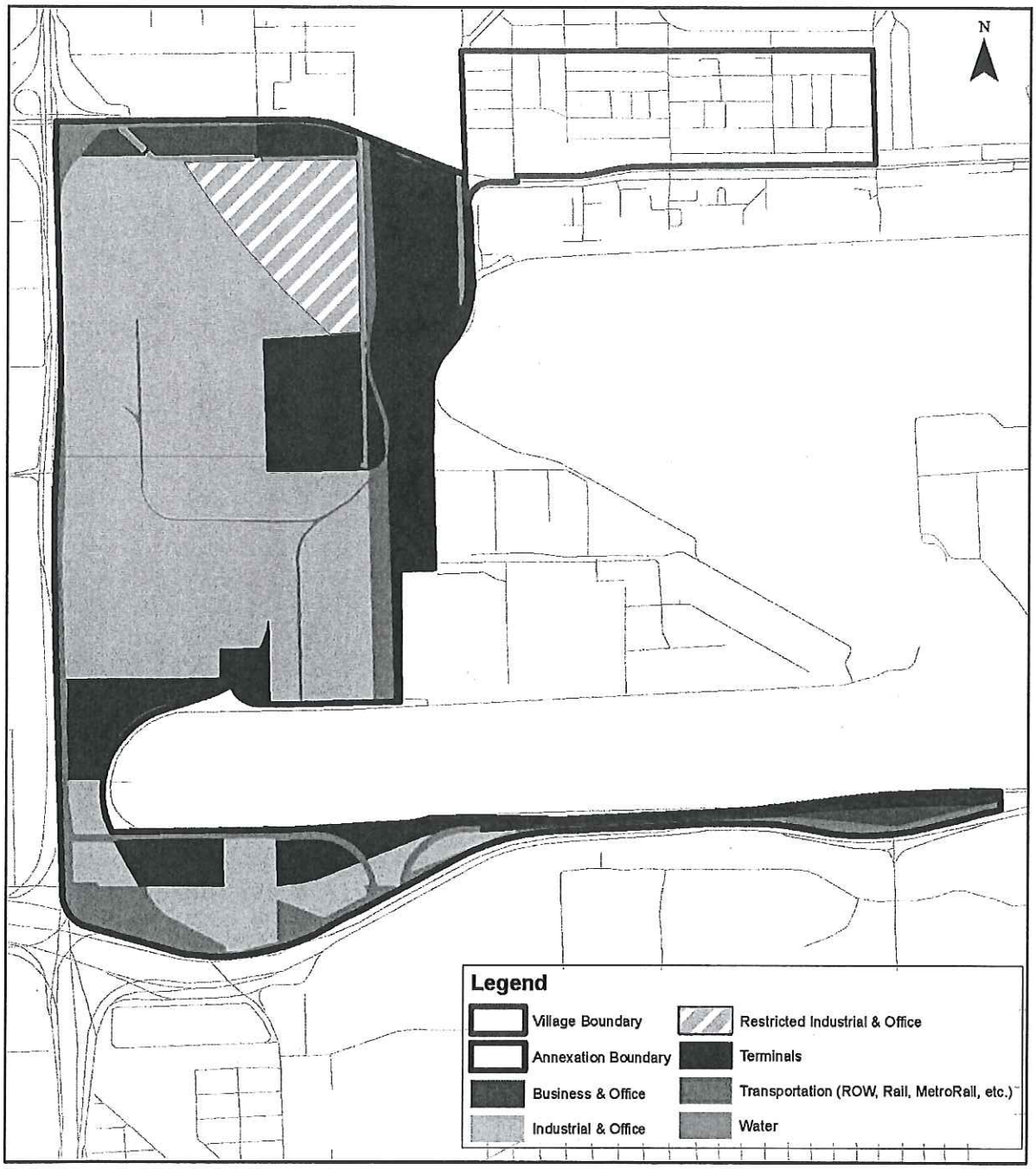
Future Land Use Map and Designations for Sections

Portions of Sections 26, 35 and 36, Township 53, Range 40; Government Lot 2; and, Section 31, Township 53, Range 41 are designated Industrial and Office, Business and Office, Transportation and Terminal on the Miami-Dade County Future Land Use Plan Map. The Village has amended the text of its Comprehensive Plan to incorporate land use categories to maintain consistency with the County's land use designations.

Please see Future Land Use Plan Map for more detailed Land Use designation locations.

Also, for reference purposes, the relevant Land Use Designation descriptions are included and were obtained from the Miami-Dade County Comprehensive Development Master Plan 2020-2030 and the Village of Virginia Gardens Comprehensive Development Master Plan.

Future Land Use Map – 2020-2030



Miami-Dade County Future Land Use Map

Virginia Gardens Annexation
Sections 26, 31, 35, 36 and 52

0 0.1 0.2 0.4 0.6 Miles

Future Land Use Plan Map Designations (Miami-Dade County)

Industrial and Office

Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and the, are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

If the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an MSA with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not have a significant adverse impact on future industrial development.

In general, the typical residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the LUP map to avoid use conflicts and for health and safety, and residential service planning, reasons.

Exceptions may be granted for the following: (1) the development of live-work or work-live buildings or the adaptive reuse of existing structures for these purposes in areas of light industrial uses such as office, wholesale, distribution and the assembling of pre-manufactured parts: (2) the development of a TND as provided herein: and (3) the residential development of a portion of an industrially designated area where the portion is, a) 10 acres or smaller and is bounded on two or more sides by existing residential

development or zoning, or is b) the perimeter of a Plan-designated industrial area which perimeter does not exceed 150 feet; and c) the subject portion of the industrially designated site immediately adjoins a currently developed or platted residential area and the Director of the Department of Planning and Zoning determines that the inclusion of a residential component in the Industrially designated area, designed to provide compatible transition along the boundary, is the best means of maintaining the quality of the adjoining residential area.

Notwithstanding the foregoing, applications for residential zoning that were properly filed prior to August 25, 2000, can be considered where adjoining land is residentially zoned, designated or developed. Residential developments in this land use category may participate in the inclusionary zoning program. The properties utilized for residential development will be eligible within the limits provided in this paragraph for the density allowances of the inclusionary zoning program in the Residential Communities section.

TNDs may be permitted in Industrial and Office areas where: 1) compatible with nearby development and with the objectives and policies of this Plan, 2) necessary services exist or will be provided by the developer, and 3) adjacent to land designated Residential Communities on the LUP map (including across an abutting major or minor roadway) along 30 percent or more of the total perimeter of the TND, provided that land designated Residential Communities exists along at least some portion of two or more sides. (Multiple sides created by an out parcel shall count as one side only.) TNDs located within Industrial and Office areas shall allocate to Workshop Uses a minimum of 15 percent and a maximum of 30 percent of the gross built-up area planned for development within a TND, and shall have a residential density no greater than the average of the adjacent Residential Communities designations or ten units per acre, whichever is higher. Workshop Uses shall be oriented to adjacent non-residential areas, while the residential uses shall be oriented to the adjacent Residential Communities designations. All criteria for TNDs enumerated in the Residential Communities section of this Chapter, other than the provisions governing percent of built-up area which may be devoted to workshop uses addressed herein and the maximum permitted residential density, shall govern the development of TNOs in areas designated Industrial and Office.

Business and Office

This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals., medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests

or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met, residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.

Transportation (including Terminals)

The LUP map includes a summarized portrayal of the major components of Miami-Dade County's existing and future transportation network. Included are roadways, rapid transit corridors, railways and major switching yards, and such major terminals as the County airports and the Miami-Dade Seaport. This information is included on the LUP map to provide orientation and locational references, and to relate future development patterns to the future transportation network. The Transportation and Capital Improvements Elements of the COMP provide additional details about these facilities, including their

intended sizes, functions, uses, and designs and, with the exception of local streets, schedules of improvements.

As provided in the policies of the Transportation Element, transportation facilities such as terminals and transit stations shall contain the transportation uses and may contain other uses as provided in the applicable Transportation Subelement. Railroad terminals may include uses designed to serve the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental business, and lodging establishments. Rail yards may also be developed with industrial, office and similar uses that are customary and incidental to the primary railroad use.

All proposed uses on lands owned by Miami-Dade County at the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport that are designated as Terminal on the LUP map, may be developed for the uses described in this subsection. All proposed uses on such lands shall comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, shall be compatible with, and not disruptive of, airport operations occurring on such lands, and shall comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

The airside portion of the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport, which shall be deemed to consist of all portions of the airports where general public access is restricted (but not including terminal concourses), shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, runway protection zones, landing areas, and support and maintenance facilities such as control towers, flight service stations, access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.

The landside portion of these airports, which shall be deemed to consist of all portions of the airports where general public access is not restricted and terminal concourses only at Miami International Airport, may include both aviation uses and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least one third of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations.

Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:

- passenger terminal area, which may include non-aviation related uses designed to serve the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments,

- parking garages and lots serving the airport,
- access roadways serving the airport,
- offices of aviation industry companies and the Miami-Dade County Aviation Department,
- facilities of fixed base operators,
- ground transportation services,
- aircraft and automobile rental establishments,
- aviation-related educational uses such as flight schools, simulator training facilities,
- helicopter and aerobatics training and other educational facilities providing aviation courses,
- aviation-related governmental agency facilities,
- flying club facilities,
- aviation-related entertainment uses such as skydiving establishments, museums and sightseeing services, and
- aviation-related retail uses such as aircraft sales, electronic an instrument sales and pilot stores.

Subject to the restrictions contained herein, the following privately owned non-aviation-related uses may be approved in the landside area of the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport accessible to the general public:

- lodgings such as hotels and motels (except for Homestead General),
- office buildings (except for Homestead General),
- lodgings and office buildings at Miami International Airport (except in terminal concourse),
- industrial uses such as distribution, storage, manufacturing research and development and machine shops (except for Homestead General),
- agricultural uses, and
- retail, restaurants, and personal service establishments (except for Homestead General).

Such privately owned non-aviation related uses at the Opa-locka Executive, Miami International, Kendall-Tamiami Executive and Homestead General Aviation airports shall be limited as follows:

(1) Those portions of the landside area at Opa-locka Executive, Miami International, and Kendall Tamiami Executive airports tl1at are not developed for uses that are aviation related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 10 to 20 percent for institutional uses. The distribution, range, intensity and types of such non-aviation related uses shall vary by location as a function of the availability of public services, height restrictions, CDMP intensity ceiling for the Urban Infill Area (FAR of 2.0 not counting parking structures) at Opa-locka Executive and Miami International Airports or for the Urbanizing Area (FAR of 1.25 not counting parking structures) at Kendall-Tamiami Executive Airport, impact on

roadways, access and compatibility wn:11 neighboring development. Freestanding retail and personal service uses and shopping centers shall front on major access roads preferably near major intersections, where practical, and have limited access to major roadways.
(2) Those portions of the landside area at Homestead General Aviation Airport that are not developed for uses that are aviation-related or directly supportive of airport operations shall be developed with agricultural uses.
(3) Each non-aviation related use shall comply with applicable law, including but not limited to FAA regulations and any, airport layout plan governing permissible uses on the entire airport property.

The Port of Miami and downtown Miami maritime park areas are also included in this category. Because the CDMP does not generally preempt municipal plans and because the City of Miami comprehensive plan allows a broad range of land uses and facilities in addition to transportation facilities, it is the intent of the CDMP that all actions of the County with regard to development in the downtown Miami maritime park area are deemed to be consistent with the CDMP if consistent with the adopted comprehensive plan of the City of Miami. Further, notwithstanding the City's comprehensive plan, it is the intention of the CDMP that Port developments on Dodge and Lummus Islands and on the mainland may include other uses including, but not limited to, commercial, recreational and cultural uses accessible to Port users, County visitors and residents.

The summarized roadway classification used on the LUP map distinguishes between Limited Access facilities, Major Roadways (3 or more lane arterials and collectors) and Minor Roadways (2 lane arterials and collectors). Also shown are existing and proposed Rapid Transit corridors. The term rapid transit, as used herein, includes any public heavy rail or light rail, or busses operating on exclusive bus lanes. The transportation network depicted is a year 2025 network that will develop incrementally as funding becomes available. In addition, rapid transit corridors may be provided with an interim type of service such as express bus service during much of the planning period while more permanent facilities are being planned, designed and constructed. The roadway and transit alignments shown in the COMP are general indications of the facility location. Specific alignments may be modified through detailed transportation planning, DRI review and approval processes, subdivision platting, highway design and engineering or other detailed planning or engineering processes. Moreover, most station locations along future rapid transit lines are not identified in the Plan; they will be selected as part of the detailed planning of transit facilities in the corridor.

Because of the critical relationships between transportation facilities and the land uses served and impacted by those facilities, land use and transportation planning decisions must be made in direct concert with one another. Accordingly, provisions for nonlocal roadways, public mass transportation facilities, rail lines, airports and the Miami-Dade Seaport facilities contained in the Transportation Element should not be amended without concurrent evaluation and, as applicable, amendment of the Land Use Plan map. In

particular, extension or widening Major or Minor Roadways beyond 2 lanes outside the Urban Development Boundary (UDB) of the LUP map may occur only if indicated on the LUP map.

Equivalent Village of Virginia Gardens Land Use Designations and Zoning Districts

Excerpted from:

ZONING AND LAND DEVELOPMENT REGULATIONS

VILLAGE OF VIRGINIA GARDENS

ARTICLE III
LAND USE: TYPE, DENSITY, INTENSITY

3.1 GENERAL

The purpose of this Article is to describe the specific uses and restrictions that apply to the Land Use Districts in the Land Use Element of the Comprehensive Plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the Village as expressed in the Village Comprehensive Plan. The Lan Use Districts in the Village are being updated with new Districts to ensure compatibility with existing County Districts.

3.2 LAND USE DISTRICTS

Land Use Districts for the Village are established in the Comprehensive Plan, Future Land Use Element, including a Future Land Use Map. There is no zoning map. The land use classifications (categories) defined in the Future Land Use element of the Village Comprehensive Plan and delineated as districts in the Future Land Use Map shall be the determinants of permissible activities on any parcel in the jurisdiction. These land use districts are established for the purpose of protecting, promoting and improving public health, safety, comfort, order, appearance, convenience, morals, and general welfare of the community. These districts control the location of the uses and regulate the location, height and bulk of buildings hereinafter erected or structurally altered for such uses; to control population density and the intensity of use of lot areas; and to require adequate yards and other open spaces surroundings such buildings.

3.2.1 Schedule of Districts and Densities

In accord with the Comprehensive Plan, the Village is hereby divided into the following Land Use Districts:

A. Single Family Residential (RU)
Single-family detached units at a density up to 6.0 units per acre.

B. Medium Multiple Family Residential (MER)
Multi-family units at a density up to 12 units per acre.

C. Multiple Family Residential (MFR)
Multi-family units at density up to 30 units per acre. Floor area ratios will be incorporated.

D. Restricted Commercial (RCU)

Office uses and light retail uses that are compatible with nearby housing. Housing is also permitted.

E. **General Commercial (GCU)**
A broader range of office and retail uses than Restricted Commercial category but no heavy, highway or distributor kinds of uses.

F. **Institutional (IU)**
A range of schools, churches, municipal buildings and public utility installations.

G. **Recreation/Open Space (POS)**
Park and open space. This category includes the Village recreational field.

3.2.2 Application of District Regulations

Except as hereinafter otherwise provided the following is prohibited:

A. No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any matter other than as permitted in the district in which the building or land is located.

B. No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which the building is located.

C. No building shall be erected, no existing buildings shall be moved, altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any matter, except in conformity to the yard, lot area, and building location and bulk regulations hereinafter designated for the district in which the building or open space is located.

D. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

3.3 USES ALLOWED IN LAND USE DISTRICTS

3.3.1 General

This part defines and describes the uses allowed within each land use district described in the comprehensive Plan and this Code. A use similar to that given may be acceptable. If the use is similar but not specified, special application must be made for exception, site plan review and public hearing. Certain uses listed under each category are allowed only if special supplemental site design standard are met. These supplemental standards are contained in the Article VI (Development Design and Improvement Standards) of this code.

3.3.2 Allowable Uses Within Each Land Use District

A. Single Family Residential District

1. Site-built detached single family dwellings.
2. Accessory uses and structures.
3. Not to include medical or dental offices.

B. Medium Multiple Family Residential District

1. Detached single-family dwellings
2. Detached two-family dwellings (i.e., twin-homes, duplex).
3. Attached single-family dwellings (i.e., townhomes).
4. Multi-family dwellings.
5. Accessory uses and structures.
6. Outdoor recreational facilities.
7. Home occupations not to include medical or dental offices.

C. Multiple Family Residential District

1. Detached single-family dwellings.
2. Attached single-family dwellings (i.e., townhomes).
3. Detached two-family dwellings (i.e., twin-homes, duplex).
4. Multi-family dwellings
5. Accessory uses and structures.
6. Outdoor recreational facilities.
7. Home occupations not to include medical or dental offices.

D. Restricted Commercial District

1. Professional and semi-professional offices, businesses, and services: accounting; bank and financial establishments; bookkeeping and tax preparation; attorneys and legal services; real estate; mortgage; insurance; property management; medical office; nursing service and physicians; advertising; promotional; public relations; media relations and marketing; architects; engineers and contractors; employment or personnel services; investigation and security services; consultants; photography studios; government offices.

2. Accessory uses include: off-street parking.

3. Special exception uses include: mixed-use residential when located on second story; any other business, operation, or use which is generally within the listed categories and is compatible with the operations, uses, or businesses listed, based upon a determination by the Village Council that the proposed operation or use is generally within or similar to the categories of the permitted uses, is otherwise compatible with the permitted uses, and will not have an adverse effect on the neighbors.

E. General Commercial District

1. Business and office uses: bank and financial establishments; retail stores; cafeterias, restaurants and lounges; supermarkets; theaters; arcades and indoor recreation centers; offices; hotels and motels; travel agencies; commercial or trade schools; fraternal lodges; funeral homes; garden and building supply; shopping centers; veterinary clinics without outside kennels; plant nurseries; professional offices; medical and dental offices or clinics; fitness centers and health clubs.

2. Accessory uses include: off-street parking and loading.

3. Special exception uses include: private schools; religious institutions; nursing homes; uses permitted in Restricted Commercial District; towers or antenna; fast food drive-thru establishments; group child care centers.

F. Institutional District

1. Governmental administration n buildings.
2. Places of religious assembly and other houses of worship.
3. Public or non-profit educational or cultural facilities.
4. Town or public meeting halls.
5. Public service facilities including: library; post office.
6. Police, fire and rescue stations.
7. Accessory uses and structures.

G. Recreation/Open Space District

1. Outdoor public recreational uses include but not limited to: picnicking; jogging; cycling; playgrounds; ball fields; ball courts; swimming pools; cultural facilities.
2. Accessory uses and structures.
3. Passive scenic areas.

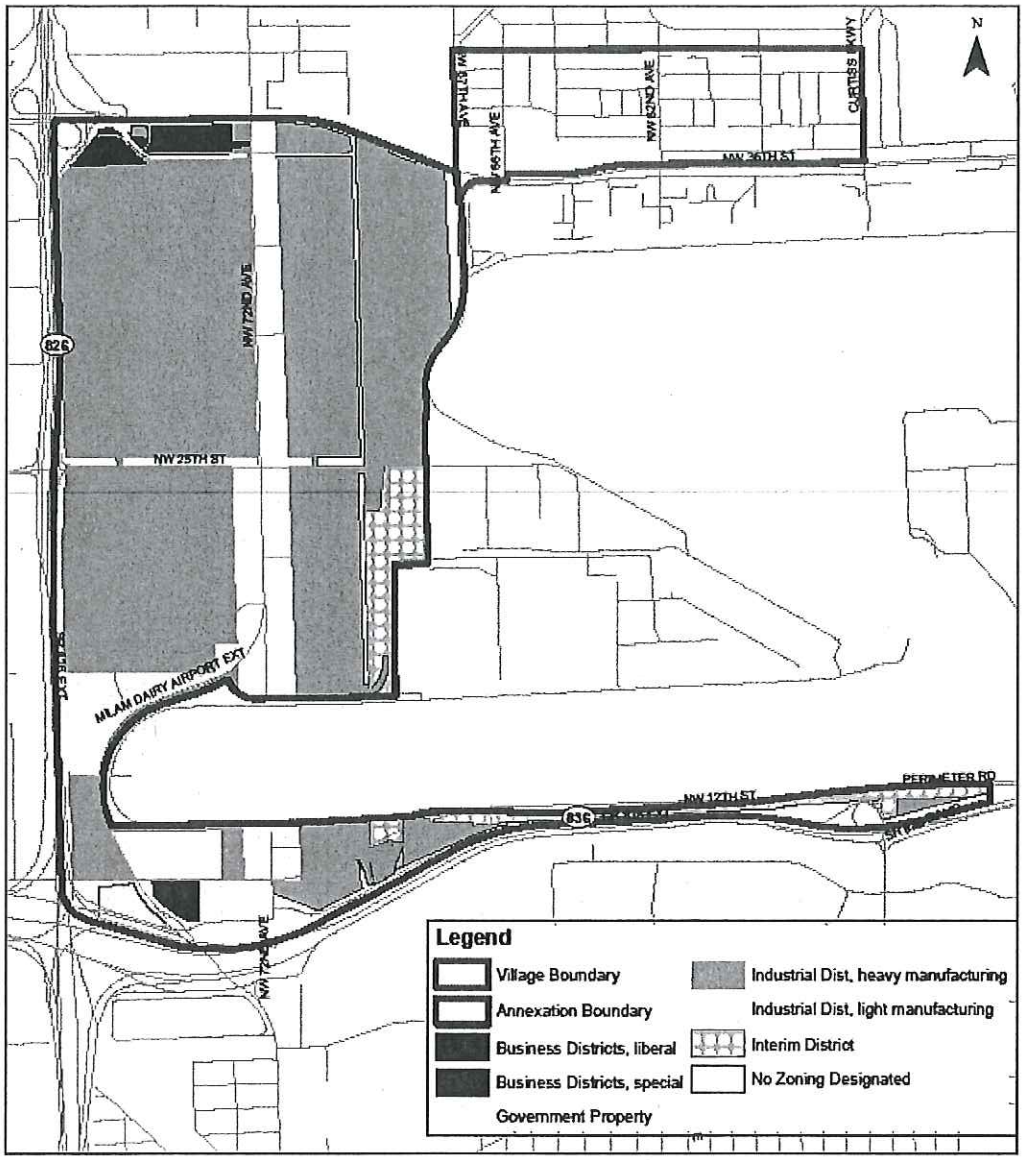
Zoning

The Annexation Area consists of lands zoned mostly Industrial with a small portion being Business as shown on the Miami-Dade County Zoning Map. Upon annexation, the Village will rezone those properties to the Village's closest equivalent. Article III of the Land Development Regulations is being amended to incorporate new districts.

The annexation area is generally zoned: IU-1 - Industrial, Light Manufacturing; IU-2 - Industrial, Heavy Manufacturing; BU-2 – Special Business District, BU-3 - Liberal Business District, GP – Government Property; and GU - Interim District.

Please see the Section Map for more detailed zoning district location information. Also, for reference purposes, the relevant Zoning District descriptions are included and were obtained from the Miami Dade County Zoning Code.

Miami-Dade County Zoning Map



Miami-Dade County Zoning Map

Virginia Gardens Annexation
Sections 26, 31, 35, 36 and 52

0 0.1 0.2 0.4 0.6 Miles

Zoning Districts (Miami-Dade County)

Article XIII. GU, Interim District

Sec. 33-196. Standards for determining zoning regulations to be applied to GU property.

(A) All properties in the GU District, which are inside the Urban Development Boundary, as shown on the Land Use Plan Map of the Comprehensive Development Master Plan, and which have not been previously trended or otherwise approved through the public hearing process for a specific use, shall be subject to the following trend determination process:

If a neighborhood in the GU District is predominantly one (1) classification of usage, the Director shall be governed by the regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc. For the purposes of this section, "trend of development" shall mean the use or uses which predominate in adjoining properties within the GU District which because of their geographic proximity to the subject parcel make for a compatible use. The Director shall be guided in determining what constitutes a neighborhood by limiting the evaluation to separate geographic areas, which may be designated by natural boundaries (rivers, canals, etc.) and/or man-made boundaries (roads, full-and half-section lines, etc.). The Director's decision shall be subject to appeal pursuant to the provisions of Section 33- 311 of the Code. If no trend of development has been established in the GU neighborhood, minimum standards of the EU-2 District shall be applied. All lots subject to compliance with the standards of the EU-2 District shall contain a minimum land area of five (5) acres gross, unless a larger minimum lot size is required by the Comprehensive Development Master Plan.

ARTICLE XXVI. - BU-2, Special Business District

Sec. 33-252. - Purpose.

The purpose of the BU-2, Regional Shopping Center and Office Park District, is to provide for large scale commercial and/or office facilities which service the needs of large urban areas.

(Ord. No. 74-24, § 1, 4-16-74)

Sec. 33-253. - 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, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:

(1) All uses permitted in the BU-1 and BU-1A Districts except that residential uses are subject to approval at a public hearing.

(2) Automobile parking lots and garages as a primary use. Automobile parking garages, not over six (6) stories in height, shall be permitted provided they are not located closer than two hundred (200) feet to an RU-1, RU-2, RU-TH or EU District or to a hospital, church or building used for public assemblage. Automobile parking garages shall meet all open space, lot coverage and other applicable requirements of this article. Parking lots shall comply with all applicable off-street parking requirements as set forth in Article VII of this chapter and all applicable landscaping requirements as set forth in Chapter 18A of this Code.

(2.05) Commuter Colleges/Universities.

(2.1) Hospitals (other than animal hospitals), subject to the following conditions:

(a) That such uses shall be on sites of at least ten (10) net acres;

(b) That the facility shall have capacity for a minimum of one hundred (100) beds.

(c) The certificate of use for the hospital shall be annually renewed.

(d) That the hospital operates a 24 hour emergency room.

(e) Notwithstanding the provisions of Section 33-253.3 of this Code, the net lot coverage permitted for all buildings on the site shall not exceed 50% of the total lot area; the floor area ratio shall be fifty one-hundredths (0.50) at one (1) story and shall be increased by fourteen-one hundredths (0.14) for each additional story up to eight (8) stories, and thereafter the floor area ratio shall be increased by six-one-hundredths (0.06) for each additional story. Structured parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. Enclosed or nonenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

(f) Notwithstanding the provisions of Section 33-253.4 of this Code, the minimum landscaped open space at one (1) story shall be fourteen percent (14%).

The minimum landscaped open space shall be increased by one (1) percent for each additional story or part thereof, up to eight (8) stories, thereafter the landscaped open space shall increase by two (2) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery. Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(g) That such uses shall be located within sites having frontage on a major access road, including major roadways (three (3) or more lanes), section or half section line roads and/or frontage roadways serving limited access highways and expressways.

(h) The site shall meet and comply with the provisions of Section 33-253.7 of this Code, except that the wall may be penetrated at points approved by the Directors of the Planning and Zoning Department and the Public Works Department for ingress and egress to afford pedestrian or vehicular access between the sites, and if the property where the facility is located is separated from the AU, GU, RU or EU zoned property by a canal or a previously existing, dedicated and improved roadway, then a wall shall not be required on that portion of the property which is separated by the canal or roadway.

(2.2) Hotel and motel uses, subject to all provisions of the RU-4A District pertaining to such uses.

(3) Liquor package stores.

(4) Major department stores.

(5) Marinas for the following purposes only: Commercial boat piers or slips for docking purposes; yacht or boat storage, for laying up, but not for repairs or overhaul; and boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.

(5.1) Movie and television studios with indoor sound stages/studios.

(5.2) Movie and television studios with outdoor lots/backlots after public hearing.

(6) Night clubs located no closer than five hundred (500) feet of any RU or EU District, if approved at a public hearing.

(7) Office parks.

(8) Pubs and bars.

(9) Regional shopping centers.

(9.5) Vehicle Retail Showroom, provided that:

(1) No on-site vehicle storage/stock beyond the showroom is allowed; and

(2) No more than six (6) vehicles on site to be used for test drives purposes; and

(3) No test drive shall be conducted on residential local streets (fifty-foot wide rights-of-way); and

(4) No new, purchased vehicle deliveries at showroom are allowed.

(10)Warehouse, membership.

Article XVII. BU-3, Liberal Business District

Sec. 33-254. Purpose.

The purpose of the BU-3 Liberal Business District is to provide for large scale commercial activities.

Sec. 33-255. Uses permitted.

No land, body of water and/or structure in the BU-3 District shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, arranged or intended to be used, occupied or maintained for any purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:

(1) All uses permitted in the BU-1, BU-1A and BU-2 Districts except that residential uses shall not be permitted.
(2) Airports, airport hangars and airplane repair facilities.
(3) Automobile and truck services and facilities including:
(a) Open lot car and truck sales new and or used, including as ancillary uses, automobile repairs, body and top work and painting, provided that no more than fifteen (15) percent of the gross building area is devoted to such ancillary uses, and subject to the following conditions:
(1) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Directors of the Planning and Zoning and Public \\forks Departments for ingress and egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential, Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center and a hedge of a minimum of six (6) feet in height abutting residentially zoned property and a minimum of three (3) feet in height abutting public rights of-way. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.
(2) A minimum of twenty (20) percent of the net lot area of the site shall be developed as landscaped open space.
(3) That such uses be located only on major access roads, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways.
(4) That such uses be conducted on sites consisting of at least one (1) net acre.
(5) That attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations.
(6) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.
(7) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right of-way or less).
(8) That the applicant obtains a certificate of use, which shall be automatically renewable yearly upon compliance with all terms and conditions.
(9) All outdoor paging or speaker systems are expressly prohibited. This provision (9) shall also apply to all establishments in existence as of September 10, 1996.
(b) Open lot car rental.
(c) Automobile parts, secondhand from store building only.

(d) Automobile body and top work and painting.
All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of the effective date of this ordinance.

(4) Bakeries, retail and wholesale

(5) Barbecue stands or barbecue pits provided that establishments using wood burning for cooking are permitted only upon approval at a public hearing.

(6) Bottling of beverages.

(7) Cabinet working and carpentry shops.

(8) Cold storage warehouse and pre-cooling plants.

(9) Contractor's plants and storage yards.

(9.1) Dog kennels, as an exception to Section 33-256.5, subject to the following conditions:

(a) All outdoor exercise runs shall be set back fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property. Where outside exercise runs are provided, a landscaped buffer or decorative masonry wall shall enclose the runs, and use of the runs shall be restricted to use during daylight hours.

(b) Where outside exercise runs are not provided, an outside area shall be designated for dogs (or cats) to relieve themselves, and that area shall be enclosed by a landscape buffer or masonry wall. Additionally such area shall be set back fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property.

(c) All kennel buildings shall be soundproofed and air-conditioned.

(d) An administrative site plan review (ASPR) shall be required. The site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.

(10) Dry cleaning and dyeing establishments.

(11) Engines, gas, gasoline, steam and oil; sales and service.

(12) Feed, hay and other livestock supplies.

(13) Fertilizer stores.

(14) Garage or mechanical service. * including automobile repairs, body and top work and painting. All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of September 10, 1996.

(15) Glass installation.

(16) Gun shops.

(17) Leather goods manufacturing, excluding tanning.

(18) Locksmith shops, sharpening and grinding shops.

(19) Lumber yards. *

(20) Pawnbrokers shall be permitted only upon approval after public hearing.

{21) Poultry markets and commercial chicken hatcheries. *

(22) Railroad motor truck and water freight and passenger stations.

(23) Secondhand stores for the disposal of furniture, fixtures and tools.

(23.1) Self-service mini-warehouse storage facility. "Self-service mini-warehouse storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units with floor area no greater than four hundred (400) square feet and

an interior height not to exceed twelve (12) feet. No business or business activity, and no wholesale or retail sales are permitted in an individual storage area within a self-service mini-warehouse storage facility.

(a) Ancillary rentals of trucks other than light trucks are permitted in conjunction with a self-service mini-warehouse storage facility, providing such facility is situated on a site containing not less than 2.5 acres gross, subject to compliance with the following requirements:

(1) That a decorative masonry wall at least 8 feet in height shall enclose the rental truck storage area; and

(2) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least 48 inches high at the time of planting, or other reasonable landscape plans acceptable to the department; and

(3) That there be no rental of any truck having a net vehicle weight exceeding 12,600 pounds; and

(4) That for each 100 self-storage units there shall be no more than two rental trucks stored, e.g., 1- 100 units: 2 rental trucks; 101-200 units; 4 rental trucks, etc.; provided however, no more than ten rental trucks may be stored on the premises; and

(5) That no loading or unloading of trucks is permitted outside the enclosed area and all trucks must be stored inside the enclosed area at all times; and

(6) That there shall be no repairs or maintenance work on the rental trucks on the premises of the self-service mini-warehouse storage facility.

(b) Ancillary storage of recreational vehicles and boats is permitted in conjunction with a self-service mini-warehouse storage facility, subject to compliance with the following requirements:

(1) That a decorative masonry wall at least 8 feet in height shall enclose the recreational vehicle and boat storage area; and

(2) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least 48 inches high at the time of planting, or other reasonable landscape plans acceptable to the department; and

(3) That there shall be no repairs or maintenance work on the recreational vehicles or boats on the premises of the self-service mini-warehouse storage facility.

(24) Television and broadcasting stations, including studio, transmitting station and tower, power plants and other incidental and unusual uses permitted to such a station.

(25) Tire vulcanizing and retreading or sale of used tires. *

(26) Truck storage, only within an enclosed building or an area enclosed by a CBS wall.

(27) Upholstery and furniture repairs.

(28) Wholesale salesroom and storage rooms.

(29) Other similar uses as approved by the Director.

*NOTE: Provided no such establishment is located within five hundred (500) feet to any RU or EU District except after approval after public hearing. Provided, that, this spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU or EU District. It is further provided that, except for

exterior uses, such distances shall be measured from the closest point of the subject use in the building to the RU or EU District. In connection with exterior uses, the distance of five hundred (500) feet shall be measured from the closest point of the IU District to the RU or EU District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern.

Article XXIX. IU-1. Industrial, Light Manufacturing

Sec. 33-259. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved or reconstructed, structurally altered, or maintained, wf1ich is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, in IU-1 District, excepting for one (1) or more of the following:

(1) Residential uses as a watchman1s or caretaker's quarters in connection with an existing industrial use located on the premises concerned.
(2) Adult entertainment uses as defined in Section 33-259.1, subject to all the restrictions ·and spacing requirements contained in said Section 33-259.1.
(3) Aircraft hangars and repair shops, aircraft assembling and manufacturing. *

***Note:** See note at end of schedule of uses contained in this section.

(4) Animal hospitals within soundproof, air-conditioned buildings.
(5) Armories, arsenals.
(6) Auditoriums.
(7) Auto painting, top and body work. *
(7.2) Automobile self-service gas stations shall be permitted only on major access roads, including major roadways (three or more lanes) and frontage roadways serving limited access expressways, and shall be subject to the conditions enumerated in Section 33-247(6) of this code.
(7.3) Automobile service stations shall be permitted only on major access roads, including major roadways (three or more lanes) and frontage roadways serving limited access expressways, and shall be subject to the conditions enumerated in Section 33-247(5) of this code.
(8) Automobile and truck sales for new and/or used vehicles including as ancillary uses automobile and truck rentals, wholesale distribution and automobile repairs, provided that no more than fifteen
(15) percent of the total gross building area is devoted to repair/service bays, subject to the fotlo-wing conditions:
(a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Directors of the Planning and Zoning and Public Works Departments for ingress and egress to the property, shall be provided along all

property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center and a hedge of a minimum of six (6) feet in height abutting residentially zoned property and a minimum of three (3) feet in height abutting public rights of-way. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.

(b) A minimum of twenty (20) percent of the net lot area of the site shall be developed as landscaped open space.

(c) That such uses be located only on major access roads, including major roadways {three (3) or more lanes) and frontage roadways serving limited access highways and expressways.

(d) That such uses on sites of ten (10) acres or more shall be approved only after public hearing.

(e) That such uses be conducted on sites consisting of at least two (2) acres.

(f) That attention attracting devices, such as blinking or flashing tights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations, or as approved at public hearing.

(g) That outdoor loudspeakers are prohibited.

(h) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.

(i) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).

(9) Automotive repairs. *

(10) Automobile and truck rentals and wholesale distribution.

(11) Bakeries--wholesale only with incidental retail uses.

(12) Banks.

(13) Blacksmith, gas steam fitting shops.

(14) Boat or yacht repairing or overhauling, or boat building. *

(15) Boat slips used for the tying up of boats for the purpose of overhauling or repairing.

(16} Bottling plants.

(17) Brewery.

(18) Cabinet shops. *

(19) Canning factories. *

(20) Carpet cleaning.

(21) Caterers.

(22) Clubs, private.

(23) Cold storage warehouses and precooling plants.

(24) Commercial chicken hatcheries. *

(25) Concrete, clay or ceramic products, hand manufacture or involving only small mixer where all such manufacturing and equipment is within an approved building and storage and drying areas are enclosed as provided in this chapter.

(26) Contractors' offices and yards.

(27) Day nursery, kindergarten, schools and after school care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA provided, however, that schools may only be located on a site

consisting of at least five (5) acres and adjacent to a major roadway (three (3) or more lanes).

(27.1) Dog kennels, as an exception to Section 33-260, subject to the following conditions:

(a) All outdoor exercise runs shall be set back fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property. Where outside exercise runs are provided, a landscaped buffer or decorative masonry wall shall enclose the runs, and use of the runs shall be restricted to use during daylight hours.

(b) Where outside exercise runs are not provided, an outside area shall be designated for dogs (or cats) to relieve themselves, and that area shall be enclosed by a landscape buffer or masonry wall. Additionally such area shall be set back fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property.

(c) All kennel buildings shall be soundproofed and air-conditioned.

(d) An administrative site plan review (ASPR) shall be required. The site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.

(28) Dredging base or place where dredging supplies are kept and where dredges or boats or machinery are stored, repaired or rebuilt. *

(29) Dry cleaning and dyeing plants.

(29.1) Electric substation.

(30) Engine sales and service, gas, oil, steam, etc.

(31) Fertilizer storage.

(32) Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables {where more than five (5) persons are employed on premises).

(33) Fruit packing and fruit preserving. *

***Note:** See note at end of schedule of uses contained in this section.

(34) Furniture manufacturing. *

(35) Furniture refinishing.

(36) Garages-storage mechanical, including trucks, buses, heavy equipment.

(37) Glass installations.

(38) Grinding shops. *

(39a) Hotel and motel use (freestanding); the use shall comply fully with all provisions, pertaining to the use, of the RU-4A District.

(39b) Hotel and motel use (mixed use, i.e., connected with, and attached to a structure containing another use permitted in the industrial district); subject to the following conditions:

(1) Minimum lot width and area: The minimum lot width shall be three hundred thirty (330) feet and the minimum lot area five (5) acres including right-of-way dedications made from the property.

(2) Lot coverage: There shall be no restriction on lot coverage except as i'i: might be controlled by other specific requirements.

(3) Setbacks: The setbacks shall be as follows:

(a) Thirty-five (35) feet from all property lines to that portion of the structure not exceeding three (3) stories in height and not exceeding thirty-five (35) feet in height.

(b} A distance from all property lines to any portion of the tower structure above three (3) stories in height equal to seventy (70) percent of the overall height of the tower, the height being measured from the third-floor level (but not exceeding thirty-five (35) feet) to the top of the tower structure.

(4) Height: There shall be no limitation as to height except those applicable under the airport zoning regulations.

(5) Floor area ratio: No limitation.

(6) Maximum number of units: The number of dwelling units shall not exceed a density of seventy five (75) dwelling units per net acre, based on thirty-three and one-third (33 1/3) percent of the entire building site.

(7) Parking: Parking shall be provided for the combined uses in a total number as may be required elsewhere in the Code for each of the uses on the property.

(8) Open space: There shall be provided open landscaped space equal to a minimum of fifteen (15) percent of the lot area (entire site) in all the industrial districts except that in the IU-C District a minimum of twenty (20) percent shall be provided.

(9) Accessory uses:

(a) Business or commercial establishments of the BU-1 type, bars and cabarets shall be permitted in motels and hotels provided they are located within the principal building, which contains at least one hundred {100) units, and provided the exterior of any such principal building shall not have storefronts or give the appearance of commercial or mercantile activity as viewed from the highway: in the event the use contains windows which may be seen from the street or highway, said windows shall be of fixed, obscure glass. Such business or commercial establishments and bars in this district shall be entered only through the lobby, and no additional entrances shall be permitted except when the same opens into a courtyard or patio (away from the street side) which is enclosed and which is not visible from the street, and except that a fire door or emergency exit shall be permitted.

(b) Hotels and motels with one hundred fifty (150) or more guest rooms may contain liquor package use on the premises for the accommodation and use of their guests only, provided the establishment housing such use is entered only through the lobby within the building and does not have the appearance of commercial or mercantile activity as viewed from the highway. No advertisement of the use will be permitted which can be seen from the outside of the building.

(c) Hotels and motels with two hundred (200) or more guest rooms under one (1) roof may contain a night club on the premises, provided the exterior of any such building shall not have storefronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed obscure glass. Such night club shall be entered only through the lobby, and no additional entrance shall be permitted except when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street, and except that a fire door or exit shall be permitted.

(40) ice manufacturing. *

***Note:** See note at end of schedule of uses contained in this section.

(41) Insecticide, mixing, packaging and storage. *

(42) Laboratories, material testing.

(43) Leather goods manufacturing, excluding tanning.

(44) Livery stables, for riding clubs, or a stable for sheltering horses, not closer than three hundred (300) feet to an RU or EU District.

(45) Locksmiths.

(46) Lumberyards. *

(47) Machine shops.

(48) Marine warehouses.

(49) Mattress manufacturing and renovating.

(50) Metalizing processes.

(51) Milk or ice distributing station from which extensive truck or wagon deliveries are customarily made.

(52) Millwork shops. *

(53) Motion picture production studios.

(54) Novelty works. *

***Note:** See note at end of schedule of uses contained in this section.

(55) Office buildings.

(56) Ornamental metal workshops. *

(57) Oxygen storage and filling of cylinders.

(58) Parking lots-commercial and noncommercial.

(59) Passenger and freight--stations and terminals--boats, trucks, buses, and railroads.

(60) Pharmaceutical storage, subject to compliance with the following conditions:

(a) That the applicant secure a license from the State of Florida Department of Health and Rehabilitative Services (HRS) for such pharmaceutical storage.

(b) That the pharmaceutical storage area shall be air conditioned to continuously control temperature and humidity as required by HRS for pharmaceutical products.

(c) That the premises be secured with a security system as required by HRS for the storage of pharmaceutical products.

(d) That a declaration of use be provided permitting a building and zoning enforcement officer to enter the premises to conduct inspection to assure compliance.

(e) That upon compliance with the conditions enumerated above, a certificate of use and occupancy is secured from the Department.

(61) Police and fire stations.

(62) Post offices, which shall include self-service post offices, stations and branches, and mail processing centers.

(63) Power or steam laundries. *

***Note:** See note at end of schedule of uses contained in this section.

(64) Printing shops.

(65) Radio and television transmitting stations and studios.

(66) Religious facilities located inside the Urban Development Boundary. Religious facilities outside the Urban Development Boundary will be permitted only upon approval after public hearing.

(67) Restaurants.

(67.1) Restaurants with an accessory cocktail lounge-bar use, subject to compliance with Article X, Alcoholic Beverages, of this code.

(68) Salesrooms and storage show rooms--wholesale.

(69) (a) Salesrooms and showrooms, subject to the prohibitions and limitations in Subsection (b), 1ncorporsted as a part of a permitted industrial use upon compliance with the following conditions:

(1) Any industrial use and its related retail sales/showroom uses in different units or bays within the same building must be under one (1) certificate of use and occupancy, and all areas under one (1) such certificate must be connected by communicating doors between units or bays.

(2) Only merchandise which is warehoused, stored, manufactured or assembled on the premises can be sold on a retail basis.

(3) The size of retail sales/showroom floor area must be less than fifty (50) percent of the total floor area of the subject premises under a single certificate of use and occupancy. Outside storage areas are to be excluded from consideration in determining the percentage of uses.

(4) A solid wall shall separate retail sales/showroom area from the balance of the industrial area which shall prevent public access to the industrial portion of the building. The industrial use area shall not be accessible to the general public.

(5) Required parking is to be calculated based upon the floor area assigned to the use classifications within the building in accordance with the provisions of Section 33-124.

(6) A declaration of use in a form meeting with the approval of the Director shall be submitted to the Department prior to the issuance of a certificate of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.

(b) Subsection (a) above is intended to permit retail salesrooms and showrooms in recognition of the compatibility and reasonableness of incorporating certain retail uses into the other uses permitted in this district. To assure said compatibility and reasonableness, the retail uses hereinafter enumerated, and uses similar thereto, shall be subject to the following additional conditions: (1) the primary and permitted industrial use shall be the manufacture or assembly of the products being offered for sale; and (2) the retail sales area shall not exceed fifteen (15) percent of the total floor area of the subject premises under a single certificate of use and occupancy. The retail uses subject to the conditions of this subsection are:

(1) Antique and secondhand goods shops.

(2) Apparel stores.

(3) Art and crafts supplies and finished products.

(4) Art galleries.

(5) Bait and tackle shop.

(6) Bakeries.
(7) Bicycle sales, rentals and repairs (nonmotorized).
{8) Card shops.
(9) Confectionery, ice cream stores and dairy stores.
(10) Drugstores.
(11) Florist shops.
(12) Furniture stores less than ten thousand (10,000) square feet.
(13) Gift stores.
{14) Grocery stores, supermarkets, fruit stores, health food stores, meat and fish markets and other similar food stores.
(15) Hardware stores less than ten thousand (10,000) square feet.
(16) Jewelry stores.
(17) Leather goods and luggage shops.
(18) Liquor package stores.
(19) Optical stores.
(20) Paint and wallpaper stores less than ten thousand (10,000) square feet. (21} Photograph studio and photo supply.
(22) Pottery shops.
(23) Shoe stores and shoe repair shops.
(24) Sporting goods stores.
(25) Tobacco shops.
(26) Variety stores and junior and major department stores.
(27) Retail uses determined by the Director to be similar to those enumerated above. In determining similarity between a proposed use and the uses enumerated above the Director shall be guided by the intent of this Subsection (62) and shall consider common characteristics including the nature of products offered for sale, the generation of pedestrian and vehicular traffic, and incompatibility with the primary uses permitted in this district.

(c) Failure to comply with any of the provisions of Subsection (a) or (b) shall be deemed a change in use from an industrial to retail business use for which a use variance shall be required.

(d) Any ancillary retail sales use pursuant to a lawful, valid, permanent certificate of use and occupancy issued by the Department prior to July 29, 1983, which use is in compliance with the Department's percentage of use and parking requirements on said effective date will be considered a legal, nonconforming use. Legal, nonconforming use status will also be granted to any ancillary retail sales use for which a certificate of use and occupancy has not been issued as of July 29, 1983, where the property owner or tenant:

(1) Has obtained a building permit based on the submission of plans on which the intended retail sales area has been clearly represented by physical separation from the industrial use through placement of a solid wall, and adequate parking for the retail sales use and landscaping has been provided, and said permit remains valid in accordance with the provisions of the South Florida Building Code; or

(2) Has submitted a declaration of use, parking plan and floor plan for an existing building which have been approved by the Department provided that a physical separation of the

retail and industrial uses has been effected through placement of a solid wall and a temporary certificate of use and occupancy as provided in the South Florida Building Code has been obtained from the Department before July 29, 1983. Legal nonconforming use status will not be perfected if the temporary certificate of use and occupancy is not converted to a permanent certificate of use and occupancy before it expires.

(3) Has s covenant, accepted and approved by Miami-Dade County on or before July 5, 1983, and recorded in the public records, providing assurances to Miami-Dade County to comply with the provisions of Subsection (a) above and has materially changed his position in reliance thereon. The property owner or tenant shall be permitted sixty (60) days to obtain a building permit and an additional sixty (60) days to complete construction in compliance therewith.

(70) School-technical trade schools, such as, but not limited to aviation, electronic, mechanics; also physical training schools, such as, but not limited to gymnastics and karate. (All school uses shall be subject to compliance with off-street parking requirements and shall comply with sections 33-151.12.1 through 33-151.22 of this code.)

(71) Ship chandlers.

(72) Shipyards and dry docks.

(73} Sign painting shops.

(74) Steel fabrication. *

***Note:** See note at end of schedule of uses contained in this section.

(75) Storage warehouse for food, fodder, etc.

(76) Taxidermy. Use will be permitted only within a fully enclosed, air-conditioned building. *

(77) Telecommunications hubs: *

(1) At least eighty-five (85) percent of the gross floor area of a telecommunications hub building shall be designated for equipment or machinery; no more than fifteen (15) percent of the gross floor area shall be designated for employees and support personnel;

(2) A declaration of use in a form meeting with the approval of the Director and specifying compliance with the conditions set forth in subsection (1), above, shall be submitted to the Department prior to the issuance of a building permit. Said declaration of use shall include a floor plan and site plan for the intended use as required by the Department.

(78) Telephone exchanges.

(79) Telephone service unit yards.

(80) Textile, hosiery and weaving mills not closer than two hundred (200) feet to an RU or EU District.

(81) Upholstery shops.

(82) Utility work centers-power and telephone, etc.

(83) Vending machine sales and service.

(84) Veterinarians.

(85) Vulcanizing. *

(86) Warehouses for storage or products in the form sold in a BU District.

(87) Warehouse, membership, subject to the following minimum standards, unless otherwise approved by public hearing as a non-use variance:

(a) The area of such occupancy shall contain no less than one hundred thousand (100,000) square feet of gross floor area;
(b) The subject use shall be located on a major or minor roadway as depicted on the adopted Land Use Plan map and shall be within one quarter (1/4) mile of that roadway's intersection with another major or minor roadway; and
(c) Site plan review criteria set forth in Section 33-261.1 shall be met.
(d) Subject to compliance with Article X (Alcoholic Beverages) of this Code, liquor package sales shall be permitted. Package sales areas shall be divided from the rest of the membership warehouse area by a solid floor-to-ceiling wall and shall have a separate exterior entrance.

(88) Welding shops. *
(89) Welding supplies.
(90) Wood and coal yards.
(91) The operation of an equipment and appliance center for the testing, repairing, overhauling and reconditioning of any and all equipment, appliances, and machinery sold by the operator/occupant; provided such may be manufactured at the location of the operation and in connection therewith individual customers bringing equipment to the site for such repairing, overhauling or reconditioning, may purchase parts for such equipment, appliances, or machinery.

*NOTE: Provided no such establishment is located within five hundred (500) feet of any RU or EU District except after approval after public hearing. Provided that this spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU or EU District. It is further provided that, except for exterior uses, such distances shall be measured from the closest point of the subject use in the building to the RU or EU District. In connection with exterior uses, the distance of five hundred (500) feet shall be measured from the closest point of the IU District to the RU or EU District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern.

Cross references: Circuses and carnivals permitted in IU Districts without public hearing, § 33-13(f).

Article XXX. IU-2 Industrial. Heavy Manufacturing

Cross references: Barbed-wire fences in IU Districts, § 33-11(f); height of fences, walls and hedges in IU Districts, § 33-11(i); fence in lieu of wall in IU Districts, § 33-11(j); metal buildings in IU-2 Districts, § 33-32.

Sec. 33-262. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter constructed, reconstructed or structurally altered, maintained or moved in any IU-2 District, which is designed, arranged or intended to be used for any purpose, unless otherwise provided herein, except for one (1) of the following uses:

(1) Every use permitted in IU-1 District, except adult entertainment uses as defined in Section 33- 259.1, and private schools and nonpublic educational facilities as defined in Section 33-151.11 are prohibited in the IU-2 District.
(2) Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self contained drum mixers.
(3) Rock and sand yards.
(4) Cement and clay products, such as concrete blocks, pipe, etc.
(5) Soap manufacturing, vegetable byproducts, only.
(6) Railroad shops.
(7) Sawmills.
(8) Petroleum products storage tank not exceeding 30,000-gallon capacity or a group of such tanks with an aggregate capacity not in excess of thirty thousand (30,000) gallons.
(9) Petroleum products storage tank with a capacity of over thirty thousand (30,000) gallons or a group of such tanks with an aggregate capacity in excess of thirty thousand (30,000) gallons if approved after public hearing or if placed below the surface of the ground or in a rockpit.
(10) Dynamite storage.
(11) Construction debris materials recovery transfer facility, provided such use shall be conducted entirely within an enclosed building consisting of a minimum of 15,000 square feet. Counted toward this minimum floor area shall be areas set aside for office shop space and equipment storage associated with the construction debris materials recovery transfer facility.

ARTICLE XXXIIIC. - GP, Governmental Property

Sec. 33-284.22. - Uses permitted.

(a) 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 permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in a GP District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:

(1) Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses;

(2) Fire stations;

(3) Police stations;

(4) Public auto inspection stations;

(5) Public water and sewer treatment and distribution facilities;

(6) Public libraries;

(7) Public buildings and centers;

(8) Public hospitals, nursing homes and health facilities;

(9) Public auditoriums, arenas, museums, art galleries;

(10) Maximum and minimum detention facilities;

(11) Solid waste collection and disposal facilities;

(12) Public maintenance and equipment yards;

(13) Public bus stations and rapid transit stations and facilities;

(14) Public airports, including those particular uses allowed under the applicable airport zoning regulations;

(15) And other similar governmental uses.

Village of Virginia Gardens Equivalent Zoning Districts

Note: The Village of Virginia Gardens does not have separate Land Use Categories and Zoning Districts

10. Terminals

Pursuant to Chapter 20-3 sub-section (F) (6) Identification of any areas designated as terminals in the County's Adopted Land Use Plan Map ("terminals") the following responses are being provided.

a. The reason that any area designated terminals and areas located within one-half (1/2) mile surrounding any area designated terminals ("surrounding areas") should be annexed to the municipality.

After incorporation in 1947, the Village was reduced to 183 acres when the County Aviation Department assumed jurisdiction of the remaining 451 acres of Section 25, Township 53, Range 40 for the purpose of airport expansion. To maintain its reputation as a successful community the Village wishes to expand its municipal boundaries so that the following goals may also benefit the Annexation Area:

- Improving services and infrastructure;
- Having a local government that is aware of and concerned with the business community's development and the quality of life for local residents and businesses;
- Instilling pride and participation;
- Improving the process of development regulation; and
- Providing for a local government that is accountable for how taxes are spent and is willing to participate with all other Miami-Dade municipalities, old and new, in providing financial assistance to some of the less fortunate areas of the County.

If Annexed the Area will further provide for the fiscal strength of the Village by increasing its tax base and allowing for significant job creation opportunities. Through more localized planning, review and enforcement of regulations the needs of this very important employment and economic center will be fully realized.

b. The impact that annexation may have on the operation and future development of facilities within any area designated terminals and surrounding areas.

It is the intent of the Village to abide by the terms and conditions within the Ordinance with respect to planning and zoning regulation. Both the Village's Comprehensive Plan and Land Use Districts will be amended to incorporate any new land use categories as deemed necessary.

c. The municipality's assessment of the present and future importance to the economy, job generation, and future development of the County and the region of any area designated terminals and surrounding areas proposed to be included in the area annexed.

The "Airport West" area (which includes the Village's annexation area) is and will continue to be part of the MIA economic engine that is one of the largest concentrations of employment in Miami-Dade County, if not the State of Florida. Through increased local government focus on this area, significant increases in job opportunities may be created.

d. Whether the land uses within areas designated terminals and surrounding areas are compatible with adjacent land uses within the annexing municipality; and

The Village believes the uses are compatible and would not impact the municipality due to the physical relationship of the proposed annexation area to the Village of Virginia Gardens.

e. A proposed interlocal Agreement with the County which would include provisions agreeing to the County's retention of master plan and regulatory control over any area designated terminals and surrounding areas, which shall set forth with specificity the limitations and conditions to be imposed on the municipality's jurisdiction of the area proposed for annexation.

As previously stated under the Executive Summary of this document the Village would abide by the terms of the Terminal Ordinance. If the area is approved for annexation the Village of Virginia Gardens and Miami-Dade County will begin the process of entering into an interlocal Agreement setting forth with specificity certain limitations and conditions to be imposed

11. List of Services to be Provided

a. Police

The Village of Virginia Gardens Police Department comprises the Chief of Police, 22 sworn officers and 3 certified reserve officers for the current 2016/2017 budget year. With a $727,256 current year budget the Police Department is prepared to absorb any additional required police services.

Upon completion of the annexation process and municipal boundary change the Village would provide immediate coverage to the area without degradation of police service. If the annexation is successful, an increase of sworn officers would be contemplated for FY 2017/2018.

b. Fire Protection

Fire Protection is provided by Miami-Dade County fire services for the Village of Virginia Gardens residents. Primary Fire Rescue service for the proposed annexation area will be provided by Fire Battalion 11 and Battalion 12, as referenced below. The following station territories lie within the proposed annexation area.

Battalion 11

Station	Address	Unit
Virginia Gardens 17	7050 NW 36 St	Aerial
Medley 46	10200 NW 116 Way	Technical Response Team
Miami Springs 35	201 Westward Dr	Rescue, Engine
Hialeah Gardens 28	10350 NW 87 Ave	Rescue

Battalion 12

Station	Address	Unit
Doral 45	9710 NW 58 St	Medic Engine
Fontainbleau 48	8825 NW 18 Ter	Rescue
Doral North 69	11151 NW 74 St	Rescue, Haz Mat, Technical Response Team

A Battalion, is defined as a fire department organizational unit comprised of multiple units under the command of a Chief Fire Officer. The annexed area will be served by Battalion 11, which is comprised of Virginia Gardens Station 17, Medley Station 46, Miami Springs Station 35, and Hialeah Gardens Station 28. Battalion 12 will also serve the area. Battalion 12 is comprised of Doral Station 45, Fontainbleau Station 48, and other stations. Although these units primarily serve their own communities (Miami Springs, Medley, Hialeah Gardens) they come together in response to any major incident in the area. They

also provide support services when primary response units are on other service calls. To develop proficiency and unit coordination, the Battalion units regularly drill together.

Battalion 11 is also part of Miami Dade Fire Rescue's Special Operations Division. In addition to their normal firefighting, dive rescue and emergency medical activities, Stations 17, 28, 46, and 48 have some very special capabilities.

Station 46 serves as part of the urban search and rescue (USAR 1) and the Technical Rescue Team (TRT Units). Members of these units are trained in vehicle extraction, confined space rescue, trench rescue and elevated victim rescue. Station 17 is equipped with aerial apparatus units that are especially suited for taller buildings. Stations 28 and 48 comprise the core of the County's Hazardous Materials Response Team, Rescue and USAR-1 rescue support services.

Miami-Dade Fire Rescue Department provides fire and rescue service to the annexation area. There will be no change in this service if annexation occurs. There is no cost to the Village of Virginia Gardens for this service. All costs are directed to the property owners in the annexed area.

c. Water Supply and Distribution

The Miami-Dade County Water and Sewer Department currently services the Annexation Area through its water supply and distribution system and will continue to do so. Also, MDWASD has the capacity to handle any future development in this area.

d. Facilities for Collection and Treatment of Sewage

The Miami-Dade County Water and Sewer Department currently services the Annexation Area through its collection and treatment system and will continue to do so. Also, MDWASD has the capacity to handle any future development in this area.

e. Garbage and Refuse Collection and Disposal

The County's Department of Solid Waste Management will continue to serve existing customers but typically commercial and industrial areas will be required to contract for refuse removal services utilizing the County's landfills.

f. Street Lighting

Florida Power and Light provides electricity and lighting to the Annexation Area and will continue to do so.

g. Street Construction and Maintenance

The State of Florida will be responsible for the maintenance of State roads while Miami-Dade County will be responsible for County roads. The remaining municipal streets will become Village roads.

h. Park and Recreation Facilities and Services

No new park and recreation facilities will be needed to serve the existing and future industrial land uses in the annexation areas. The existing canal bike path will be enhanced with landscaping.

i. Building Inspection

The Village is responsible for all building inspections through the Building Consultant. If the annexation proposal is approved, a new department will be established to accommodate the larger volume of activity.

j. Zoning Administration

The Village is responsible for all zoning related matters. If the annexation proposal is approved, a new department will be established to accommodate the larger volume of activity.

k. Local Planning Services

The Village is responsible for all planning related matters. If the annexation proposal is approved, a new department will be established to accommodate the larger volume of activity.

l. Special Services Not Listed Above

None

m. General Government

The Village has a Mayor-Council form of government. The Mayor and five Council members (Members of the Council) are vested with all legislative powers as set forth in the municipal charter of the Village and are elected at-large for staggered four year terms. The Council's powers include establishing public policy and law.

12. Timetable for Supplying Services

a. Police
Immediate/No Change.

b. Fire Protection
Immediate/No Change. Miami-Dade Fire Rescue will continue to provide services in perpetuity.

c. Water Supply and Distribution
Immediate/No Change. Miami-Dade County Water and Sewer Department will continue to supply potable water through its water supply and distribution system.

d. Facilities for Collection and Treatment of Sewage
Immediate/No Change. Miami-Dade County Water and Sewer Department will continue to service the Annexation Area through its wastewater collection and treatment system.

e. Garbage and Refuse Collection and Disposal
Immediate/No Change. The Annexation Area will continue to be part of the Solid Waste and Collection System.

f. Street Lighting
Immediate/No Change. Any new lighting will be paid for through Special Taxing Districts or funded by FPL through user fees.

g. Street Construction and Maintenance
Immediate/No change. The County shall maintain responsibility for section line roadways while the Village will maintain roadways designated munic1pal streets.

h. Park and Recreation Facilities and Services
Immediate/No Change. No new recreational facilities will be needed to service the Annexation Area due to the lack of residential areas.

i. Building Inspection
Immediate/No Change.

j. Zoning Administration
Immediate/No Change.

k. Local Planning Services
Immediate/No Change.

l. Special Services Not Listed Above
Immediate/No Change.

m. General Government

Immediate/No Change. After the annexation process is completed the Village will be responsible for all general government services.

13. Financing of Services

a. Police

The Village will fund this service through its General Fund via tax collections.

b. Fire Protection

Fire and Rescue services will continue to be provided by Miami-Dade County Fire Rescue Department. Services are financed through the Fire Rescue Special Taxing District.

c. Water Supply and Distribution

Water supply and distribution services will continue to be provided by MDWASD. Costs associated with new development (water main extensions and connections) will be paid by the developers. Residential and commercial water usage charges will provide the revenues for the continued operation and maintenance of the water supply and distribution system.

d. Facilities for Collection and Treatment of Sewage

Wastewater treatment and collection services will continue to be provided by MDWASD. Costs associated with new development (wastewater main extensions and connections) will be paid by the developers. Residential and commercial sewer usage charges will provide the revenues for the continued operation and maintenance of the wastewater treatment and collection system.

e. Garbage and Refuse Collection and Disposal

The County's Department of Solid Waste Management will continue to serve existing customers but typically commercial and industrial areas will be required to contract for refuse removal services utilizing County landfills. Services provided by the County are financed through tax collections.

f. Street Lighting

Street lighting is financed through FP&L or Special Taxing Districts created by new development.

g. Street Construction and Maintenance

The costs of new street construction will be funded by the associated new development. Maintenance will be funded through the Village's General Fund.

h. Park and Recreation Facilities and Services

The operation and maintenance of these facilities will be funded through the General Fund. As stated previously, no new parks are required to service the Annexation Area.

i. Building Inspection

Building Inspections are financed through user fees.

j. Zoning Administration

Zoning Administration services are financed through user fees.

k. Local Planning Services

Local Planning Services are financed through user fees.

l. Special Services Not Listed Above

None

m. General Government

General Government Services are provided and funded through tax collections.

14. Tax Load on Annexation Area

Gross Revenue is based on the 2016 Taxable Property Rolls and other revenues. The Cost of Providing Services (Expenditures) is based on expected costs the Village believes it will incur. Since the proposed annexation area is undergoing development, Revenues and Expenditures will be constantly changing as new properties are added to the tax rolls and more services are required.

The Village of Virginia Gardens Budget (FY 2016-2017) process has been completed and maintains a millage rate of 5.15. The current Miami-Dade County millage rate is 1.9283.

Property Tax Revenue is determined by the following formula:

Revenue= Taxable Property X Millage X .95/1000

	2016 TAXABLE PROPERTY ROLLS	**PROPERTY TAX REVENUE***	**COST OF PROVIDING SERVICES**	**NET BUDGET GAIN/LOSS**
Annexation Area	$661,954,664	$3,238,613	$750,000	**$2,488,613**

Based on Village of Virginia Gardens millage rate of 5.15

Assessed Valuation for Annexation Area

STR 53 40 26 (30-3026) - $302,580,747

STR 53 40 35 (30-3035) - $302,996,628

STR 53 40 36 (30-3036) - $0.00

STR 53 41 31 & 35-36 53 40 (30-3131) - $6,739,994

STR 53/54 40 Government Lot 2 (30-3052) - $49,637,295

Total Assessed Valuation: $661,954,664

15. Certificate of Director of Planning & Zoning
(See Section 6, Page 19)

16. Petition with Clerk of County Commission
(See Section 6, Page 18)

Attachment "A"

RESOLUTION NO. 806

A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA AMENDING RESOLUTION NO. 734, WHICH INITIATED AND REQUESTED THE PROPOSED BOUNDARY CHANGES OF THE VILLAGE OF VIRGINIA GARDENS IN ORDER TO ANNEX PROPERTY BEARING THE LEGAL DESCRIPTION CONTAINED IN EXHIBIT "A"TO RESOLUTION NO. 734, SO AS TO MODIFY THE BOUNDARIES FOR PROPOSED ANNEXATION SET FORTH IN RESOLUTION NO. 734; AUTHORJZING THE MAYOR AND THE VILLAGE CLERK AND OTHER PROPER ASSISTANTS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT/PURSUE THE REQUEST FOR TIIE PROPOSED BOUNDARY CHANGES TO THE BOARD OFCOUNTY COMMISSIONERS OFMJAMI- DADE COUNTY, FLORIDA; AND AUTHORIZING THEVILLAGE CLERK TO TRANSMIT COPIES OFTIDS RESOLUTION TO THE CLERKOF THE COUNTY COMMISSION; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 5.04 of the Miami-Dade County Home Rule Charter and section 20-3 of the Code of Miami-Dade County. Florida, the Village of Virginia Gardens may initiate, by Resolution, a proposed boundary change where there are 250 or fewer registered electors within the proposed annexation area and where the area is less than 50% developed residential;

WHEREAS, the Village of Virginia Gardens conducted duly noticed and advertised public hearings coinciding with the reading of this Resolution; and

WHEREAS, the Village of Virginia Gardens desires to amend the. Northern and Southern boundaries for the proposed annexation set forth in Resolution No. 734, consistent with, and relying upon, and dependent upon the verbal agreement with the City of Miami Springs.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR .AND THE VILLAGE COUNCIL OF THEVJLLAGE OFVIRGINIA GARDENS, FLORIDA, THAT:

Section l: The Mayor and the Village Council of the Vil1age of Virginia Gardens hereby approve the changes, extension and enlargement of the municipal boundaries of the Village of Virginia Gardens, Florida, and to effect such change, by the annexation to the Village of Virginia Gardens of property legally described in Exhibit "A" to Resolution No. 734, and shown on an accompanying map, Exhibit "B" to Resolution No. "134. A copy of Resolution No. 734i is attached hereto and made a part hereof

Section 2: The Mayor and the Village Council of the Village of Virginia Gardens hereby approve the amendment to the boundaries delineated in Resolution No. 734, so as to modify the Northern and Southern boundaries of the proposed annexation area consistent with, and as more specifically set forth in Section 3 of this Resolution.

Section 3: The Village Council of the Village of Virginia Gardens, Florida hereby requests that the Board of County Commissioners of Miami-Dade County, Florida adopt an ordinance changing. extending and enlarging the Village's municipal boundaries as approved by the Village and as described in the legal description set forth in Exhibit "'A" to Resolution No. 734, as amended by this Resolution, so as to modify the boundaries delineated in Exhibits "A" and "B" of Resolution 734, as follows:

A. Amending and modifying the North boundary of the proposed annexation area, as delineated in Resolution No. 734, to include and encompass, as part of the annexation area, only the following parcels which abut and comprise the North side of NW 36th Street to wit:

1 Folio No.: 30-3026-009-0050 / 7501 NW 36th Street, Miami. FL;

2. Folio No.: 30-3026-009-0010 *I* 741 1 NW 36th Street, Miami, FL;

3. Folio No.: 30-3026.-014-0010 / 7405 NW 36th Street, Miami, FL;

4. Folio No.: 30-3026-017-0010 *I* 74011 NW 36th Street. Miami. FL;

5. Folio No.: 30-3026-020-0010 I 7269-7393 NW 36th Street, Miami, FL;

6. Folio No.: 30-3026-000-0036 / 7245 NW 36th Street, Miami, FL; and

7. Folio No.: 30-3026-007-0250 / 7201 NW 36th Street, Miami, FL;

B. Amending and modifying the South boundary of the proposed annexation area/boundary, as delineated in Resolution No. 734, so as to include and encompass all the area comprised of those parcels lying South of NW 12th Street Perimeter Road and continuing South through to and abutting the northerly r-o-w line of State Road 836, so as to encompass all the area, lying between NW 12th Street/Perimeter Road and State Road 836, so that State Road 836 shall be the southernmost boundary of the proposed annexation area, and commencing on the West from and abutting the easterly r-o-w line of State Road 826/Palmetto Expressway, so that State Road 826/Palmetto Expressway shall he the Western most boundary of the proposed annexation area, and then going East from State Road 826/Palmetto Expressway to include and encompass all those parcels lying to the East through and to include the parcel identified by Folio No. 30-3131-007-0040 / I395 NW 57th Avenue, Miami, FL, so that the Eastern most boundary of the proposed annexation area on the south side of Miami International Airport shall be the parcel identified by Folio No. 30- 3131-007-0040 / 1395 NW 57th Avenue, Miami, FL.

Section 4: The amendment to Resolution No. 734, and the boundaries for the proposed annexation area set forth in Sections 2 and 3 of this Resolution, are materially dependent upon the City of Miami Springs fully supporting the annexation of the area delineated in Resolution 734. as revised and amended by this Resolution as set forth in sections 2 and 3 of this Resolution, by the Village of Virginia Gardens. In the event that the City of Miami Springs fails to provided its support for the

Village of Virginia Garden a1s annexation of the proposed area, as specifically amended by this Resolution, then the amendment in this Resolution shalt be null and void and the proposed Northern boundaries set forth in Resolution No. 734 shall govern, and the Village. of Virginia Gardens, shall adhere to the area delineated in Exhibits "A" and NB" to Resolution 734 in so far as the Northern Boundary of its proposed annexation area.

Section 5: The Mayor and the Village Clerk and all such other Village officials and officers are hereby authorized and directed to take all action and to execute such certificates, documents and agreements as may be deemed necessary or desirable in connection with the submission of the request for such boundary change to the Board of County Commissioners of Miami-Dade County, Florida, for approval.

Section 6: The Village Clerk is hereby authorized and directed to transmit three certified copies of the Ordinance, together with proof of compliance of notice procedures to the Clerk of the County Commission, accompanied by the attachments as required by Section 20-3 of the Code of Miami-Dade County, Florida.

Section 7: Repeal of Resolutions in Conflict. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: Severability Clause. If any phrase, clause, sentence, paragraph or section of this Resolution shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Resolution.

Section 9: Effective Date. This Resolution shall take effect and be in force from and after its date of passage.

PASSED, and ADOPTED on this 18th day of September, 2008.

ATTEST:

MARITZA FERNANDEZ
VILLAGE CLERK

SPENCER DENO, IV
MAYOR OF THE
VILLAGE OF VIRGINIA GARDENS

ELIZABETH TAYLOR-MARTINEZ
COUNCIL PRESIDENT

VOTE OF THE COUNCIL:

Councilwoman Taylor-Martinez	Yes
Councilman Petterson	Yes
Councilman Arce	Yes
Councilman Block	Yes
Councilwoman Conover-Machado	Yes

APPROVED AS TO FORM AND SUFFICIENCY:

JOSE M. HERRERA, ESQ.

RESOLUTION NO. 734

A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA INITIATING AND REQUESTING PROPOSED BOUNDARY CHANGES OF THE VILLAGE OF VIRGINIA GARDENS IN ORDER TO ANNEX PROPERTY BEARING THE LEGAL DESCRIPTION CONTAINED IN EXHIBIT "A"; AUTHORIZING THE MAYOR AND THE VILLAGE CLERK AND OTHER PROPER ASSISTANTS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGES TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORJZING THE VILLAGE CLERK TO TRANSMIT COPIES OF THIS RESOLUTION TO THE CLERK OF THE COUNTY COMMISSION; REPEALING ALL RESOLUTIONS L CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTNE DATE.

WHEREAS, pursuant to section 5.04 of the Miami-Dade County Home Rule Charter and section 20-3 of the Code of Miami-Dade County, Florida, the Village of Virginia Gardens may initiate, by Resolution, a proposed boundary change where there are 250 or fewer registered electors within the proposed annexation area and where the area is less than 50% developed residential; and

WHEREAS, the Village of Virginia Gardens conducted duly noticed and advertised public hearings coinciding with the reading of this Resolution.

NV, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA THAT:

Section 1: The Mayor and the Village Council of the Village of Virginia Gardens hereby approve the changes, extension and enlargement of the municipal boundaries of the Village of Virginia Gardens, Florid and to effect such change, by the annexation to

RESOLUTION NO. 734

the Village of Virginia Gardens of property legally described in "A" and shown on an accompanying map Exhibit 'B' attached hereto and made a pan hereof.

Section 2: The Village Council of the Village of Virginia Gardens, Florida hereby requests that the Board of County Commissioners of Miami-Dade County, Florida adopt an ordinance changing, extending and enlarging the Village's municipal boundaries as approved by the Village and as described in the legal description set forth in Exhibit "A"

Section 3: The Mayor and the Vil1age Clerk and all such other Village officials and officers are hereby authorized and directed to take all ac6on and to execute such certificates, documents and agreements as may be deemed necessary or desirable in connection with the submission of the request for such boundary change to the Emmi of County Commissioners of Miami-Dade County, Florida, for approval.

Section 4: The Village Clerk is hereby authorized and directed to transmit three ce1 1ificd copies of the Ordinance, together with proof of compliance of notice procedures to the Clerk of the County Commission, accompanied by the attachments as required by Section 20-3 of the Code. of Miami-Dade County Florida.

Section 5: Repeal of Resolutions in Conflict.

All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict

RESOLUTION NO. 734

Section 6: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this Resolution shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses sentences, paragraphs or sections of this Resolution.

Section 7: Effective Date.

This Resolution shall take effect and be in force from and after its date of passage.

PASSED, and ADOPTED on this 8th day of August, 2003

MARITZA FERNANDEZ
VILLAGE CLERK

PAUL BITHORN
MAYOR OF VIRGINIA GARDENS

SPENCER DENO IV,
COUNCIL PRESIDENT

Vote of the Council:

Councilman Deno	YES
Councilman Fojon	YES
Councilman Nelson	YES
Councilman Petterson	YES
Councilwoman Taylor-Martinez	YES

APPROVED AS TO FORM AND SUFFICIENCY:

Village Attorney, JOSE M. HERRERA, ESQ.