

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 5(L)
12-3-98

ORDINANCE NO. 98-176

ORDINANCE RELATING TO DEVELOPMENTAL IMPACT COMMITTEE; MODIFYING EXECUTIVE COUNCIL MEMBERSHIP; AMENDING SECTION 33-303.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-303.1 of the Code of Metropolitan Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-303.1. Developmental Impact Committee.

(B) ~~[[The County Manager shall assign to the Developmental Impact Committee, an Assistant County Manager who shall serve as Chairman of the Committee. The Chairman shall discharge such other duties and functions as conferred upon him by the County Manager and this section.]]~~ ~~The~~ ~~[[Chairman, the]]~~ Director ~~>>~~ of the Department of Planning and Zoning ~~<<~~, the Director of ~~>>~~ the Department of ~~<<~~ Environmental Resources Management ~~>>~~, ~~<<~~ ~~[[and-]]~~ the Director of the Public Works Department ~~>>~~, the Director of Miami-Dade Water and Sewer Department, the Secretariat of the Metropolitan Planning Organization (MPO), the Chief of the Metropolitan Planning Division of the Planning and Zoning Department and the County Manager or his or her designee ~~<<~~ shall constitute the Executive Council of the Developmental Impact Committee. The Executive Council shall discharge such duties and functions as conferred by the Code of ~~[[Metropolitan]]~~ ~~>>~~ Miami- ~~<<~~ Dade County, Florida and by the ordinances, rules and regulations approved by the Board of County Commissioners. ~~>>~~ The duties and functions of the

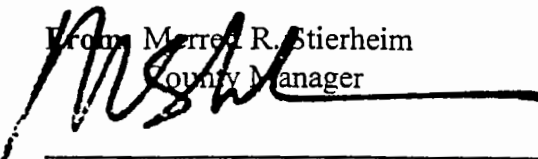
¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or ~~>>~~ double arrowed ~~<<~~ constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

MEMORANDUM

Amended
Agenda Item No. 5(L)

To: Honorable Chairperson and Members
Board of County Commissioners

Date: (Public Hearing 12-1-98)
October 20, 1998


From: Merrell R. Stierheim
County Manager

Subject: Ordinance Amending the
Membership of DIC
Executive Council

O#98-176

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending the membership of the Executive Council of the Developmental Impact Committee (DIC).

BACKGROUND

The Executive Council of the DIC has been composed of five members as follows: an Assistant County Manager, the Director of the Department of Planning, Development and Regulation, the Zoning Official, the Director of the Department of Environmental Resources Management and the Director of the Public Works Department. Due to organizational changes there is no longer representation by an Assistant County Manager and the DIC Executive Council is functioning with only four members. This results in quorum problems and unbreakable tie votes, which causes delays in the process.

The proposed ordinance provides for a five-member DIC Executive Council as follows: the Director of the Department of Planning and Zoning, the Director of the Department of Environmental Resources Management, the Director of the Public Works Department, the Director of the Miami-Dade Water and Sewer Authority Department and myself or my designee. Restoring the membership to five will increase the ability to obtain quorums and reduce the likelihood of tie-votes, which will allow the public to move through the system more efficiently.

FISCAL IMPACTS

The proposed ordinance will not create a fiscal impact on Miami-Dade County.

Attachment

Executive Council Chair shall be assumed by each of its members
on a rotating basis as needed.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4 This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: DEC 03 1998

Approved by County Attorney as
to form and legal sufficiency.

RAG

Prepared by:

JAC

MEMORANDUM

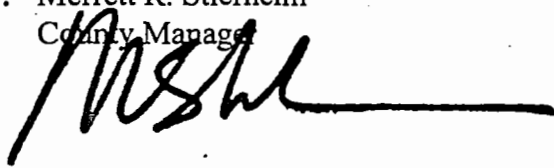
Amended
Agenda Item No. 5(K)

(Public Hearing 12-1-98)
October 6, 1998

To: Honorable Chairperson and Members
Board of County Commissioners

Date:

From: Merrett R. Stierheim
County Manager



Subject: Ordinance providing for a
Single Recommendation for
Zoning Public Hearings

O#98-175

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance providing for a single recommendation in zoning hearings submitted by the Planning and Zoning Department.

BACKGROUND

Prior to the reorganization of the Building and Zoning Department, the Planning Department and the Developmental Impact Committee in 1995, the Building and Zoning Department and Planning Department prepared separate written recommendations for each zoning hearing. This practice continued after the merger of the departments into the Department of Planning, Development and Regulation. With the recent creation of the Planning and Zoning Department it is appropriate to provide for one consolidated and comprehensive recommendation.

A single recommendation is customary in the majority of communities in the nation. It also provides for a more complete analysis of the relationship between the Comprehensive Development Master Plan (CDMP), the Zoning Ordinance and the application to be considered by the different boards.

A single recommendation will be a more efficient use of staff time by streamlining the process. As indicated in the 1998-1999 budget the single recommendation will result in a savings of \$556,000 and a reduction of eight positions.

Attachment

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 5(K)
12-3-98

ORDINANCE NO. 98-175

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-310, 33-311 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR A SINGLE RECOMMENDATION FOR ZONING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-310 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-310. Notice and hearing prerequisite to action by the Community Zoning Appeals Boards or Board of County Commissioners.

* * *

(b) Applications filed hereunder shall be promptly transmitted to the appropriate board, together with the written recommendation of the Director [[and the Zoning Official]]. Where applicable the Developmental Impact Committee shall issue its recommendation, which shall include a statement of the Director as to the application's relationship to the Comprehensive Development Master Plan. All such recommendations shall >>state all facts relevant to the application, including an accurate depiction of known living, working, traffic and transportation conditions in the vicinity of the property that is the subject of the application, and also a description of all projected effects of the proposed zoning action on those conditions. Before reaching a conclusion, each recommendation shall list all known factors both in favor of and against each application. All such recommendations shall << be

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

signed and considered final no earlier than thirty (30) days prior to the public hearing to give the public an opportunity to provide information to the staff prior to the recommendations becoming final. This shall not preclude earlier, preliminary recommendations. All documents of the County departments evaluating the application, which documents pertain to the application, are open for public inspection to applicants or other interested persons.

Section 2. Section 33-311(A) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

* * *

Sec. 33-311. Community Zoning Appeals Board - Authority and duties.

(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director ~~[[and the Zoning Official,]]~~ or Development Impact Committee.

* * *

Section 3. Section 33-314(D) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(D) The Board, after hearing why the application should or should not be granted, shall consider the matter in accordance with the criteria specified in this chapter, and shall by resolution either grant or deny the application. In granting any variances, special exceptions, new uses or unusual uses, the Board of County Commissioners may prescribe any reasonable conditions, restrictions and limitations it deems necessary or desirable in order to maintain the plan of the area and compatibility therewith. Such action of the Board of County Commissioners shall be final provided, no such action shall be taken

until notice of time and place of the meeting at which the Board of County Commissioners will consider and take final action on the application has been first published as provided in Section 33-310 hereof. Anything in this article to the contrary notwithstanding, when an application for a district boundary change or special exception, new use, unusual use or variance is filed by the Director ~~[[or Planning Director]]~~ it will only be decided by the County Commission after receiving the recommendation~~[[s]]~~ of the Director ~~[[and the Zoning Official]]~~ and after the required noticed public hearing, and such decision shall then be final.

* * *

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

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

Section 6. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 7. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: DEC 03 1998

Approved by County Attorney as
to form and legal sufficiency.
Prepared by:

RAC
JAC

4



MEMORANDUM

107.07-17A METRO-DADE/CSA/MAT MG

Agenda Item No. 5(J)

(Public Hearing 12-1-98)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: October 20, 1998

SUBJECT: Proposed Ordinance
Pertaining to Administrative
Zoning Variances

FROM: Merrett R. Stierheim
County Manager

98-174

RECOMMENDATION

It is recommended that the Board approve the attached ordinance pertaining to the applicants permitted to file for administrative zoning variance applications. The proposed ordinance codifies existing Department of Planning and Zoning policy restricting the use of this process to homeowners within developed areas.

BACKGROUND

In 1977 Section 33-36.1 of the Code of Miami-Dade County was created to allow for the consideration of certain non-use variance requests for residential construction by the Director of the Department of Planning and Zoning. This administrative variance application process has been limited by departmental policy to homeowners, and has proven to be extremely successful in allowing innumerable homeowners to obtain variances for minor deviations (fence height, setback and lot coverage, etc.) from zoning code regulations. The intent of this administrative variance process was to afford homeowners the opportunity to secure these minor variances without the need for a public hearing where their property is in a developed neighborhood. The department accepts approximately 300 of these administrative variance applications annually. The proposed ordinance codifies this policy and prohibits developers of new subdivisions from applying through this process. The public hearing process, still available for these undeveloped sites, provides the desirable public notice on these types of applications for new construction.

FISCAL IMPACT

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Approved _____ Mayor

Agenda Item No. 5(J)
12-1-98

Veto _____

Override _____

ORDINANCE NO. 98-174

ORDINANCE PERTAINING TO ADMINISTRATIVE ZONING VARIANCES: AMENDING SECTION 33-36.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING DEFINITION OF FEE OWNER; CORRECTING SCRIVENER'S ERROR; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-36.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-36.1. Administrative Variances.

* * *

(e) The application for variance shall be made by the fee owner of the property on a form prescribed by the Department and shall be submitted to the Department. >> For the purposes of this section the term "fee owner" shall mean the person who owns and resides at, or owns and intends to reside at, the subject premises. << The application shall include an accurately dimensioned plot use plan showing the existing structures on the subject property, the location of the proposed addition, the general location and use of existing structures on the adjacent property from which the variance is being requested. The application shall include a letter of intent explaining the reason and justification for the proposed addition and variance. The application shall be accompanied by:

- (1) The consent of all the owners of all adjacent or abutting lots to the subject property, and
- (2) The consents shall also include the owner of the lot(s) immediately across the street from the subject site.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(h) The applicant, or any aggrieved property owner in the area, may appeal the decision of the Director to the >> appropriate Community << Zoning Appeals Board in the manner provided for appeals of administrative decisions (Section 33-311 [[~~(e)~~(2)]] of the Code). In the event an appeal is made by an aggrieved property owner in the area, the Director may stop or suspend any construction authorized by the variance, until a decision has been made on the appeal. In the event the Director should determine that the suspension of the construction could cause imminent peril to life or property he may permit the construction to continue upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper under the circumstances. Upon an appeal by an aggrieved property owner, the provisions of Section 33-311 shall be applicable.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

DEC 03 1998

Approved by County Attorney as
to form and legal sufficiency.

RAG

Prepared by:

JAC

MEMORANDUM

Substitute No. 2
Agenda Item No. 5(H)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998

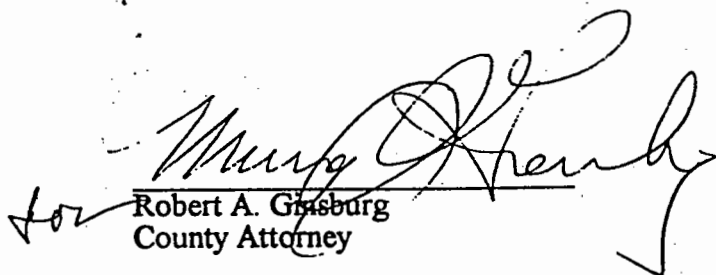
FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
unusual use approval for
certain telecommunications
antennas.

98-173

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

Substitute No. 2 provides that the exemption is to December 31, 2008 rather than the life of the existing antenna.


for Robert A. Ginsburg
County Attorney

RAG/ydl

Approved _____ Mayor
Veto _____
Override _____

Substitute No. 2
Agenda Item No. 5(H)
12-1-98

98-173

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SUBSECTION 33-13(e) (UNUSUAL USES) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 33-60 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR UNUSUAL USE APPROVAL FOR CERTAIN TELECOMMUNICATIONS ANTENNAS; PROVIDING THAT CERTAIN TELECOMMUNICATIONS ANTENNAS SHALL BE PERMITTED IN ANY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, it is in the interest of Miami-Dade County to provide reasonable accommodation to, and to promote and encourage fair and reasonable competition among telecommunications service providers on a neutral and non-discriminatory basis; and

WHEREAS, it is in the interest of Miami-Dade County to encourage collocation of facilities to minimize the number of separate installations and to conserve land use,

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

Section 1. Subsection 33-13(e) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-13. Unusual uses.

(e) *Unusual and new uses.* Unless approved upon public hearing, the following unusual uses or uses similar thereto:

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

shall not be permitted in any district save and except in those districts that permit such uses without a public hearing: Airport; airplane crop dusting field; all zoning applications by State and municipal entities and agencies (said applications shall be heard directly by the Board of County Commissioners, notwithstanding the provisions of Section 33-311); amusement rides and enterprises; amusement center (except in BU-1A Zone in which such use is permitted); archery ranges; art galleries and museums (educational and philanthropic) in districts more restrictive than RU-4; auction sales; auto, truck, machinery salvage yards; bathing beach; boat salvage; bombing field, canal excavation, where not a part of C. & S. F. F. C. D. and County secondary canal system; carnivals, circuses; convalescent homes; day camp, day nursery in zone more restrictive than RU-3; dog kennel, dog training track; electric substation; electric power plant; frog farm; garbage and waste dumps; gas distribution system and plant; golf course except in RU-1 and other Districts where the same is a permitted use; golf course clubhouse and incidental uses in all districts more restrictive than the BU-1 District; golf driving range; gypsy camp; heliports; homes of the aged (except group homes and community residential homes where same is a permitted use); homes for dependent children (except group homes and community residential homes where same is a permitted use); hospitals (not animal hospital) in district more restrictive than RU-4; incinerators; Indian village; institutions for handicapped persons (except group homes and community residential homes where same is a permitted use), including but not limited to incidental related facilities such as workshops, sales of products fabricated therein, residential quarters, educational training facilities; infirmary, commissary, or any one or combination of such related incidental facilities; junkyard; kindergarten in zones more restrictive than RU-3; lake excavation and asphalt plant, concrete batching plant, concrete block plant, prestressed and precast concrete products plant, rock crushing and screening plant ancillary thereto or in connection therewith; landing field; movie (open air) except as provided in BU-1A Zone; nightclub in BU-2 or more liberal districts; nursing homes; oil and gas well drilling and essential, incidental uses thereto, such as minimum storage facilities; in AU and GU Districts subject to conformance to all applicable Florida State statutes and rules and regulations of the State Board of Conservation

and other applicable state rules and regulations; outdoor display; outdoor paint testing laboratory; outdoor patios and table service in connection with restaurants; palmist and psychic readers; parking (noncommercial parking in zones more restrictive than in which the use it serves is located); pistol ranges; pony rings; private club in RU-3B and RU-3 and more restrictive districts, including but not limited to AU and GU Districts; private playgrounds and recreational area; public and private utility facilities such as electricity, gas, water, telephone, telegraph, cable TV., and including work centers (repair and storage areas for trucks, heavy equipment, pipe, meters, valves, cable, poles) as accessory uses, and including sewage treatment plants and lift stations and water treatment plants and pumping stations, excluding temporary package water and sewage treatment plants approved by the Environmental Quality Control Board>> and until December 31, 2008, excluding any telecommunications antenna owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, provided that (a) equipment appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed 125 feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than 50 feet in width or, if less than 50 feet in width, such easement or right-of-way is adjacent to and parallel with road right-of-way which is 100 feet or greater in width, and (c) the antenna was attached to the utility pole or structure prior to January 1, 1997 <<; race tracks; retirement villages, including as an accessory use commercial facilities of the BU-1 type; rifle range; rock pits (filling of); rock quarries; shopping center promotional activities; skeet range; subdivision entrance gates and entrance features not conforming to regulations; testing laboratory or plant; tourist attractions; towers (radio and TV) and transmitting stations; trailer as watchman's quarters; trailers or tourist camp; trap range; water tank and tower; water treatment plant; water use facilities; wood burning barbecue (commercial); zoo (except in public park).

* * *

Section 2. Section 33-60 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-60. Compliance with article.

>>(a)<<Before erection of a water tower, standpipe, windmill, tower or mast for any purpose, over ten (10) feet in height above the roof of a structure or over twenty (20) feet in height if erected on natural ground, the requirements of this article and the construction requirements of the South Florida Building Code shall be observed. All towers, poles, and masts requiring notice to the Federal Aviation Administration (FAA) as prescribed in Federal Aviation Regulations (FAR) Part 77, shall be lighted as specifically recommended by the FAA in the determination rendered to the proponent's notice of proposed construction. In addition, for all towers, poles, and masts not requiring notice to the FAA which are one hundred fifty (150) feet or higher above grade in height, one (1) flashing red beacon safety light will be required for each one hundred fifty (150) feet in height. The peak effective intensity of said lights should not be less than one thousand five hundred (1,500) candles (in red) when measured at any horizontal angle. The flashing mechanism should not permit more than forty (40) nor less than twenty (20) flashes per minute. The beacons shall conform to Federal Aviation Administration type L-866 (red) or Military Specification L-6273. All existing towers, poles, and masts, which are one hundred fifty (150) feet or higher above grade shall be made to conform with those requirements by May 1, 1989. This section shall be applicable and enforceable in the incorporated and unincorporated areas of Dade County.

>>(b) Until December 31, 2008, telecommunications antennas owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, shall be permitted in any zoning district, provided that (a) equipment appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed 125 feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than 50 feet in width or, if less than 50 feet in width, such

easement or right-of-way is adjacent to and parallel with road right-of-way which is 100 feet or greater in width, and (c) the antenna was attached to the utility pole or structure prior to January 1, 1997.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

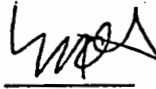
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. This ordinance does not contain a sunset provision.

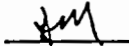
PASSED AND ADOPTED:

DEC 01 1998

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



MEMORANDUM

Substitute
Agenda Item No. 5(G)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 12-1-98
October 20, 1998

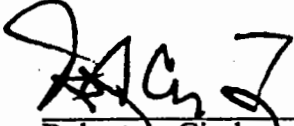
FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
zoning public hearing
applications

98-172

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

This substitute corrects a scrivener error. Disclosure is required of only those interests that exceed five (5%) of the ownership interest in the partnership, corporation or trust.

govi


Robert A. Ginsburg
County Attorney

RAG/bw

MEMORANDUM

107.07-17A USE*RC DADE GSA/MA* MG*

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998
SUBJECT: Fiscal Impact of Ordinance
Amending Disclosure
Requirements at Zoning
Hearing Application

FROM: M. R. Stierheim
County Manager

This ordinance amends zoning hearing disclosure requirements. It has no fiscal impact on the County's budget.

Fiscal 00598

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 5(G)
12-1-98

ORDINANCE NO. 98-172

ORDINANCE AMENDING SECTION 33-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA BY AMENDING THE DISCLOSURE REQUIREMENT EXEMPTION FOR ZONING PUBLIC HEARING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 33-304 of the Miami-Dade Code requires that applications for district boundary changes, changes in zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances shall be made by filing an application on forms which include disclosure forms for corporations, trusts and partnerships; and

WHEREAS, Section 33-304 provides an exemption from the disclosure of interest requirements for certain entities, including publicly-traded corporations and certain limited partnerships, however, certain other entities with equally dynamic and diversified ownership are not included under the existing exemption; and

WHEREAS, in order to assure fairness of the zoning process for all entities doing business in Miami-Dade County, the Board of County Commissioners finds that the exemption for certain entities under Section 33-304 of the Code should be amended to provide for a de minimus disclosure exception for entities whose ownership interests are equally dynamic and diversified as those entities presently exempt from the disclosure requirements of Section 33-304 of the Code.

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

Section 1. Section 33-304 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-304. Applications.

- (a) All requests for a district boundary change, changes in the zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances, shall be made by filing an application therefor with the Director on application forms prescribed by the Director or by rule and regulation of the Developmental Impact Committee. Forms shall include, but not be limited to, disclosure forms for corporations, trusts, and partnerships, and disclosure of information regarding contract purchasers and their percentage(s) of interest. Disclosure shall not be required of>>: 1) << any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country>>; or ii) pension funds or pension trusts of more than five thousand (5,000) ownership interests;<< or >>iii) <<any entity where ownership interests are held in a [[limited]] partnership>>, corporation or trust<< consisting of more than five thousand (5,000) separate interests>>, including all interests at every level of ownership, << and where no one person or entity holds more than a total of five (5) percent of the ownership interest in the [[limited]] partnership>>, corporation or trust<<. >>Entities whose ownership interests are held in a partnership, corporation, or trust consisting or more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5%) of the ownership interest in the partnership, corporation, or trust.<< Disclosure forms shall be established by administrative order to be approved by the Board of County Commissioners. Such disclosure forms shall be included in the agendas distributed in connection with the public

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

hearing on the application. Where applicable, requests shall specify whether, and the extent to which, the requested change in land use or proposed development conforms to the Comprehensive Development Master Plan for Metropolitan Dade County, Florida.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: DEC 01 1998

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

AM

Sponsored by Commissioner Bruno A. Barreiro



United States
**Census
2000**

**Every year,
over \$100 billion
in federal funds
are awarded to
localities based on
census numbers.**

Census 2000 in a Flash

The United States Constitution mandates a census every 10 years to determine how many seats each state will have in the U.S. House of Representatives. But community leaders use it for everything from planning schools and building roads to providing recreational opportunities and managing health-care services.

How Big Is It?

- 275 million U.S. residents
- 118 million housing units in the United States alone
- 1.5 million housing units in Puerto Rico and the U.S. Island Areas
- 2.7 million applicants recruited
- 285,000 jobs at peak
- 500 Local Census Offices, 12 Regional Census Centers and 4 Data Processing Centers
- 500 local area networks, 6,000 personal computers and 1,500 printers (set up, used and dismantled in one year)
- 8 million maps needed for field work
- 79 million questionnaires returned within a two-week period
- 8 to 9 million blocks covered

When Is It?

1998–1999: Developing the address list for Census 2000 and recruiting workers for census jobs

Beginning mid-March 2000: Census questionnaires delivered

APRIL 1, 2000: CENSUS DAY

March–May 2000: Census takers visit housing units in rural and remote areas to drop off and/or pick up forms

April–June 2000: Census takers visit housing units that did not return census forms

October–November 2000: All field work completed

December 31, 2000: Apportionment counts delivered to the President

April 1, 2001: All states receive redistricting counts

D-3237 (6-98)



United States
**Census
2000**

This Is Your Future. Don't Leave It Blank.

For additional information about Census 2000, visit the Census Bureau's Internet site at <http://www.census.gov> or call one of our Regional Census Centers across the country:

Atlanta 404-331-0573
Boston 617-424-4977
Charlotte 704-344-6621
Chicago 312-353-9697
Dallas 214-655-3060
Denver 303-231-5029
Detroit 248-967-9524
Kansas City 816-801-2020
Los Angeles 818-904-6522
New York City 212-620-7702/3
Philadelphia 215-597-8313
Seattle 206-553-5882

What's on the Census Form?

About 83 percent of respondents will receive a short form, which asks about seven subjects: name, sex, age, relationship, Hispanic origin, race, and housing tenure (whether the home is owned or rented) — and takes approximately 10 minutes to complete.

One out of six households will receive a longer form which asks about 34 subjects, including education, ancestry, employment, disability and house heating fuel — and takes approximately 38 minutes to complete.

Why Should You Answer the Census?

Answering the census is important for your community — Census numbers help local planners pick the best locations for schools, roads, hospitals, clinics, libraries, day-care and senior citizen centers, playgrounds, bus routes, job training programs and much more. Every year, over \$100 billion in federal funding and even more in state funds are awarded to localities based on census numbers.

Answering the census creates jobs and ensures the delivery of goods and services — Businesses use census numbers to locate supermarkets and shopping centers, new housing, new factories and offices and facilities like movie theaters and restaurants.

Answering can save your life — An exaggeration? Not at all! When Hurricane Andrew hit South Florida in 1991, Census Bureau officials were able to aid the rescue effort by providing estimates of the total number of people in each block.

Answering the census is safe — By law, the Census Bureau cannot share your individual records with any other government agency, including welfare agencies, the Immigration and Naturalization Service, the Internal Revenue Service, courts, police and the military. Census workers must be sworn to secrecy before they see the numbers. If someone gave out any information they saw on a form, they would face a \$5,000 fine and a five-year prison term. The law works — millions of questionnaires were processed during the 1990s without any breach of trust.

United States
Census
2000

The questions asked represent the best balance between your community's needs and our commitment to reduce the time and effort it takes you to fill out the form.

Five BIG Reasons

Why You Should Fill Out Your Census Form.

1. Help Your Community Thrive. Does your neighborhood have a lot of traffic congestion, elderly people living alone or over crowded schools? Census numbers can help your community work out public improvement strategies.

Non-profit organizations use census numbers to estimate the number of potential volunteers in communities across the nation.

2. Get Help in Times of Need. Many 911 emergency systems are based on maps developed for the last census. Census information helps health providers predict the spread of disease through communities with children or elderly people. When floods, tornadoes or earthquakes hit, the census tells rescuers how many people will need their help.

When Hurricane Andrew hit South Florida in 1991, census information aided the rescue effort by providing estimates of the number of people in each block.

3. Make Government Work for You. It's a good way to tell our leaders who we are and what we need. The numbers are used to help determine the distribution of over \$100 billion in federal funds and even more in state funds. We're talking hospitals, highways, stadiums and school lunch programs.

Using census numbers to support their request for a new community center, senior citizens in one New England community successfully argued their case before county commissioners.

4. Reduce Risk for American Business. Because census numbers help industry reduce financial risk and locate potential markets, businesses are able to produce the products you want.

"All the Basic Facts You Need to Know to Start a New Business," a publication of the Massachusetts Department of Commerce, shows small businesses how to use census numbers to determine the marketability of new products.

5. Help Yourself and Your Family. Individual records are held confidential for 72 years, but you can request a certificate from past censuses that can be used as proof to establish your age, residence or relationship, information that could help you qualify for a pension, establish citizenship or obtain an inheritance. In 2072, your great-grandchildren may want to use census information to research family history. Right now, your children may be using census information to do their homework.

Because we've had a census every 10 years since 1790, we know how far America has come.

D-3236 (6-98)

U.S. Department of Commerce
Economics and Statistics Administration
BUREAU OF THE CENSUS

An Equal Opportunity Employer
U.S. Census Bureau, *the Official Statistics*™



United States
**Census
2000**

**The law protects
your privacy.
Individual
answers are
edited and
summed before
they are released
to the public.**

For additional information about Census 2000, visit the Census Bureau's Internet site at <http://www.census.gov> or call one of our Regional Census Centers across the country:

Atlanta 404-331-0573
Boston 617-424-4977
Charlotte 704-344-6621
Chicago 312-353-9697
Dallas 214-655-3060
Denver 303-231-5029
Detroit 248-967-9524
Kansas City 816-801-2020
Los Angeles 818-904-6522
New York City 212-620-7702/3
Philadelphia 215-597-8313
Seattle 206-553-5882

50 Ways to Use Census 2000

- Decision-making at all levels of government
- Reapportionment of seats in the U.S. House of Representatives
- Drawing federal, state and local legislative districts
- Drawing school district boundaries
- Budget planning for government at all levels
- The distribution of over \$100 billion in federal funds and even more in state funds
- Spotting trends in the economic well-being of nation
- Forecasting future transportation needs for all segments of the population
- Planning for public transportation services
- Planning for hospitals, nursing homes, clinics and the location of other health services
- Planning health and educational services for people with disabilities
- Forecasting future housing needs for all segments of the population
- Establishing fair market rents and enforcing fair lending practices
- Directing funds for services for people in poverty
- Directing services to children and adults with limited English language proficiency
- Designing public safety strategies
- Urban planning
- Rural development
- Land use planning
- Analyzing local trends
- Understanding labor supply
- Estimating the numbers of people displaced by natural disasters
- Assessing the potential for spread of communicable diseases
- Developing assistance programs for low-income families
- Analyzing military potential
- Creating maps to speed emergency services to households in need of assistance
- Making business decisions
- Delivering goods and services to local markets
- Understanding consumer needs
- Designing facilities for people with disabilities, the elderly or children
- Planning for congregations
- Product planning
- Locating factory sites and distribution centers
- Investment planning and evaluation of financial risk
- Setting community goals
- Publication of economic and statistical reports about the United States and its people
- Standard for creating both public- and private-sector surveys
- Scientific research
- Comparing progress between different geographic areas
- Developing "intelligent" maps for government and business
- Genealogical research (after 2072)
- Proof of age, relationship or residence (certificates provided by the Census Bureau)
- School projects
- Medical research
- Developing adult education programs
- Media planning and research, back up for news stories
- Historical research
- Evidence in litigation involving land use, voting rights and equal opportunity
- Determining areas eligible for housing assistance and rehabilitation loans
- Attracting new businesses to state and local areas

U.S. Census Bureau, *the Official Statistics*™




MEMORANDUM

107.07-17A METRO-DADE/GSA-MAT. MGT

TO: Zoning Supervisors

DATE: December 17, 1998

SUBJECT: New Conditions for all
Lakes (Revised 12/11/98)

FROM: Alberto J. Torres 
Acting Zoning Services Division Chief
Department of Planning and Zoning

Effective immediately the following conditions are to be added to all Administrative Site Plan Review approvals and Zoning Recommendations for approval of a lake excavation.

1. All excavations shall be completely enclosed by a safety barrier, minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every ten (10) feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.
2. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.

In addition, at time of C.O. renewal or bond renewal/replacement, these conditions will be imposed.

AJT:jf

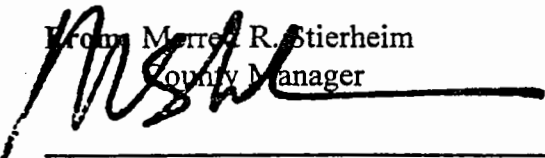
MEMORANDUM

Agenda Item ()

To: Honorable Chairperson and Members
Board of County Commissioners

Date:

(Public Hearing #1-98)
October 20, 1998


From Murray R. Stierheim
County Manager

Subject:

Ordinance Amending the
Membership of DIC
Executive Council

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending the membership of the Executive Council of the Developmental Impact Committee (DIC).

BACKGROUND

The Executive Council of the DIC has been composed of five members as follows: an Assistant County Manager, the Director of the Department of Planning, Development and Regulation, the Zoning Official, the Director of the Department of Environmental Resources Management and the Director of the Public Works Department. Due to organizational changes there is no longer representation by an Assistant County Manager and the DIC Executive Council is functioning with only four members. This results in quorum problems and unbreakable tie votes, which causes delays in the process.

The proposed ordinance provides for a five-member DIC Executive Council as follows: the Director of the Department of Planning and Zoning, the Director of the Department of Environmental Resources Management, the Director of the Public Works Department, the Director of the Miami-Dade Water and Sewer Authority Department and myself or my designee. Restoring the membership to five will increase the ability to obtain quorums and reduce the likelihood of tie-votes, which will allow the public to move through the system more efficiently.

FISCAL IMPACTS

The proposed ordinance will not create a fiscal impact on Miami-Dade County.

Attachment

Approved _____ Mayor

Agenda Item No. 5 (L)
12-1-98

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO DEVELOPMENTAL IMPACT COMMITTEE; MODIFYING EXECUTIVE COUNCIL MEMBERSHIP; AMENDING SECTION 33-303.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-303.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-303.1. Developmental Impact Committee.

* * *

(B) ~~[[The County Manager shall assign to the Developmental Impact Committee, an Assistant County Manager who shall serve as Chairman of the Committee. The Chairman shall discharge such other duties and functions as conferred upon him by the County Manager and this section.]]~~ The ~~[[Chairman, the]]~~Director >>of the Department of Planning and Zoning<<, the Director of >>the Department of<<Environmental Resources Management >>, << [[and]] the Director of the Public Works Department >>, the Director of Miami-Dade Water and Sewer Department and the County Manager or his designee << shall constitute the Executive Council of the Developmental Impact Committee. The Executive Council shall discharge such duties and functions as conferred by the Code of ~~[[Metropolitan]]~~>>Miami-<<Dade County, Florida and by the ordinances, rules and regulations approved by the Board of County Commissioners. >>The duties and functions of the Executive Council Chair shall be assumed by each of its members on a rotating basis as needed.<<

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

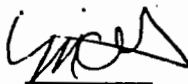
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.


Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:





MEMORANDUM

7.07-17A METRO:DADE/GSAM/MG

Item No. 5 (J)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: October 20, 1998

SUBJECT: Proposed Ordinance
Pertaining to Administrative
Zoning Variances

FROM: Merrett R. Stierheim
County Manager

Public Hearing 12-1-98)

RECOMMENDATION

It is recommended that the Board approve the attached ordinance pertaining to the applicants permitted to file for administrative zoning variance applications. The proposed ordinance codifies existing Department of Planning and Zoning policy restricting the use of this process to homeowners within developed areas.

BACKGROUND

In 1977 Section 33-36.1 of the Code of Miami-Dade County was created to allow for the consideration of certain non-use variance requests for residential construction by the Director of the Department of Planning and Zoning. This administrative variance application process has been limited by departmental policy to homeowners, and has proven to be extremely successful in allowing innumerable homeowners to obtain variances for minor deviations (fence height, setback and lot coverage, etc.) from zoning code regulations. The intent of this administrative variance process was to afford homeowners the opportunity to secure these minor variances without the need for a public hearing where their property is in a developed neighborhood. The department accepts approximately 300 of these administrative variance applications annually. The proposed ordinance codifies this policy and prohibits developers of new subdivisions from applying through this process. The public hearing process, still available for these undeveloped sites, provides the desirable public notice on these types of applications for new construction.

FISCAL IMPACT

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(J)
12-1-98

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ADMINISTRATIVE ZONING VARIANCES: AMENDING SECTION 33-36.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING DEFINITION OF FEE OWNER; CORRECTING SCRIVENER'S ERROR; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-36.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-36.1. Administrative Variances.

* * *

(e) The application for variance shall be made by the fee owner of the property on a form prescribed by the Department and shall be submitted to the Department. >> For the purposes of this section the term "fee owner" shall mean the person who owns and resides at. or owns and intends to reside at. the subject premises. << The application shall include an accurately dimensioned plot use plan showing the existing structures on the subject property, the location of the proposed addition, the general location and use of existing structures on the adjacent property from which the variance is being requested. The application shall include a letter of intent explaining the reason and justification for the proposed addition and variance. The application shall be accompanied by:

- (1) The consent of all the owners of all adjacent or abutting lots to the subject property, and
- (2) The consents shall also include the owner of the lot(s) immediately across the street from the subject site.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(h) The applicant, or any aggrieved property owner in the area, may appeal the decision of the Director to the >> appropriate Community << Zoning Appeals Board in the manner provided for appeals of administrative decisions (Section 33-311 [~~(e)(2)~~] of the Code). In the event an appeal is made by an aggrieved property owner in the area, the Director may stop or suspend any construction authorized by the variance, until a decision has been made on the appeal. In the event the Director should determine that the suspension of the construction could cause imminent peril to life or property he may permit the construction to continue upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper under the circumstances. Upon an appeal by an aggrieved property owner, the provisions of Section 33-311 shall be applicable.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency.

RAG

Prepared by:

[Signature]

MEMORANDUM

Agenda Item No. 5(G)

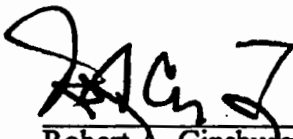
Hon. Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 12-1-98)
October 20, 1998

FM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
zoning public hearing
applications

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Bruno A. Barreiro.

8/21


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

107.07-17A METRO-DADE/GSA MAT MGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998

SUBJECT: Fiscal Impact of Ordinance
Amending Disclosure
Requirements at Zoning
Hearing Application

FROM: M. R. Stierheim
County Manager

This ordinance amends zoning hearing disclosure requirements. It has no fiscal impact on the County's budget.

Fiscal 00598

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(G)
12-1-98

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 33-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA BY AMENDING THE DISCLOSURE REQUIREMENT EXEMPTION FOR ZONING PUBLIC HEARING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 33-304 of the Miami-Dade Code requires that applications for district boundary changes, changes in zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances shall be made by filing an application on forms which include disclosure forms for corporations, trusts and partnerships; and

WHEREAS, Section 33-304 provides an exemption from the disclosure of interest requirements for certain entities, including publicly-traded corporations and certain limited partnerships, however, certain other entities with equally dynamic and diversified ownership are not included under the existing exemption; and

WHEREAS, in order to assure fairness of the zoning process for all entities doing business in Miami-Dade County, the Board of County Commissioners finds that the exemption for certain entities under Section 33-304 of the Code should be amended to provide for a de minimus disclosure exception for entities whose ownership interests are equally dynamic and diversified as those entities presently exempt from the disclosure requirements of Section 33-304 of the Code.

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

Section 1. Section 33-304 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-304. Applications.

- (a) All requests for a district boundary change, changes in the zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances, shall be made by filing an application therefor with the Director on application forms prescribed by the Director or by rule and regulation of the Developmental Impact Committee. Forms shall include, but not be limited to, disclosure forms for corporations, trusts, and partnerships, and disclosure of information regarding contract purchasers and their percentage(s) of interest. Disclosure shall not be required of >>: 1) << any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country>>; or ii) pension funds or pension trusts of more than five thousand (5,000) ownership interests; << or >>iii) <<any entity where ownership interests are held in a ~~[[limited]] partnership~~, corporation or trust<< consisting of more than five thousand (5,000) separate interests>>, including all interests at every level of ownership, << and where no one person or entity holds more than a total of five (5) percent of the ownership interest in the ~~[[limited]] partnership~~, corporation or trust<<. >>Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests which exceed five (5) of the ownership interest in the partnership, corporation, or trust. << Disclosure forms shall be established by administrative order to be approved by the Board of County Commissioners. Such disclosure forms shall be included in the agendas distributed in connection with the public

¹Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

hearing on the application. Where applicable, requests shall specify whether, and the extent to which, the requested change in land use or proposed development conforms to the Comprehensive Development Master Plan for Metropolitan Dade County, Florida.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

AM

Sponsored by Commissioner Bruno A. Barreiro

MEMORANDUM

Amended
Agenda Item No. 5(L)

To: Honorable Chairperson and Members
Board of County Commissioners

Date: (Public Hearing 12-1-98)
October 20, 1998

From:  Merrell R. Stierheim
County Manager

Subject: Ordinance Amending the
Membership of DIC
Executive Council

O#98-176

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending the membership of the Executive Council of the Developmental Impact Committee (DIC).

BACKGROUND

The Executive Council of the DIC has been composed of five members as follows: an Assistant County Manager, the Director of the Department of Planning, Development and Regulation, the Zoning Official, the Director of the Department of Environmental Resources Management and the Director of the Public Works Department. Due to organizational changes there is no longer representation by an Assistant County Manager and the DIC Executive Council is functioning with only four members. This results in quorum problems and unbreakable tie votes, which causes delays in the process.

The proposed ordinance provides for a five-member DIC Executive Council as follows: the Director of the Department of Planning and Zoning, the Director of the Department of Environmental Resources Management, the Director of the Public Works Department, the Director of the Miami-Dade Water and Sewer Authority Department and myself or my designee. Restoring the membership to five will increase the ability to obtain quorums and reduce the likelihood of tie-votes, which will allow the public to move through the system more efficiently.

FISCAL IMPACTS

The proposed ordinance will not create a fiscal impact on Miami-Dade County.

Attachment

Executive Council Chair shall be assumed by each of its members on a rotating basis as needed.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4 This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: DEC 03 1998

Approved by County Attorney as
to form and legal sufficiency.

RAG

Prepared by:

Jal

MEMORANDUM

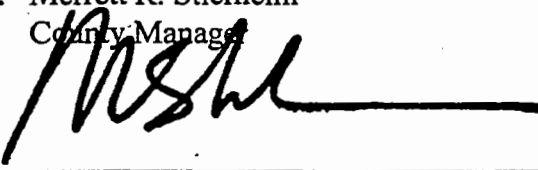
Amended
Agenda Item No. 5(K)

(Public Hearing 12-1-98)
October 6, 1998

To: Honorable Chairperson and Members
Board of County Commissioners

Date:

From: Merrett R. Stierheim
County Manager



Subject: Ordinance providing for a
Single Recommendation for
Zoning Public Hearings

O#98-175

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance providing for a single recommendation in zoning hearings submitted by the Planning and Zoning Department.

BACKGROUND

Prior to the reorganization of the Building and Zoning Department, the Planning Department and the Developmental Impact Committee in 1995, the Building and Zoning Department and Planning Department prepared separate written recommendations for each zoning hearing. This practice continued after the merger of the departments into the Department of Planning, Development and Regulation. With the recent creation of the Planning and Zoning Department it is appropriate to provide for one consolidated and comprehensive recommendation.

A single recommendation is customary in the majority of communities in the nation. It also provides for a more complete analysis of the relationship between the Comprehensive Development Master Plan (CDMP), the Zoning Ordinance and the application to be considered by the different boards.

A single recommendation will be a more efficient use of staff time by streamlining the process. As indicated in the 1998-1999 budget the single recommendation will result in a savings of \$556,000 and a reduction of eight positions.

Attachment

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 5(K).
12-3-98

ORDINANCE NO. 98-175

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-310, 33-311 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR A SINGLE RECOMMENDATION FOR ZONING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-310 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-310. Notice and hearing prerequisite to action by the Community Zoning Appeals Boards or Board of County Commissioners.

* * *

(b) Applications filed hereunder shall be promptly transmitted to the appropriate board, together with the written recommendation of the Director [[and the Zoning Official]]. Where applicable the Developmental Impact Committee shall issue its recommendation, which shall include a statement of the Director as to the application's relationship to the Comprehensive Development Master Plan. All such recommendations shall >>state all facts relevant to the application, including an accurate depiction of known living, working, traffic and transportation conditions in the vicinity of the property that is the subject of the application, and also a description of all projected effects of the proposed zoning action on those conditions. Before reaching a conclusion, each recommendation shall list all known factors both in favor of and against each application.<< be

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

signed and considered final no earlier than thirty (30) days prior to the public hearing to give the public an opportunity to provide information to the staff prior to the recommendations becoming final. This shall not preclude earlier, preliminary recommendations. All documents of the County departments evaluating the application, which documents pertain to the application, are open for public inspection to applicants or other interested persons.

Section 2. Section 33-311(A) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

* * *

Sec. 33-311. Community Zoning Appeals Board - Authority and duties.

(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director ~~[[and the Zoning Official,]]~~ or Development Impact Committee.

* * *

Section 3. Section 33-314(D) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(D) The Board, after hearing why the application should or should not be granted, shall consider the matter in accordance with the criteria specified in this chapter, and shall by resolution either grant or deny the application. In granting any variances, special exceptions, new uses or unusual uses, the Board of County Commissioners may prescribe any reasonable conditions, restrictions and limitations it deems necessary or desirable in order to maintain the plan of the area and compatibility therewith. Such action of the Board of County Commissioners shall be final provided, no such action shall be taken

until notice of time and place of the meeting at which the Board of County Commissioners will consider and take final action on the application has been first published as provided in Section 33-310 hereof. Anything in this article to the contrary notwithstanding, when an application for a district boundary change or special exception, new use, unusual use or variance is filed by the Director ~~[[or Planning Director]]~~ it will only be decided by the County Commission after receiving the recommendation~~[[s]]~~ of the Director ~~[[and the Zoning Official]]~~ and after the required noticed public hearing, and such decision shall then be final.

* * *

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

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

Section 6. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 7. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: DEC 03 1998

Approved by County Attorney as
to form and legal sufficiency.
Prepared by:

RAC
JAC

f



MEMORANDUM

107.07-17A METRO-DADE-GSA-MIA-MG

Agenda Item No. 5(J)

(Public Hearing 12-1-98)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: October 20, 1998

SUBJECT: Proposed Ordinance
Pertaining to Administrative
Zoning Variances

FROM: Merrett R. Stierheim
County Manager

98-174

Det 23

RECOMMENDATION

It is recommended that the Board approve the attached ordinance pertaining to the applicants permitted to file for administrative zoning variance applications. The proposed ordinance codifies existing Department of Planning and Zoning policy restricting the use of this process to homeowners within developed areas.

BACKGROUND

In 1977 Section 33-36.1 of the Code of Miami-Dade County was created to allow for the consideration of certain non-use variance requests for residential construction by the Director of the Department of Planning and Zoning. This administrative variance application process has been limited by departmental policy to homeowners, and has proven to be extremely successful in allowing innumerable homeowners to obtain variances for minor deviations (fence height, setback and lot coverage, etc.) from zoning code regulations. The intent of this administrative variance process was to afford homeowners the opportunity to secure these minor variances without the need for a public hearing where their property is in a developed neighborhood. The department accepts approximately 300 of these administrative variance applications annually. The proposed ordinance codifies this policy and prohibits developers of new subdivisions from applying through this process. The public hearing process, still available for these undeveloped sites, provides the desirable public notice on these types of applications for new construction.

FISCAL IMPACT

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(J)
12-1-98

ORDINANCE NO. 98-174

ORDINANCE PERTAINING TO ADMINISTRATIVE ZONING VARIANCES: AMENDING SECTION 33-36.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING DEFINITION OF FEE OWNER; CORRECTING SCRIVENER'S ERROR; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-36.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-36.1. Administrative Variances.

* * *

(e) The application for variance shall be made by the fee owner of the property on a form prescribed by the Department and shall be submitted to the Department. >> For the purposes of this section the term "fee owner" shall mean the person who owns and resides at, or owns and intends to reside at, the subject premises. << The application shall include an accurately dimensioned plot use plan showing the existing structures on the subject property, the location of the proposed addition, the general location and use of existing structures on the adjacent property from which the variance is being requested. The application shall include a letter of intent explaining the reason and justification for the proposed addition and variance. The application shall be accompanied by:

- (1) The consent of all the owners of all adjacent or abutting lots to the subject property, and
- (2) The consents shall also include the owner of the lot(s) immediately across the street from the subject site.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(h) The applicant, or any aggrieved property owner in the area, may appeal the decision of the Director to the >> appropriate Community << Zoning Appeals Board in the manner provided for appeals of administrative decisions (Section 33-311 [[~~(e)(2)~~]] of the Code). In the event an appeal is made by an aggrieved property owner in the area, the Director may stop or suspend any construction authorized by the variance, until a decision has been made on the appeal. In the event the Director should determine that the suspension of the construction could cause imminent peril to life or property he may permit the construction to continue upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper under the circumstances. Upon an appeal by an aggrieved property owner, the provisions of Section 33-311 shall be applicable.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

DEC 03 1998

Approved by County Attorney as
to form and legal sufficiency.

RAG

Prepared by:

JAC

MEMORANDUM

Substitute No. 2
Agenda Item No. 5(H)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998

FROM: Robert A. Ginsburg
County Attorney

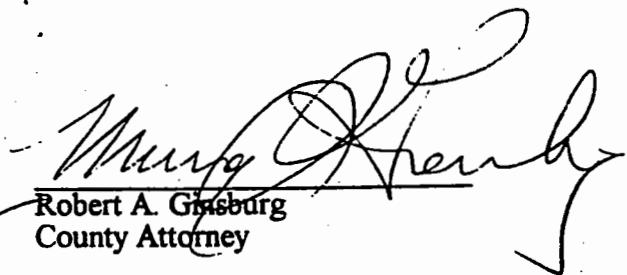
SUBJECT: Ordinance relating to
unusual use approval for
certain telecommunications
antennas.

98-173

Printed name

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

Substitute No. 2 provides that the exemption is to December 31, 2008 rather than the life of the existing antenna.

for 
Robert A. Ginsburg
County Attorney

RAG/ydl

Approved _____ Mayor
Veto _____
Override _____

Substitute No. 2
Agenda Item No. 5(H)
12-1-98

98-173
ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SUBSECTION 33-13(e) (UNUSUAL USES) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 33-60 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR UNUSUAL USE APPROVAL FOR CERTAIN TELECOMMUNICATIONS ANTENNAS; PROVIDING THAT CERTAIN TELECOMMUNICATIONS ANTENNAS SHALL BE PERMITTED IN ANY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, it is in the interest of Miami-Dade County to provide reasonable accommodation to, and to promote and encourage fair and reasonable competition among telecommunications service providers on a neutral and non-discriminatory basis; and

WHEREAS, it is in the interest of Miami-Dade County to encourage collocation of facilities to minimize the number of separate installations and to conserve land use,

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

Section 1. Subsection 33-13(e) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-13. Unusual uses.

(e) *Unusual and new uses.* Unless approved upon public hearing, the following unusual uses or uses similar thereto

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

shall not be permitted in any district save and except in those districts that permit such uses without a public hearing: Airport; airplane crop dusting field; all zoning applications by State and municipal entities and agencies (said applications shall be heard directly by the Board of County Commissioners, notwithstanding the provisions of Section 33-311); amusement rides and enterprises; amusement center (except in BU-1A Zone in which such use is permitted); archery ranges; art galleries and museums (educational and philanthropic) in districts more restrictive than RU-4; auction sales; auto, truck, machinery salvage yards; bathing beach; boat salvage; bombing field, canal excavation, where not a part of C. & S. F. F. C. D. and County secondary canal system; carnivals, circuses; convalescent homes; day camp, day nursery in zone more restrictive than RU-3; dog kennel, dog training track; electric substation; electric power plant; frog farm; garbage and waste dumps; gas distribution system and plant; golf course except in RU-1 and other Districts where the same is a permitted use; golf course clubhouse and incidental uses in all districts more restrictive than the BU-1 District; golf driving range; gypsy camp; heliports; homes of the aged (except group homes and community residential homes where same is a permitted use); homes for dependent children (except group homes and community residential homes where same is a permitted use); hospitals (not animal hospital) in district more restrictive than RU-4; incinerators; Indian village; institutions for handicapped persons (except group homes and community residential homes where same is a permitted use), including but not limited to incidental related facilities such as workshops, sales of products fabricated therein, residential quarters, educational training facilities; infirmary, commissary, or any one or combination of such related incidental facilities; junkyard; kindergarten in zones more restrictive than RU-3; lake excavation and asphalt plant, concrete batching plant, concrete block plant, prestressed and precast concrete products plant, rock crushing and screening plant ancillary thereto or in connection therewith; landing field; movie (open air) except as provided in BU-1A Zone; nightclub in BU-2 or more liberal districts; nursing homes; oil and gas well drilling and essential, incidental uses thereto, such as minimum storage facilities; in AU and GU Districts subject to conformance to all applicable Florida State statutes and rules and regulations of the State Board of Conservation

and other applicable state rules and regulations; outdoor display; outdoor paint testing laboratory; outdoor patios and table service in connection with restaurants; palmist and psychic readers; parking (noncommercial parking in zones more restrictive than in which the use it serves is located); pistol ranges; pony rings; private club in RU-3B and RU-3 and more restrictive districts, including but not limited to AU and GU Districts; private playgrounds and recreational area; public and private utility facilities such as electricity, gas, water, telephone, telegraph, cable TV., and including work centers (repair and storage areas for trucks, heavy equipment, pipe, meters, valves, cable, poles) as accessory uses, and including sewage treatment plants and lift stations and water treatment plants and pumping stations, excluding temporary package water and sewage treatment plants approved by the Environmental Quality Control Board>> and until December 31, 2008, excluding any telecommunications antenna owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, provided that (a) equipment appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed 125 feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than 50 feet in width or, if less than 50 feet in width, such easement or right-of-way is adjacent to and parallel with road right-of-way which is 100 feet or greater in width, and (c) the antenna was attached to the utility pole or structure prior to January 1, 1997 <<; race tracks; retirement villages, including as an accessory use commercial facilities of the BU-1 type; rifle range; rock pits (filling of); rock quarries; shopping center promotional activities; skeet range; subdivision entrance gates and entrance features not conforming to regulations; testing laboratory or plant; tourist attractions; towers (radio and TV) and transmitting stations; trailer as watchman's quarters; trailers or tourist camp; trap range; water tank and tower; water treatment plant; water use facilities; wood burning barbecue (commercial); zoo (except in public park).

* * *

Section 2. Section 33-60 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-60. Compliance with article.

>>(a)<<Before erection of a water tower, standpipe, windmill, tower or mast for any purpose, over ten (10) feet in height above the roof of a structure or over twenty (20) feet in height if erected on natural ground, the requirements of this article and the construction requirements of the South Florida Building Code shall be observed. All towers, poles, and masts requiring notice to the Federal Aviation Administration (FAA) as prescribed in Federal Aviation Regulations (FAR) Part 77, shall be lighted as specifically recommended by the FAA in the determination rendered to the proponent's notice of proposed construction. In addition, for all towers, poles, and masts not requiring notice to the FAA which are one hundred fifty (150) feet or higher above grade in height, one (1) flashing red beacon safety light will be required for each one hundred fifty (150) feet in height. The peak effective intensity of said lights should not be less than one thousand five hundred (1,500) candles (in red) when measured at any horizontal angle. The flashing mechanism should not permit more than forty (40) nor less than twenty (20) flashes per minute. The beacons shall conform to Federal Aviation Administration type L-866 (red) or Military Specification L-6273. All existing towers, poles, and masts, which are one hundred fifty (150) feet or higher above grade shall be made to conform with those requirements by May 1, 1989. This section shall be applicable and enforceable in the incorporated and unincorporated areas of Dade County.

>>(b) Until December 31, 2008, telecommunications antennas owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, shall be permitted in any zoning district, provided that (a) equipment appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed 125 feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than 50 feet in width or, if less than 50 feet in width, such

easement or right-of-way is adjacent to and parallel with road right-of-way which is 100 feet or greater in width, and (c) the antenna was attached to the utility pole or structure prior to January 1, 1997.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. This ordinance does not contain a sunset provision.


PASSED AND ADOPTED:

DEC 01 1998

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



MEMORANDUM

Substitute
Agenda Item No. 5(G)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 12-1-98
October 20, 1998

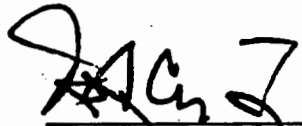
FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
zoning public hearing
applications

98-172

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

This substitute corrects a scrivener error. Disclosure is required of only those interests that exceed five (5%) of the ownership interest in the partnership, corporation or trust.

gbr


Robert A. Ginsburg
County Attorney

RAG/bw

MEMORANDUM

107.07-17A USE NC DATE GSA MA NG

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998

SUBJECT: Fiscal Impact of Ordinance
Amending Disclosure
Requirements at Zoning
Hearing Application

FROM: M. R. Stierheim
County Manager

This ordinance amends zoning hearing disclosure requirements. It has no fiscal impact on the County's budget.

Fiscal 00598

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 5(G)
12-1-98

ORDINANCE NO. 98-172

ORDINANCE AMENDING SECTION 33-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA BY AMENDING THE DISCLOSURE REQUIREMENT EXEMPTION FOR ZONING PUBLIC HEARING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 33-304 of the Miami-Dade Code requires that applications for district boundary changes, changes in zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances shall be made by filing an application on forms which include disclosure forms for corporations, trusts and partnerships; and

WHEREAS, Section 33-304 provides an exemption from the disclosure of interest requirements for certain entities, including publicly-traded corporations and certain limited partnerships, however, certain other entities with equally dynamic and diversified ownership are not included under the existing exemption; and

WHEREAS, in order to assure fairness of the zoning process for all entities doing business in Miami-Dade County, the Board of County Commissioners finds that the exemption for certain entities under Section 33-304 of the Code should be amended to provide for a de minimus disclosure exception for entities whose ownership interests are equally dynamic and diversified as those entities presently exempt from the disclosure requirements of Section 33-304 of the Code.

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

Section 1. Section 33-304 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-304. Applications.

- (a) All requests for a district boundary change, changes in the zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances, shall be made by filing an application therefor with the Director on application forms prescribed by the Director or by rule and regulation of the Developmental Impact Committee. Forms shall include, but not be limited to, disclosure forms for corporations, trusts, and partnerships, and disclosure of information regarding contract purchasers and their percentage(s) of interest. Disclosure shall not be required of >>: 1) << any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country >>; or ii) pension funds or pension trusts of more than five thousand (5,000) ownership interests; << or >>iii) <<any entity where ownership interests are held in a ~~[[limited]] partnership~~, corporation or trust << consisting of more than five thousand (5,000) separate interests >>, including all interests at every level of ownership. << and where no one person or entity holds more than a total of five (5) percent of the ownership interest in the ~~[[limited]] partnership~~, corporation or trust <<. >>Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5%) of the ownership interest in the partnership, corporation, or trust. << Disclosure forms shall be established by administrative order to be approved by the Board of County Commissioners. Such disclosure forms shall be included in the agendas distributed in connection with the public

¹Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

hearing on the application. Where applicable, requests shall specify whether, and the extent to which, the requested change in land use or proposed development conforms to the Comprehensive Development Master Plan for Metropolitan Dade County, Florida.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: DEC 01 1998

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

AM

Sponsored by Commissioner Bruno A. Barreiro

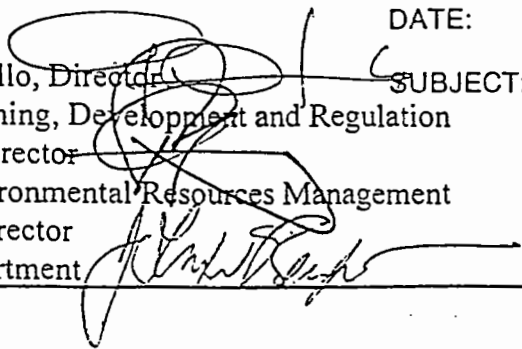
MEMORANDUM

0* VE*PO-D-DC, GSA MA* MGT

TO: Staff
DATE: May 28, 1998

FROM: Guillermo E. Olmedillo, Director
Department of Planning, Development and Regulation
John W. Renfrow, Director
Department of Environmental Resources Management
Pedro Hernandez, Director
Public Works Department

SUBJECT: Permits prior to final plat
(For Models and Dry Models)



This memo is intended to supersede all previous memos on this matter.

I. The following procedure will be established for issuing permits prior to platting of property:

1. For Trailers Used as Sales Office:

No permits will be approved until at least a tentative plat has been approved or Public Works has reviewed and permitted paving and drainage plans and plans comply with DERM potable water and sanitary sewer requirements.

2. For Permanent Buildings to be Used as Models:
(Single Family, Townhouses).

Permits for MODELS will be approved when:

- a) The tentative plat has been approved by the Plat Committee and is current.
- b) Paving and Drainage plans have been approved.
- c) All DERM requirements, including the approval of Water and Sewer extension plans are complied with.
- d) A letter is to be submitted to the Supervisor, Platting Division, requesting models prior to plat recording. The letter is to include the number of models being requested (only 1 of each model will be allowed, no repeats), lot and block for each model, and the statement that the owner understands that no occupancy of the house will be allowed until the plat is recorded. This letter is to be signed by the property owner. The Supervisor, should he/she approve the models, will send a copy of the letter to Zoning Processing Section to be placed in the plat file.
- e) We will hold C.C. until plat is recorded; a TCC only will be issued by Zoning Permits.

Note: All other disciplines will have to sign off prior to zoning signing off.

3. Addresses for Plats:

Addresses will be assigned to the entire subdivision only after the final plat has been submitted and Public Works has verified street designations.

May 28, 1998

Permits prior to final plat

Page 2

4. For Commercial, Multi-Family Apartment Developments and Single Family Developments:

Permits will be approved for FOUNDATION ONLY after the plat has been listed, which means that the Platting Division of Subdivision Control is ready to send the plat to the Commissioners.

Note: All other disciplines will have to sign off prior to zoning signing off.

II: The following procedure will be established for issuing permits for DRY MODELS for single family use prior to the platting of property:

DERM will issue its approval for DRY MODELS subject to the following conditions:

1. The tentative plat has been approved by the Plat Committee and is current.
2. The development must comply with all applicable flood criteria requirements.
3. A hold for Final CC will be placed on the permit by DERM until such time as the premises has been connected to a DERM approved water and sewer system.
4. Approval of a Temporary Certificate of Completion (TCC) will be issued by the Department of Planning, Development and Regulation for "DRY MODEL" use only, not for habitable use once confirmation is given that DERM has placed its hold.

Please follow the above stated procedures until further notice. Should you have any questions on these procedures please contact your immediate supervisor for clarification.

GEO:DOQW:er

RECEIVED

NOV 20 1998

ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING

BY _____

MEMORANDUM

Substitute
Agenda Item No. 5(G)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 12-1-98
October 20, 1998

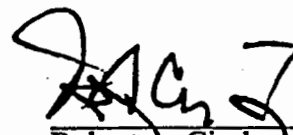
FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
zoning public hearing
applications

98-172

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

This substitute corrects a scrivener error. Disclosure is required of only those interests that exceed five (5%) of the ownership interest in the partnership, corporation or trust.


8021

Robert A. Ginsburg
County Attorney

RAG/bw

MEMORANDUM

107.07-17A "MEMORANDUM" GSA MA "MG"

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998
SUBJECT: Fiscal Impact of Ordinance
Amending Disclosure
Requirements at Zoning
Hearing Application

FROM: M. R. Stierheim
County Manager

This ordinance amends zoning hearing disclosure requirements. It has no fiscal impact on the County's budget.

Fiscal 00598

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 5(G)
12-1-98

ORDINANCE NO. 98-172

ORDINANCE AMENDING SECTION 33-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA BY AMENDING THE DISCLOSURE REQUIREMENT EXEMPTION FOR ZONING PUBLIC HEARING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 33-304 of the Miami-Dade Code requires that applications for district boundary changes, changes in zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances shall be made by filing an application on forms which include disclosure forms for corporations, trusts and partnerships; and

WHEREAS, Section 33-304 provides an exemption from the disclosure of interest requirements for certain entities, including publicly-traded corporations and certain limited partnerships, however, certain other entities with equally dynamic and diversified ownership are not included under the existing exemption; and

WHEREAS, in order to assure fairness of the zoning process for all entities doing business in Miami-Dade County, the Board of County Commissioners finds that the exemption for certain entities under Section 33-304 of the Code should be amended to provide for a de minimus disclosure exception for entities whose ownership interests are equally dynamic and diversified as those entities presently exempt from the disclosure requirements of Section 33-304 of the Code.

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

Section 1. Section 33-304 of the Code of Miami-Dade County, Florida, is hereby
amended to read as follows:¹

Sec. 33-304. Applications.

- (a) All requests for a district boundary change, changes in the zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances, shall be made by filing an application therefor with the Director on application forms prescribed by the Director or by rule and regulation of the Developmental Impact Committee. Forms shall include, but not be limited to, disclosure forms for corporations, trusts, and partnerships, and disclosure of information regarding contract purchasers and their percentage(s) of interest. Disclosure shall not be required of >>: 1) << any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country>>; or ii) pension funds or pension trusts of more than five thousand (5,000) ownership interests; << or >>iii) <<any entity where ownership interests are held in a ~~[[limited]]~~ partnership>>, corporation or trust << consisting of more than five thousand (5,000) separate interests>>, including all interests at every level of ownership. << and where no one person or entity holds more than a total of five (5) percent of the ownership interest in the ~~[[limited]]~~ partnership>>, corporation or trust <<. >>Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5%) of the ownership interest in the partnership, corporation, or trust. << Disclosure forms shall be established by administrative order to be approved by the Board of County Commissioners. Such disclosure forms shall be included in the agendas distributed in connection with the public

¹Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

hearing on the application. Where applicable, requests shall specify whether, and the extent to which, the requested change in land use or proposed development conforms to the Comprehensive Development Master Plan for Metropolitan Dade County, Florida.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: DEC 01 1998

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

AM

Sponsored by Commissioner Bruno A. Barreiro



United States
**Census
2000**

**Every year,
over \$100 billion
in federal funds
are awarded to
localities based on
census numbers.**

Census 2000 in a Flash

The United States Constitution mandates a census every 10 years to determine how many seats each state will have in the U.S. House of Representatives. But community leaders use it for everything from planning schools and building roads to providing recreational opportunities and managing health-care services.

How Big Is It?

- 275 million U.S. residents
- 118 million housing units in the United States alone
- 1.5 million housing units in Puerto Rico and the U.S. Island Areas
- 2.7 million applicants recruited
- 285,000 jobs at peak
- 500 Local Census Offices, 12 Regional Census Centers and 4 Data Processing Centers
- 500 local area networks, 6,000 personal computers and 1,500 printers (set up, used and dismantled in one year)
- 8 million maps needed for field work
- 79 million questionnaires returned within a two-week period
- 8 to 9 million blocks covered

When Is It?

1998–1999: Developing the address list for Census 2000 and recruiting workers for census jobs

Beginning mid-March 2000: Census questionnaires delivered

APRIL 1, 2000: CENSUS DAY

March–May 2000: Census takers visit housing units in rural and remote areas to drop off and/or pick up forms

April–June 2000: Census takers visit housing units that did not return census forms

October–November 2000: All field work completed

December 31, 2000: Apportionment counts delivered to the President

April 1, 2001: All states receive redistricting counts

D-3237 (6-98)



This Is Your Future. Don't Leave It Blank.

For additional information about Census 2000, visit the Census Bureau's Internet site at <http://www.census.gov> or call one of our Regional Census Centers across the country:

Atlanta 404-331-0573
Boston 617-424-4977
Charlotte 704-344-6621
Chicago 312-353-9697
Dallas 214-655-3060
Denver 303-231-5029
Detroit 248-967-9524
Kansas City 816-801-2020
Los Angeles 818-904-6522
New York City 212-620-7702/3
Philadelphia 215-597-8313
Seattle 206-553-5882

What's on the Census Form?

About 83 percent of respondents will receive a short form, which asks about seven subjects: name, sex, age, relationship, Hispanic origin, race, and housing tenure (whether the home is owned or rented) — and takes approximately 10 minutes to complete.

One out of six households will receive a longer form which asks about 34 subjects, including education, ancestry, employment, disability and house heating fuel — and takes approximately 38 minutes to complete.

Why Should You Answer the Census?

Answering the census is important for your community — Census numbers help local planners pick the best locations for schools, roads, hospitals, clinics, libraries, day-care and senior citizen centers, playgrounds, bus routes, job training programs and much more. Every year, over \$100 billion in federal funding and even more in state funds are awarded to localities based on census numbers.

Answering the census creates jobs and ensures the delivery of goods and services — Businesses use census numbers to locate supermarkets and shopping centers, new housing, new factories and offices and facilities like movie theaters and restaurants.

Answering can save your life — An exaggeration? Not at all! When Hurricane Andrew hit South Florida in 1991, Census Bureau officials were able to aid the rescue effort by providing estimates of the total number of people in each block.

Answering the census is safe — By law, the Census Bureau cannot share your individual records with any other government agency, including welfare agencies, the Immigration and Naturalization Service, the Internal Revenue Service, courts, police and the military. Census workers must be sworn to secrecy before they see the numbers. If someone gave out any information they saw on a form, they would face a \$5,000 fine and a five-year prison term. The law works — millions of questionnaires were processed during the 1990s without any breach of trust.

United States
**Census
2000**

The questions asked represent the best balance between your community's needs and our commitment to reduce the time and effort it takes you to fill out the form.

Five BIG Reasons

Why You Should Fill Out Your Census Form.

1. Help Your Community Thrive. Does your neighborhood have a lot of traffic congestion, elderly people living alone or over crowded schools? Census numbers can help your community work out public improvement strategies.

Non-profit organizations use census numbers to estimate the number of potential volunteers in communities across the nation.

2. Get Help in Times of Need. Many 911 emergency systems are based on maps developed for the last census. Census information helps health providers predict the spread of disease through communities with children or elderly people. When floods, tornadoes or earthquakes hit, the census tells rescuers how many people will need their help.

When Hurricane Andrew hit South Florida in 1991, census information aided the rescue effort by providing estimates of the number of people in each block.

3. Make Government Work for You. It's a good way to tell our leaders who we are and what we need. The numbers are used to help determine the distribution of over \$100 billion in federal funds and even more in state funds. We're talking hospitals, highways, stadiums and school lunch programs.

Using census numbers to support their request for a new community center, senior citizens in one New England community successfully argued their case before county commissioners.

4. Reduce Risk for American Business. Because census numbers help industry reduce financial risk and locate potential markets, businesses are able to produce the products you want.

"All the Basic Facts You Need to Know to Start a New Business," a publication of the Massachusetts Department of Commerce, shows small businesses how to use census numbers to determine the marketability of new products.

5. Help Yourself and Your Family. Individual records are held confidential for 72 years, but you can request a certificate from past censuses that can be used as proof to establish your age, residence or relationship, information that could help you qualify for a pension, establish citizenship or obtain an inheritance. In 2072, your great-grandchildren may want to use census information to research family history. Right now, your children may be using census information to do their homework.

Because we've had a census every 10 years since 1790, we know how far America has come.

D-3236 (6-98)

U.S. Department of Commerce
Economics and Statistics Administration
BUREAU OF THE CENSUS

An Equal Opportunity Employer
U.S. Census Bureau, *the Official Statistics*™



United States
**Census
2000**

**The law protects
your privacy.
Individual
answers are
edited and
summed before
they are released
to the public.**

For additional information about Census 2000, visit the Census Bureau's Internet site at <http://www.census.gov> or call one of our Regional Census Centers across the country:

Atlanta 404-331-0573
Boston 617-424-4977
Charlotte 704-344-6621
Chicago 312-353-9697
Dallas 214-655-3060
Denver 303-231-5029
Detroit 248-967-9524
Kansas City 816-801-2020
Los Angeles 818-904-6522
New York City 212-620-7702/3
Philadelphia 215-597-8313
Seattle 206-553-5882

50 Ways to Use Census 2000

- Decision-making at all levels of government
- Reapportionment of seats in the U.S. House of Representatives
- Drawing federal, state and local legislative districts
- Drawing school district boundaries
- Budget planning for government at all levels
- The distribution of over \$100 billion in federal funds and even more in state funds
- Spotting trends in the economic well-being of nation
- Forecasting future transportation needs for all segments of the population
- Planning for public transportation services
- Planning for hospitals, nursing homes, clinics and the location of other health services
- Planning health and educational services for people with disabilities
- Forecasting future housing needs for all segments of the population
- Establishing fair market rents and enforcing fair lending practices
- Directing funds for services for people in poverty
- Directing services to children and adults with limited English language proficiency
- Designing public safety strategies
- Urban planning
- Rural development
- Land use planning
- Analyzing local trends
- Understanding labor supply
- Estimating the numbers of people displaced by natural disasters
- Assessing the potential for spread of communicable diseases
- Developing assistance programs for low-income families
- Analyzing military potential
- Creating maps to speed emergency services to households in need of assistance
- Making business decisions
- Delivering goods and services to local markets
- Understanding consumer needs
- Designing facilities for people with disabilities, the elderly or children
- Planning for congregations
- Product planning
- Locating factory sites and distribution centers
- Investment planning and evaluation of financial risk
- Setting community goals
- Publication of economic and statistical reports about the United States and its people
- Standard for creating both public- and private-sector surveys
- Scientific research
- Comparing progress between different geographic areas
- Developing "intelligent" maps for government and business
- Genealogical research (after 2072)
- Proof of age, relationship or residence (certificates provided by the Census Bureau)
- School projects
- Medical research
- Developing adult education programs
- Media planning and research, back up for news stories
- Historical research
- Evidence in litigation involving land use, voting rights and equal opportunity
- Determining areas eligible for housing assistance and rehabilitation loans
- Attracting new businesses to state and local areas

U.S. Census Bureau, *the Official Statistics*™




MEMORANDUM

107.07-17A METRO-DADE/CSA-MAT. MGT

TO: Zoning Supervisors

DATE: December 17, 1998

SUBJECT: New Conditions for all
Lakes (Revised 12/11/98)

FROM: Alberto J. Torres 
Acting Zoning Services Division Chief
Department of Planning and Zoning

Effective immediately the following conditions are to be added to all Administrative Site Plan Review approvals and Zoning Recommendations for approval of a lake excavation.

1. All excavations shall be completely enclosed by a safety barrier, minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every ten (10) feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.
2. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.

In addition, at time of C.O. renewal or bond renewal/replacement, these conditions will be imposed.

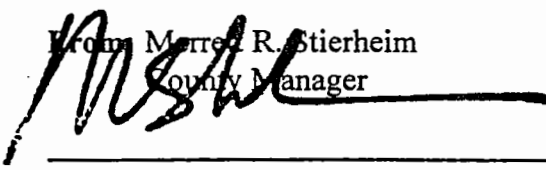
AJT:jf

MEMORANDUM

Agenda Item ()

To: Honorable Chairperson and Members
Board of County Commissioners

Date: (Public Hearing #1-98)
October 20, 1998


From Morrie R. Stierheim
County Manager

Subject: Ordinance Amending the
Membership of DIC
Executive Council

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending the membership of the Executive Council of the Developmental Impact Committee (DIC).

BACKGROUND

The Executive Council of the DIC has been composed of five members as follows: an Assistant County Manager, the Director of the Department of Planning, Development and Regulation, the Zoning Official, the Director of the Department of Environmental Resources Management and the Director of the Public Works Department. Due to organizational changes there is no longer representation by an Assistant County Manager and the DIC Executive Council is functioning with only four members. This results in quorum problems and unbreakable tie votes, which causes delays in the process.

The proposed ordinance provides for a five-member DIC Executive Council as follows: the Director of the Department of Planning and Zoning, the Director of the Department of Environmental Resources Management, the Director of the Public Works Department, the Director of the Miami-Dade Water and Sewer Authority Department and myself or my designee. Restoring the membership to five will increase the ability to obtain quorums and reduce the likelihood of tie-votes, which will allow the public to move through the system more efficiently.

FISCAL IMPACTS

The proposed ordinance will not create a fiscal impact on Miami-Dade County.

Attachment

Approved _____ Mayor

Agenda Item No. 5 (L)

12-1-98

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO DEVELOPMENTAL IMPACT COMMITTEE; MODIFYING EXECUTIVE COUNCIL MEMBERSHIP; AMENDING SECTION 33-303.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-303.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-303.1. Developmental Impact Committee.

* * *

(B) ~~[[The County Manager shall assign to the Developmental Impact Committee, an Assistant County Manager who shall serve as Chairman of the Committee. The Chairman shall discharge such other duties and functions as conferred upon him by the County Manager and this section.]]~~ The ~~[[Chairman, the]]~~Director >>of the Department of Planning and Zoning<<, the Director of >>the Department of<<Environmental Resources Management >>, << [[and]] the Director of the Public Works Department >>, the Director of Miami-Dade Water and Sewer Department and the County Manager or his designee << shall constitute the Executive Council of the Developmental Impact Committee. The Executive Council shall discharge such duties and functions as conferred by the Code of ~~[[Metropolitan]]~~>>Miami-<<Dade County, Florida and by the ordinances, rules and regulations approved by the Board of County Commissioners. >>The duties and functions of the Executive Council Chair shall be assumed by each of its members on a rotating basis as needed. <<

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

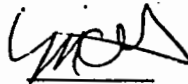
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:





MEMORANDUM

7.07-17A METRO-DADE/GSA-MAT MG

Item No. 5 (J)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: October 20, 1998

Public Hearing 12-1-98)

SUBJECT: Proposed Ordinance
Pertaining to Administrative
Zoning Variances

FROM: Merrett R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board approve the attached ordinance pertaining to the applicants permitted to file for administrative zoning variance applications. The proposed ordinance codifies existing Department of Planning and Zoning policy restricting the use of this process to homeowners within developed areas.

BACKGROUND

In 1977 Section 33-36.1 of the Code of Miami-Dade County was created to allow for the consideration of certain non-use variance requests for residential construction by the Director of the Department of Planning and Zoning. This administrative variance application process has been limited by departmental policy to homeowners, and has proven to be extremely successful in allowing innumerable homeowners to obtain variances for minor deviations (fence height, setback and lot coverage, etc.) from zoning code regulations. The intent of this administrative variance process was to afford homeowners the opportunity to secure these minor variances without the need for a public hearing where their property is in a developed neighborhood. The department accepts approximately 300 of these administrative variance applications annually. The proposed ordinance codifies this policy and prohibits developers of new subdivisions from applying through this process. The public hearing process, still available for these undeveloped sites, provides the desirable public notice on these types of applications for new construction.

FISCAL IMPACT

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(J)
12-1-98

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ADMINISTRATIVE ZONING VARIANCES: AMENDING SECTION 33-36.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING DEFINITION OF FEE OWNER; CORRECTING SCRIVENER'S ERROR; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-36.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-36.1. Administrative Variances.

* * *

(e) The application for variance shall be made by the fee owner of the property on a form prescribed by the Department and shall be submitted to the Department. >> For the purposes of this section the term "fee owner" shall mean the person who owns and resides at, or owns and intends to reside at, the subject premises. << The application shall include an accurately dimensioned plot use plan showing the existing structures on the subject property, the location of the proposed addition, the general location and use of existing structures on the adjacent property from which the variance is being requested. The application shall include a letter of intent explaining the reason and justification for the proposed addition and variance. The application shall be accompanied by:

- (1) The consent of all the owners of all adjacent or abutting lots to the subject property, and
- (2) The consents shall also include the owner of the lot(s) immediately across the street from the subject site.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(h) The applicant, or any aggrieved property owner in the area, may appeal the decision of the Director to the >> appropriate Community << Zoning Appeals Board in the manner provided for appeals of administrative decisions (Section 33-311 [[(e)(2)]] of the Code). In the event an appeal is made by an aggrieved property owner in the area, the Director may stop or suspend any construction authorized by the variance, until a decision has been made on the appeal. In the event the Director should determine that the suspension of the construction could cause imminent peril to life or property he may permit the construction to continue upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper under the circumstances. Upon an appeal by an aggrieved property owner, the provisions of Section 33-311 shall be applicable.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

RAG

Prepared by:

JPC

MEMORANDUM

Agenda Item No. 5(G)

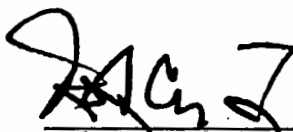
Hon. Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 12-1-98)
October 20, 1998

FM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
zoning public hearing
applications

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Bruno A. Barreiro.

8/21


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

107.07-17A METRO-DADE/GSA-MAT MGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998

SUBJECT: Fiscal Impact of Ordinance
Amending Disclosure
Requirements at Zoning
Hearing Application

FROM: M. R. Stierheim
County Manager

This ordinance amends zoning hearing disclosure requirements. It has no fiscal impact on the County's budget.

Fiscal 00598

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(G)
12-1-98

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 33-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA BY AMENDING THE DISCLOSURE REQUIREMENT EXEMPTION FOR ZONING PUBLIC HEARING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 33-304 of the Miami-Dade Code requires that applications for district boundary changes, changes in zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances shall be made by filing an application on forms which include disclosure forms for corporations, trusts and partnerships; and

WHEREAS, Section 33-304 provides an exemption from the disclosure of interest requirements for certain entities, including publicly-traded corporations and certain limited partnerships, however, certain other entities with equally dynamic and diversified ownership are not included under the existing exemption; and

WHEREAS, in order to assure fairness of the zoning process for all entities doing business in Miami-Dade County, the Board of County Commissioners finds that the exemption for certain entities under Section 33-304 of the Code should be amended to provide for a de minimus disclosure exception for entities whose ownership interests are equally dynamic and diversified as those entities presently exempt from the disclosure requirements of Section 33-304 of the Code.

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

Section 1. Section 33-304 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-304. Applications.

- (a) All requests for a district boundary change, changes in the zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances, shall be made by filing an application therefor with the Director on application forms prescribed by the Director or by rule and regulation of the Developmental Impact Committee. Forms shall include, but not be limited to, disclosure forms for corporations, trusts, and partnerships, and disclosure of information regarding contract purchasers and their percentage(s) of interest. Disclosure shall not be required of>>: 1) << any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country>>; or ii) pension funds or pension trusts of more than five thousand (5,000) ownership interests; << or >>iii) <<any entity where ownership interests are held in a ~~[[limited]] partnership~~, corporation or trust<< consisting of more than five thousand (5,000) separate interests>>, including all interests at every level of ownership, << and where no one person or entity holds more than a total of five (5) percent of the ownership interest in the ~~[[limited]] partnership~~, corporation or trust<<. >>Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests which exceed five (5) of the ownership interest in the partnership, corporation, or trust. << Disclosure forms shall be established by administrative order to be approved by the Board of County Commissioners. Such disclosure forms shall be included in the agendas distributed in connection with the public

¹Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

hearing on the application. Where applicable, requests shall specify whether, and the extent to which, the requested change in land use or proposed development conforms to the Comprehensive Development Master Plan for Metropolitan Dade County, Florida.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:


RAE

Prepared by:

AM

Sponsored by Commissioner Bruno A. Barreiro

Memo

To: Zoning Supervisors
From: Alberto J. Torres 
Date: December 7, 1998
Re: Ordinance amending Chapter 33

Attached is a proposed ordinance amending Chapter 33 of the Miami-Dade County Zoning Code. Please review and provide your comments to me in writing no later than Wednesday, December 9, 1998. If you have any questions regarding this matter, please contact me at ext. 2600. Thank you.

AJT:jf
Attachment

c: Diane O'Quinn Williams

u

Approved _____
Veto _____
Override _____

Agenda Item No.

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 33 (ZONING CODE) OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO APPROVAL OF SIGNAGE CRITERIA BOOKS FOR LARGE SCALE SHOPPING CENTERS AND CREATING AN EXEMPTION FOR SUCH SIGNAGE WITHIN THE PROTECTED AREAS ADJACENT TO EXPRESSWAY RIGHT OF WAY; MODIFYING SECTION 33-105 AND 33-121.13; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, large scale regional malls create unique needs and opportunities for the provision of high quality graphic programs and signage; and

WHEREAS, due to their size and scale large scale regional malls required additional signage to insure public safety and convenience in circulating around and through such properties; and

WHEREAS, it is also most appropriate that such facilities be located near or adjacent to expressway facilities;

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

Section 1. Section 33-105 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Section 33-105. Permanent point of sale signs for shopping centers.

* * *

Notwithstanding any other provisions of Article 6, Signs, of Chapter 33 due to their unique nature, size, and scale; the need to provide for public convenience and safety; and the opportunity to encourage and require high quality, innovative and uniform graphic and signage programs for such properties large scale shopping centers containing a minimum of one million square feet of gross leasehold floor area shall be permitted to seek approval after a public hearing before the County Commission of a signage and graphic criteria book

which shall set forth the design standards, number and size limitations, for all exterior signage and graphics either on or attached to the buildings or free standing signage located on the site. It is the intent that such signage and graphic criteria book shall establish a high quality, uniform and integrated graphic and signage program for the entire exterior of the property which shall compliment and reinforce the architectural character of the project. Among the criteria which must be included in the signage and graphic criteria book are specific standards for the inclusion of adequate directional signs and parking lot identification signage to insure and enhance the public safety and convenience for members of the public gaining access to and utilizing the property. Further, the signage and graphic criteria book must include provisions to enhance pedestrian safety, handicapped and baby stroller accessibility, and, as appropriate to the individual property, access to transit and other alternate means of transportation. In order to encourage innovative signage and graphic programs and in recognition of the unique size and scale of such properties, the signage and graphic criteria book may specify any combination of flat, wall, cantilever, awning, canopy, roller curtain, umbrella, marquee, pylon, roof, attraction board, projecting, detached, directional, and semaphore signs. Such signage shall not be subject to the specific design, size and number limitations set forth elsewhere in the Sign Code, but shall be incorporated into a uniform and comprehensive signage and graphic program for the entire site which shall be subject to review by staff and approval by the County Commission.

Section 2. Section 33-121.13. of the Code of Miami-Dade County, Florida, Exceptions, is hereby amended as follows:

Section 33.121.13 EXCEPTIONS

* * *

- (e) Any sign which fails to conform with the provisions of this division but is otherwise approved by the County Commission as part of a signage and graphic criteria book as provided for in Section 33-105.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. This ordinance does not contain a sunset provision.

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

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

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. _____

Memo

To: Zoning Supervisors
From: Alberto J. Torres
Date: December 7, 1998
Re: Adopted Ordinances

Listed below and attached are ordinances that were recently passed and adopted by the Board of County Commissioners. It is necessary that you review these with your staff members to ensure that they are familiar with the ordinances and are prepared to implement the new regulations after the effective dates.

1. Ordinance pertaining to administrative zoning variances
2. Ordinance providing for a single recommendation for zoning public hearings
3. Ordinance relating to zoning public hearing applications
4. Ordinance relating to unusual use approval for certain telecommunications antennas (only grandfathered certain existing antennas)
5. Ordinance amending the membership of DIC Executive Council

If you have any questions regarding this matter, you may contact me at ext. 2600.

AJT:jf
Attachments

c: Diane O'Quinn Williams



MEMORANDUM

Item No. 5 (J)

7A MIAMI-DADE COUNTY MANAGEMENT

Honorable Chairperson and Members
Board of County Commissioners

Public Hearing 12-1-98)
DATE: October 20, 1998

SUBJECT: Proposed Ordinance
Pertaining to Administrative
Zoning Variances

M:Merrett R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board approve the attached ordinance pertaining to the applicants permitted to file for administrative zoning variance applications. The proposed ordinance codifies existing Department of Planning and Zoning policy restricting the use of this process to homeowners within developed areas.

BACKGROUND

In 1977 Section 33-36.1 of the Code of Miami-Dade County was created to allow for the consideration of certain non-use variance requests for residential construction by the Director of the Department of Planning and Zoning. This administrative variance application process has been limited by departmental policy to homeowners, and has proven to be extremely successful in allowing innumerable homeowners to obtain variances for minor deviations (fence height, setback and lot coverage, etc.) from zoning code regulations. The intent of this administrative variance process was to afford homeowners the opportunity to secure these minor variances without the need for a public hearing where their property is in a developed neighborhood. The department accepts approximately 300 of these administrative variance applications annually. The proposed ordinance codifies this policy and prohibits developers of new subdivisions from applying through this process. The public hearing process, still available for these undeveloped sites, provides the desirable public notice on these types of applications for new construction.

FISCAL IMPACT

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Approved _____ Mayor

Agenda Item No. 5(5)

Veto _____

12-1-98

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ADMINISTRATIVE ZONING VARIANCES: AMENDING SECTION 33-36.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING DEFINITION OF FEE OWNER; CORRECTING SCRIVENER'S ERROR; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-36.1 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:¹

Sec. 33-36.1. Administrative Variances.

* * *

(e) The application for variance shall be made by the fee owner of the property on a form prescribed by the Department and shall be submitted to the Department. >> For the purposes of this section the term "fee owner" shall mean the person who owns and resides at. or owns and intends to reside at, the subject premises. << The application shall include an accurately dimensioned plot use plan showing the existing structures on the subject property, the location of the proposed addition, the general location and use of existing structures on the adjacent property from which the variance is being requested. The application shall include a letter of intent explaining the reason and justification for the proposed addition and variance. The application shall be accompanied by:

- (1) The consent of all the owners of all adjacent or abutting lots to the subject property, and
- (2) The consents shall also include the owner of the lot(s) immediately across the street from the subject site.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(h) The applicant, or any aggrieved property owner in the area, may appeal the decision of the Director to the >> appropriate Community << Zoning Appeals Board in the manner provided for appeals of administrative decisions (Section 33-311 [~~(e)(2)~~] of the Code). In the event an appeal is made by an aggrieved property owner in the area, the Director may stop or suspend any construction authorized by the variance, until a decision has been made on the appeal. In the event the Director should determine that the suspension of the construction could cause imminent peril to life or property he may permit the construction to continue upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper under the circumstances. Upon an appeal by an aggrieved property owner, the provisions of Section 33-311 shall be applicable.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

RAG

Prepared by:

JAC

MEMORANDUM

Agenda Item No. 5(G)


Hon. Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 12-1-98)
October 20, 1998

: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
zoning public hearing
applications

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Bruno A. Barreiro.


8021

Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

7.07-17A METRO-GADEX/GSA-MAT MGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998

SUBJECT: Fiscal Impact of Ordinance
Amending Disclosure
Requirements at Zoning
Hearing Application

FROM: M. R. Stierheim
County Manager

This ordinance amends zoning hearing disclosure requirements. It has no fiscal impact on the County's budget.

Fiscal 00598

Approved _____ Mayor
to _____
Override _____

Agenda Item No. 5(G)
12-1-98

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 33-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA BY AMENDING THE DISCLOSURE REQUIREMENT EXEMPTION FOR ZONING PUBLIC HEARING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 33-304 of the Miami-Dade Code requires that applications for district boundary changes, changes in zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances shall be made by filing an application on forms which include disclosure forms for corporations, trusts and partnerships; and

WHEREAS, Section 33-304 provides an exemption from the disclosure of interest requirements for certain entities, including publicly-traded corporations and certain limited partnerships, however, certain other entities with equally dynamic and diversified ownership are not included under the existing exemption; and

WHEREAS, in order to assure fairness of the zoning process for all entities doing business in Miami-Dade County, the Board of County Commissioners finds that the exemption for certain entities under Section 33-304 of the Code should be amended to provide for a de minimus disclosure exception for entities whose ownership interests are equally dynamic and diversified as those entities presently exempt from the disclosure requirements of Section 33-304 of the Code.

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

Section 1. Section 33-304 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-304. Applications.

- (a) All requests for a district boundary change, changes in the zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, and variances, shall be made by filing an application therefor with the Director on application forms prescribed by the Director or by rule and regulation of the Developmental Impact Committee. Forms shall include, but not be limited to, disclosure forms for corporations, trusts, and partnerships, and disclosure of information regarding contract purchasers and their percentage(s) of interest. Disclosure shall not be required of >> 1 << any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country >>; or ii) pension funds or pension trusts of more than five thousand (5,000) ownership interests; << or >> iii) << any entity where ownership interests are held in a ~~[[limited]]~~ partnership >>, corporation or trust << consisting of more than five thousand (5,000) separate interests >>, including all interests at every level of ownership, << and where no one person or entity holds more than a total of five (5) percent of the ownership interest in the ~~[[limited]]~~ partnership >>, corporation or trust <<. >> Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests which exceed five (5) of the ownership interest in the partnership, corporation, or trust. << Disclosure forms shall be established by administrative order to be approved by the Board of County Commissioners. Such disclosure forms shall be included in the agendas distributed in connection with the public

¹Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

hearing on the application. Where applicable, requests shall specify whether, and the extent to which, the requested change in land use or proposed development conforms to the Comprehensive Development Master Plan for Metropolitan Dade County, Florida.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

AM

Sponsored by Commissioner Bruno A. Barreiro

MEMORANDUM

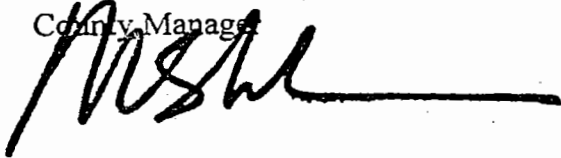
Agenda Item No. 5'K)

(Public Hearing 12-1-98)
October 6, 1998

To: Honorable Chairperson and Members
Board of County Commissioners

Date:

From: Merrett R. Stierheim
County Manager



Subject: Ordinance providing for a
Single Recommendation for
Zoning Public Hearings

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance providing for a single recommendation in zoning hearings submitted by the Planning and Zoning Department.

BACKGROUND

Prior to the reorganization of the Building and Zoning Department, the Planning Department and the Developmental Impact Committee in 1995, the Building and Zoning Department and Planning Department prepared separate written recommendations for each zoning hearing. This practice continued after the merger of the departments into the Department of Planning, Development and Regulation. With the recent creation of the Planning and Zoning Department it is appropriate to provide for one consolidated and comprehensive recommendation.

A single recommendation is customary in the majority of communities in the nation. It also provides for a more complete analysis of the relationship between the Comprehensive Development Master Plan (CDMP), the Zoning Ordinance and the application to be considered by the different boards.

A single recommendation will be a more efficient use of staff time by streamlining the process. As indicated in the 1998-1999 budget the single recommendation will result in a savings of \$556,000 and a reduction of eight positions.

Attachment

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(K)
12-1-98

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-310, 33-311 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR A SINGLE RECOMMENDATION FOR ZONING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-310 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:¹

Sec. 33-31 0. Notice and hearing prerequisite to action by the Community Zoning Appeals Boards or Board of County Commissioners.

* * *

(b) Applications filed hereunder shall be promptly transmitted to the appropriate board, together with the written recommendation of the Director ~~[[and the Zoning Official]]~~. Where applicable the Developmental Impact Committee shall issue its recommendation, which shall include a statement of the Director as to the application's relationship to the Comprehensive Development Master Plan. All such recommendations shall >>state all facts relevant to the application, including an accurate depiction of known living, working, traffic and transportation conditions in the vicinity of the property that is the subject of the application, and also a description of all projected effects of the proposed zoning action on those conditions. All such recommendations shall << be signed and considered final no earlier than thirty (30) days prior to

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

the public hearing to give the public an opportunity to provide information to the staff prior to the recommendations becoming final. This shall not preclude earlier, preliminary recommendations. All documents of the County departments evaluating the application, which documents pertain to the application, are open for public inspection to applicants or other interested persons.

* * *

Section 2. Section 33-311(A) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-311. Community Zoning Appeals Boards ---- Authority and duties.

(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director ~~[[and the Zoning Official]]~~, or Developmental Impact Committee.

* * *

Section 3. Section 33-314(D) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(D) The Board, after hearing why the application should or should not be granted, shall consider the matter in accordance with the criteria specified in this chapter, and shall by resolution either grant or deny the application. In granting any variances, special exceptions, new uses or unusual uses, the Board of County Commissioners may prescribe any reasonable conditions, restrictions and limitations it deems necessary or desirable in order to maintain the plan of the area and compatibility therewith. Such action of the Board of County Commissioners shall be final provided, no such action shall be taken until notice of time and place of the meeting at which the Board of County Commissioners will consider and take final action on the application has been first published as provided in Section 33-310 hereof. Anything in this article to the contrary notwithstanding, when an application for a district boundary change or special exception, new use, unusual use or variance is filed by the Director ~~[[or Planning Director]]~~ it will only be decided by the County Commission after receiving the recommendation~~[[s]]~~of

the Director ~~[[and the Zoning Official]]~~ and after the required noticed public hearing, and such decision shall then be final. * * *

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

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

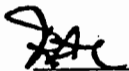
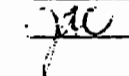
Section 6. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 7. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

MEMORANDUM

Agenda Item 2)

To: Honorable Chairperson and Members
Board of County Commissioners

Date:

(Public Hearing #1-98)
October 20, 1998

Subject:

Ordinance Amending the
Membership of DIC
Executive Council

From:  Merrell R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending the membership of the Executive Council of the Developmental Impact Committee (DIC).

BACKGROUND

The Executive Council of the DIC has been composed of five members as follows: an Assistant County Manager, the Director of the Department of Planning, Development and Regulation, the Zoning Official, the Director of the Department of Environmental Resources Management and the Director of the Public Works Department. Due to organizational changes there is no longer representation by an Assistant County Manager and the DIC Executive Council is functioning with only four members. This results in quorum problems and unbreakable tie votes, which causes delays in the process.

The proposed ordinance provides for a five-member DIC Executive Council as follows: the Director of the Department of Planning and Zoning, the Director of the Department of Environmental Resources Management, the Director of the Public Works Department, the Director of the Miami-Dade Water and Sewer Authority Department and myself or my designee. Restoring the membership to five will increase the ability to obtain quorums and reduce the likelihood of tie-votes, which will allow the public to move through the system more efficiently.

FISCAL IMPACTS

The proposed ordinance will not create a fiscal impact on Miami-Dade County.

Attachment

Approved _____ Mayor

Agenda Item No. 5 (L)

12-1-98

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO DEVELOPMENTAL IMPACT COMMITTEE; MODIFYING EXECUTIVE COUNCIL MEMBERSHIP; AMENDING SECTION 33-303.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-303.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-303.1. Developmental Impact Committee.

* * *

(B) ~~[[The County Manager shall assign to the Developmental Impact Committee, an Assistant County Manager who shall serve as Chairman of the Committee. The Chairman shall discharge such other duties and functions as conferred upon him by the County Manager and this section.]]~~ The ~~[[Chairman, the]]~~ Director >>of the Department of Planning and Zoning<<, the Director of >>the Department of<<Environmental Resources Management >>, << [[and]] the Director of the Public Works Department >>, the Director of Miami-Dade Water and Sewer Department and the County Manager or his designee << shall constitute the Executive Council of the Developmental Impact Committee. The Executive Council shall discharge such duties and functions as conferred by the Code of ~~[[Metropolitan]]~~>>Miami-<<Dade County, Florida and by the ordinances, rules and regulations approved by the Board of County Commissioners. >>The duties and functions of the Executive Council Chair shall be assumed by each of its members on a rotating basis as needed.<<

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

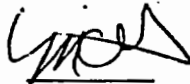
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



ANDUM

Agenda Item No. 5 (H)

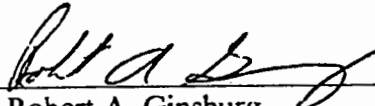
To: Honorable Board of Supervisors and Members of the Board of Commissioners

Date: (Public Hearing 12-1-98)
September 15, 1998

Subject: Ordinance relating to unusual use approval for certain telecommunications antennas

From: Robert A. Ginsburg
County Attorney

The attached ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.


Robert A. Ginsburg
County Attorney

RAG/rk
Attachment


See attached list of towers/antennas



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998
Fiscal Impact on

FROM: 
Merrett R. Stierkeim
Country Manager

SUBJECT: Ordinance Relating to
Unusual Use Approval for
Certain Telecommunications
Antennas

The proposed ordinance relating to unusual use approval for certain telecommunication antennas creates no fiscal impact on Dade County.

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(H)
12-1-98

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SUBSECTION 33-13(e) (UNUSUAL USES) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 33-60 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR UNUSUAL USE APPROVAL FOR CERTAIN TELECOMMUNICATIONS ANTENNAS; PROVIDING THAT CERTAIN TELECOMMUNICATIONS ANTENNAS SHALL BE PERMITTED IN ANY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, it is in the interest of Miami-Dade County to provide reasonable accommodation to, and to promote and encourage fair and reasonable competition among telecommunications service providers on a neutral and non-discriminatory basis; and

WHEREAS, it is in the interest of Miami-Dade County to encourage collocation of facilities to minimize the number of separate installations and to conserve land use,

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

Section 1. Subsection 33-13(e) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-13. Unusual uses.

(e) *Unusual and new uses.* Unless approved upon public hearing, the following unusual uses or uses similar thereto

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

shall not be permitted in any district save and except in those districts that permit such uses without a public hearing: Airport; airplane crop dusting field; all zoning applications by State and municipal entities and agencies (said applications shall be heard directly by the Board of County Commissioners, notwithstanding the provisions of Section 33-311); amusement rides and enterprises; amusement center (except in BU-1A Zone in which such use is permitted); archery ranges; art galleries and museums (educational and philanthropic) in districts more restrictive than RU-4; auction sales; auto, truck, machinery salvage yards; bathing beach; boat salvage; bombing field, canal excavation, where not a part of C. & S. F. F. C. D. and County secondary canal system; carnivals, circuses; convalescent homes; day camp, day nursery in zone more restrictive than RU-3; dog kennel, dog training track; electric substation; electric power plant; frog farm; garbage and waste dumps; gas distribution system and plant; golf course except in RU-1 and other Districts where the same is a permitted use; golf course clubhouse and incidental uses in all districts more restrictive than the BU-1 District; golf driving range; gypsy camp; heliports; homes of the aged (except group homes and community residential homes where same is a permitted use); homes for dependent children (except group homes and community residential homes where same is a permitted use); hospitals (not animal hospital) in district more restrictive than RU-4; incinerators; Indian village; institutions for handicapped persons (except group homes and community residential homes where same is a permitted use), including but not limited to incidental related facilities such as workshops, sales of products fabricated therein, residential quarters, educational training facilities; infirmary, commissary, or any one or combination of such related incidental facilities; junkyard; kindergarten in zones more restrictive than RU-3; lake excavation and asphalt plant, concrete batching plant, concrete block plant, prestressed and precast concrete products plant, rock crushing and screening plant ancillary thereto or in connection therewith; landing field; movie (open air) except as provided in BU-1A Zone; nightclub in BU-2 or more liberal districts; nursing homes; oil and gas well drilling and essential, incidental uses thereto, such as minimum storage facilities; in AU and GU Districts subject to conformance to all applicable Florida State statutes and rules and regulations of the State Board of Conservation

other applicable state rules and regulations; outdoor
y; outdoor paint testing laboratory; outdoor patios
able service in connection with restaurants; palmist
psychic readers; parking (noncommercial parking in
zones more restrictive than in which the use it serves is
located); pistol ranges; pony rings; private club in RU-3B
and RU-3 and more restrictive districts, including but not
limited to AU and GU Districts; private playgrounds and
recreational area; public and private utility facilities such as
electricity, gas, water, telephone, telegraph, cable TV., and
including work centers (repair and storage areas for trucks,
heavy equipment, pipe, meters, valves, cable, poles) as
accessory uses, and including sewage treatment plants and
lift stations and water treatment plants and pumping
stations, excluding temporary package water and sewage
treatment plants approved by the Environmental Quality
Control Board>> and excluding any telecommunications
antenna owned and operated by a telecommunications
company providing services to the public for hire attached
to any pole or H-frame or lattice structure owned by a
utility which is used in and is part of the utility's network
for the provision of electric services, provided that
(a) equipment appurtenant to the antenna is maintained on
the utility pole or structure, (b) the utility pole or structure
does not exceed 125 feet in height above ground unless the
utility pole or structure is located in an easement or right-
of-way which is greater than 50 feet in width or, if less than
50 feet in width, such easement or right-of-way is adjacent
to and parallel with road right-of-way which is 100 feet or
greater in width, and (c) the antenna was attached to the
utility pole or structure prior to January 1, 1997 <<; race
tracks; retirement villages, including as an accessory use
commercial facilities of the BU-1 type; rifle range; rock
pits (filling of); rock quarries; shopping center promotional
activities; skeet range; subdivision entrance gates and
entrance features not conforming to regulations; testing
laboratory or plant; tourist attractions; towers (radio and
TV) and transmitting stations; trailer as watchman's
quarters; trailers or tourist camp; trap range; water tank and
tower; water treatment plant; water use facilities; wood
burning barbecue (commercial); zoo (except in public
park).

* * *

Section 2. Section 33-60 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:

Sec. 33-60. Compliance with article.

>>(a)<<Before erection of a water tower, standpipe, windmill, tower or mast for any purpose, over ten (10) feet in height above the roof of a structure or over twenty (20) feet in height if erected on natural ground, the requirements of this article and the construction requirements of the South Florida Building Code shall be observed. All towers, poles, and masts requiring notice to the Federal Aviation Administration (FAA) as prescribed in Federal Aviation Regulations (FAR) Part 77, shall be lighted as specifically recommended by the FAA in the determination rendered to the proponent's notice of proposed construction. In addition, for all towers, poles, and masts not requiring notice to the FAA which are one hundred fifty (150) feet or higher above grade in height, one (1) flashing red beacon safety light will be required for each one hundred fifty (150) feet in height. The peak effective intensity of said lights should not be less than one thousand five hundred (1,500) candles (in red) when measured at any horizontal angle. The flashing mechanism, should not permit more than forty (40) nor less than twenty (20) flashes per minute. The beacons shall conform to Federal Aviation Administration type L-866 (red) or Military Specification L-6273. All existing towers, poles, and masts, which are one hundred fifty (150) feet or higher above grade shall be made to conform with those requirements by May 1, 1989. This section shall be applicable and enforceable in the incorporated and unincorporated areas of Dade County.

>>(b) Telecommunications antennas owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, shall be permitted in any zoning district, provided that (a) equipment appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed 125 feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than 50 feet in width or, if less than 50 feet in width, such easement or right-of-way is adjacent

Luis M. Cruz
Director of Marketing
South Florida MTA

PrimeCo Personal Communications
777 Yamato Road, Suite 600
Boca Raton, Florida 33431-4407
(561) 995-5528

November 19, 1998

Ms. Diane O'Quinn
Director of Zoning
Miami-Dade County

RECEIVED
NOV 20 1998
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY _____



Dear: Ms. O'Quinn:

Per your request, enclosed please find the addresses of the FPL sites, in Miami-Dade County, where PrimeCo antennae are located as well as photographs of the sites. Please let me know if you need any additional information.

<u>PrimeCo #</u>	<u>Address</u>	<u>Pole #</u>
60400	8950 SW 232 Street	257A8
60408	1/4 mile s/o NW 186 St and w/o 73 Ave	49U9
60706	s/o SW 24 St & e/o 97th Ave	13U2
60800	1/4 mile s/o SW 88 St & e/o 177 Ave	204U4
60801	e/o SW 127 Ave & s/o 88th St	152U3
60802	w/o 9501 SW 100 Ave Rd	7U4
60808	s/o SW 141 St & w/o 67 Ave	1U6
60809	n/o SW 152 St & 1/4 mile e/o 122 Ave	145A4
61804	SW 320 St & 139 Ave	128A6

Sincerely,

Luis M. Cruz

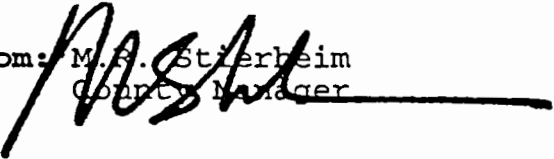
cc. Leon Garza, General Manager
Ed Wholl, Esq

MEMORANDUM

Substitute
Agenda Item No. 5(M)

To: Honorable Chairperson and Members Date: July 21, 1998
Board of County Commissioners

98-114

From:  M. R. Stierheim
County Manager

Subject: Ordinance Amending Chapter
33C of the Miami-Dade
County Code

This substitute item differs from Agenda Item 5(M) in that the boundaries of the Dadeland Subzone are expanded to include additional property described in Attachment 2, as well as the property described in Attachment 1.

RECOMMENDATION

It is recommended that the Board amend Chapter 33C (Fixed-Guideway Rapid Transit System Development Zone) of the Code of Miami-Dade County, Florida, to modify the boundaries of the Rapid Transit Zone (RTZ) and to modify the boundaries of the Dadeland Subzone to include the property described in Attachments 1 and 2 (attached). This modification will allow a proposed major hotel to be included in the RTZ and the Dadeland Subzone.

BACKGROUND

On October 17, 1978, by Ordinance No. 78-74, the Board established the Rapid Transit Zone (RTZ) for the Stage I Fixed Guideway Rapid Transit System. This ordinance was codified as Chapter 33C of the Miami-Dade County Code. Section 33C-2(B) established the Rapid Transit Development Zone and established the boundaries for the RTZ consisting of all lands necessary for the construction of the fixed-guideway portion of the Stage I Rapid Transit System.

By Ordinance No. 82-81, Section 33C-6 has established the Dadeland Subzone of the RTZ and its boundaries. This same section also establishes special development regulations which apply exclusively within the Dadeland Subzone.

The county has recently been advised that the development process has begun for a nationally recognized hotel to be constructed across from the Dadeland South Metrorail joint development project. This project, which was the first transit joint development project in Miami-Dade County, consists of two office buildings (Datran I and Datran II) and a 305 room Marriott Hotel. The proposed hotel will be another Marriott hotel and will be connected to the existing hotel. Although

Honorable Chairperson and Members
Board of County Commissioners
Page 2

the existing hotel is within the boundaries of the RTZ and the Dadeland Subzone, the site of the proposed hotel is currently outside the boundary of both of these zones.

In order to include the proposed hotel in the RTZ and the Dadeland Subzone, it is recommended that the Board approve an amendment to Section 33C-2(B) of the Code, modifying the map contained in Exhibit 1 entitled Rapid Transit Zone, Stage I Rapid Transit System, sheet 1 of 16 sheets, and thereby including the property described in Attachments 1 and 2 (attached).

The county and its rapid transit system will undoubtedly benefit from such commercial development as the hotel. The presence of this commercial development complements and enhances both the station and the nearby mall. Hotel guests will most probably utilize the Metrorail system, thereby increasing rail usage and reducing traffic on U.S. 1.

DIRECTIVES

No directives were received.

Attachments

M E M O R A N D U M

98-114

To: Honorable Chairperson and Members Date: July 21, 1998
Board of County Commissioners


From: M. A. Stierheim
County Manager

Subject: Fiscal Impact of
Proposed Ordinance
Amending Chapter 33C
of the Miami-Dade
County Code

Passage of this ordinance will expand the allowable use of the Dadeland Subzone of the Rapid Transit Zone to permit higher density development to be focused around the Dadeland South Metrorail Station.

A positive fiscal impact is anticipated with passage of this ordinance since it will allow the hotel development to move forward. Increased development along the transit corridor, and in particular, within the Dadeland Subzone area will enhance ridership on Metrorail as well as increase the ad valorem tax base of the county and other related county revenues.

L A W Y E R S T I T L E
I N S U R A N C E C O R P O R A T I O N

N A T I O N A L H E A D Q U A R T E R S
R I C H M O N D , V I R G I N I A

Schedule "A" Lands

Tract A of OFFICE DEPOT COMPLEX, according to the Plat thereof, recorded in Plat Book 146
Page 91, of the Public Records of Dade County, Florida; said lands situate, lying and
being in Dade County, Florida.

Tax Folio No. 30-5002-069-0010

Attachment 1 page 1 of 4

EXHIBIT "A"Legal DescriptionTRACT 1

Commence at the NE corner of Tract "C" of Palmetto-Kendall Heights as recorded in Plat Book 70 at Page 47 of the Public Records of Dade County, Florida; thence run South 4 degrees 11 minutes 23 seconds East along the East line of said Tract "C" for a distance of 3.0 feet to a point on the South right-of-way line of North Kendall Drive; thence run South 85 degrees 27 minutes 47 seconds West along the South right-of-way line of North Kendall Drive for a distance of 1303.27 feet to the point of beginning; thence continue South 85 degrees 27 minutes 47 seconds West along the South right-of-way line of North Kendall Drive for a distance of 275.84 feet to a point; thence run South 4 degree 32 minutes 13 seconds East for a distance of 600.0 feet to a point; thence run North 85 degrees 27 minutes 47 seconds East for a distance of 275.84 feet to a point; thence run North 4 degrees 32 minutes 13 seconds West for a distance of 600.0 feet to the point of beginning.

TRACT 2

Commence at the NE corner of Tract "C" of Palmetto-Kendall Heights as recorded in Plat Book 70 at Page 47 of the Public Records of Dade County, Florida; thence run South 4 degrees 11 minutes 23 seconds East along the East line of the said Tract "C" for a distance of 3.0 feet to a point on the South right-of-way line of North Kendall Drive; thence run South 85 degrees 27 minutes 47 seconds West along the South right-of-way line of North Kendall Drive for a distance of 1579.11 feet to a point; thence run South 4 degrees 32 minutes 13 seconds East for a distance of 600.0 feet to the point of beginning; thence continue South four degrees 32 minutes 13 seconds East for a distance of 320.99 feet to a point 920.99 feet South of, as measured at right angles to the South right-of-way line of North Kendall Drive; thence run North 85 degrees, 27 minutes, 47 seconds East along a line parallel to the South right-of-way line of North Kendall Drive for a distance of 152.816 feet to a point on the Northwesterly right-of-way line of a 50 foot private road; thence run North 45 degrees 46 minutes 37 seconds East along the Northwesterly right-of-way line of a 50 foot private road for a distance of 297.325 feet to the beginning of a tangential circular curve concave to the Northwest; thence run Northeasterly along said circular curve having a radius of 150.0 feet through a central angle of 50 degrees 18 minutes 50 seconds for an arc distance of 131.72 feet to the end of said curve; thence run North 4 degrees 32 minutes 13 seconds West along the Westerly right-of-way line of a 50 foot private road for a distance of 15.69 feet to a point 600 feet South of, as measured at right angles to, the South right-of-way line of North Kendall Drive; thence run South 85 degrees 27 minutes 47 seconds West along a line parallel to the South right-of-way line of North Kendall Drive for a distance of 475.84 feet to the point of beginning.

LESS AND EXCEPT from Tract 2 the following described property: A portion of Tract C of "PALMETTO-KENDALL HEIGHTS", according to the plat thereof recorded in Plat Book 70 at Page 47 of the Public Records of Dade County, Florida, lying in the NW 1/4 of Section 2, Township 55 South, Range 40 East, Dade County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Tract C; thence run S 02° 10' 35" E along the East line of said Tract C for a distance of 2.00 feet to the point of intersection with the Southerly right of way line of North Kendall Drive (S.W. 88th Street); thence run S 87° 28' 50" W along the Southerly right of way line of North Kendall Drive (S.W. 88th Street) for a distance of 1103.27 feet to a point; thence run S 02° 31' 10" E for a distance of 600.00 feet to the Point of Beginning of the hereto described parcel; thence continue S 02° 31' 10" E for a distance of 15.69 feet to the point of curvature of a circular curve to the right; thence run Southerly along the arc of said circular curve to the right, having a radius of 150.00 feet, through a central angle of 04° 04' 45", for an arc distance of 10.68 feet to a point; thence run N 02° 31' 10" W for a distance of 26.36 feet to the point of intersection with a line that is 600.00 feet South of and parallel with the Southerly right of way line of North Kendall Drive (S.W. 88th Street); thence run N 87° 28' 50" E along the line that is 600.00 feet South of and parallel with the Southerly right of way line of North Kendall Drive (S.W. 88th Street) for a distance of 0.38 feet to the Point of Beginning.

page 2/012

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
BOOK 70 PAGE 47
MARVEY RUYIN
CLERK DADE COUNTY

6

OFFICE DEPOT COMPLEX

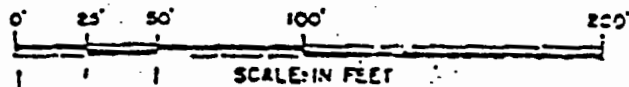
BEING A RESUBDIVISION OF A PORTION OF TRACT 'C' OF
PALMETTO-KENDAL HEIGHTS, P.B. 70 P. 47, SEC. 2 TWP. 55 S., RGE. 4CE
DADE COUNTY FLORIDA

ORDER NO. 10007-P

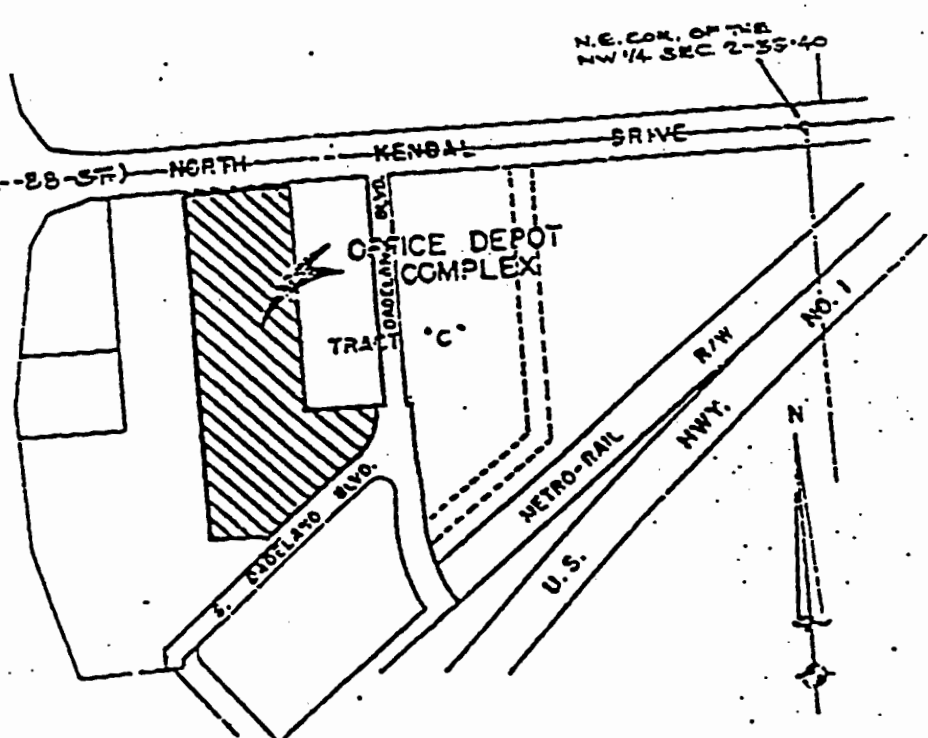
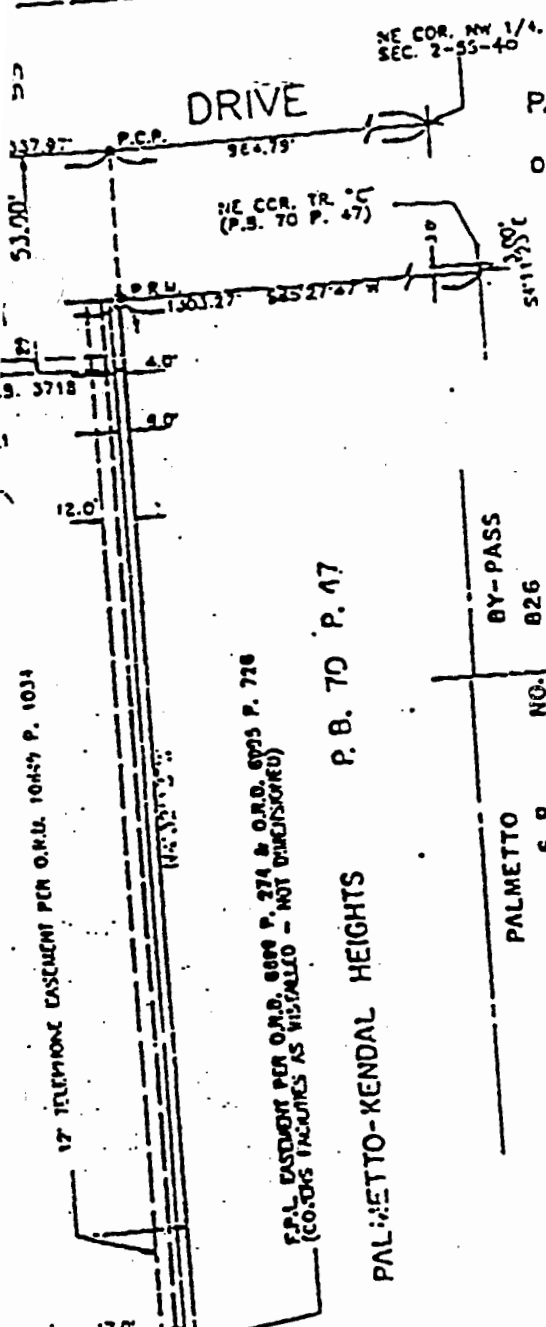
DATE: JANUARY, 1992

A. R. TOUSSAINT & ASSOCIATES, INC.
LAND SURVEYORS

620 N.E. 126 ST. NORTH MIAMI, FL.
PH. (305) 891-7340



SCALE: 1" = 40'



LOCATION MAP

SCALE: 1" = 300'

PORTION OF THE NW 1/4 SEC. 2-55-40

PARCEL I

Portions of Tract "C" of PALMETTO-KENDAL HEIGHTS, Plat Book 70 at Page 47 of the Public Records of Dade County, Florida, being more particularly described as follows:

Commence at the NE corner of Tract "C" of PALMETTO-KENDAL HEIGHTS, Plat Book 70 at Page 47 of the Public Records of Dade County, Florida; Thence South 4 degrees 11 minutes 23 seconds East, along the East line of the said Tract "C" for a distance of 3.0 feet to a point on the South right-of-way line of North Kendal Drive; Thence South 85 degrees 27 minutes 47 seconds West, along the south right-of-way line of North Kendal Drive for a distance of 723.27 feet to a point on the West line of the Florida State Road Department Easement shown in the said Tract "C" and the point of beginning of the parcel of land herein described; Thence continue South 85 degrees 27 minutes 47 seconds West, along the South right-of-way line of North Kendal Drive for a distance of 330.00 feet; Thence South 4 degrees 32 minutes 13 seconds East for a distance of 400.00 feet; Thence North 85 degrees 27 minutes 47 seconds East for a distance of 327.72 feet to a point on the West line of the said Florida State Road Department Easement; Thence North 4 degrees 12 minutes 37 seconds West along the West line of the said Florida State Road Department Easement for a distance of 400.01 feet to the point of beginning containing 131,544.00 square feet, more or less.

-AND-

PARCEL II

A portion of Tract "C" of PALMETTO-KENDAL HEIGHTS, Plat Book 70 at Page 47 of the Public Records of Dade County, Florida; being more particularly described as follows:

Commence at the NE corner of Tract "C" of PALMETTO-KENDAL HEIGHTS, Plat Book 70 at Page 47 of the Public Records of Dade County, Florida; Thence South 4 degrees 11 minutes 23 seconds East, along the East line of the said Tract "C" for a distance of 3.0 feet to a point on the south right-of-way line of North Kendal Drive; Thence South 85 degrees 27 minutes 47 seconds West, along the South right-of-way line of North Kendal Drive for a distance of 1,053.27 feet; Thence South 4 degrees 32 minutes 13 seconds East for a distance of 400.00 feet to the point of beginning of the parcel of land herein described; Thence continue South 4 degrees 32 minutes 13 seconds East for a distance of 200.00 feet; Thence North 85 degrees 27 minutes 47 seconds East for a distance of 326.58 feet to a point on the West line of the Florida State Road Department Easement shown in the said Tract "C"; Thence North 4 degrees 12 minutes 37 seconds West, along the West Line of the said Florida State Road Department Easement, for a distance of 200.00 feet to a point which is located 400.00 feet South of, as measured at right angles to, the South right-of-way line of North Kendal Drive; Thence South 85 degrees 27 minutes 47 second West for a distance of 327.72 feet to the point of beginning containing 65,430.00 square feet, more or less.

-AND-

PARCEL III

A portion of Tract "C" of PALMETTO-KENDAL HEIGHTS, according to the plat thereof recorded in Plat Book 70 at Page 47 of the Public Records of Dade County, Florida described as follows:

Commence at the NE corner of Tract "C" of PALMETTO-KENDAL HEIGHTS, according to the plat thereof recorded in Plat Book 70 at Page 47 of the Public Records of Dade County, Florida; Thence run South 4 degrees 11 minutes 23 seconds East along the East line of said Tract "C" for a distance of 3.0 feet to a point on the South right-of-way line of North Kendal Drive; Thence run South 85 degrees 27 minutes 47 seconds West along the South right-of-way line of North Kendal Drive for a distance of 723.27 feet to the point of beginning of the parcel of land herein described; Thence run South 4 degrees 12 minutes 37 seconds East for a distance of 600.01 feet to the point thence run North 85 degrees 27 minutes 47 seconds East for a distance of 25 feet to a point; Thence run North 4 degrees 12 minutes 37 seconds West for a distance of 600.01 feet to a point on the South right-of-way of North Kendal Drive; Thence run South 85 degrees 27 minutes 47 second West along said south right-of-way line of North Kendal Drive a distance of 25 feet to the point of beginning containing 15,000 square feet, more or less.

ALL LESS

A portion of Tract "C" of PALMETTO-KENDAL HEIGHTS, according to the plat thereof recorded in Plat Book 70 at Page 47 of the Public Records of Dade County, Florida, lying in the NW 1/4 of Section 2, Township 55 South, Range 40 East, Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Tract "C"; Thence run South 02 degrees 10 minutes 35 seconds East along the East line of said Tract "C" for a distance of 3.00 feet to the point of intersection with the Southerly right-of-way line of North Kendal Drive (S.W. 88th Street); Thence run South 87 degrees 28 minutes 50 seconds West along the Southerly right-of-way line of North Kendal Drive (S.W. 88th Street) for a distance of 1053.27 feet to the Point of Beginning of the herein described parcel; Thence run South 02 degrees 31 minutes 10 seconds East for a distance of 600.00 feet to the point of intersection with a line that is 600.00 feet South of and parallel with the Southerly right-of-way line of North Kendal Drive (S.W. 88th Street); Thence run North 87 degrees 28 minutes 50 seconds East along the line that is 600.00 feet South of and parallel with the Southerly right-of-way line of North Kendal Drive (S.W. 88th Street) for a distance of 19.62 feet to a point; Thence run North 02 degrees 31 minutes 10 seconds West for a distance of 236.06 feet to the point of curvature of a circular curve to the left; Thence run Northerly along the arc of said circular curve to the left, having a radius of 1944.86 feet, through a central angle of 03. degrees 32 minutes 49.3 seconds, for an arc distance of 120.40 feet to the point of reverse curvature of a circular curve to the right; Thence run Northerly along the arc of said circular curve to the right, having a radius of 1874.86 feet, through a central

angle of 03 degrees 32 minutes 49.3 seconds, for an arc distance of 116.07 feet to a point; Thence run North 02 degrees 31 minutes 10 seconds West along a line tangent to the previously described curve for a distance of 102.62 feet to the point of curvature of a circular curve to the right; Thence run Northeasterly along the arc of said circular curve to the right, having a radius of 25.00 feet, through a central angle of 90 degrees 00 minutes 00 seconds, for an arc distance of 39.27 feet to the point of tangency with the Southerly right-of-way line of North Kendal Drive (S.W. 88th Street); Thence run South 87 degrees 28 minutes 50 seconds West along the Southerly right-of-way line of North Kendal Drive (S.W. 88th Street) for a distance of 37.30 feet to the Point of Beginning containing 10,112 square feet more or less.

-AND-

PARCEL IV

A portion of Tract "C" of PALMETTO-KENDAL HEIGHTS, according to the plat thereof recorded in Plat Book 70 at Page 47 of the Public Records of Dade County, Florida, lying in the NW 1/4 of Section 2, Township 55 South, Range 40 East, Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Tract "C"; thence run South 04 degrees 11 minutes 23 seconds W along the East line of said Tract "C" for a distance of 3.00 feet to the point of intersection with the Southerly Right-of-Way line of North Kendal Drive (S.W. 88th Street); thence run S 85 degrees 27 minutes 47 seconds W along the Southerly Right-of-Way line of North Kendal Drive (S.W. 88th Street) a distance of 1,053.27 feet to a point; thence S 04 degrees 32 minutes 13 seconds East for a distance of 600.00 feet to a point; thence run North 85 degrees 27 minutes 47 seconds East a distance of 19.62 feet to the Point of Beginning of the parcel of land herein described; thence continue North 85 degrees 27 minutes 47 seconds East a distance of 357.07 feet to a point on the Easterly line of the West 1/2 of the East 1/2 of the NE 1/4 of the NW 1/4 of Section 2, Township 55 South, Range 40 East; as shown on the aforesaid plat of PALMETTO-KENDAL HEIGHTS, Plat Book 70 Page 47; thence South 04 degrees 12 minutes 37 seconds East along the said Easterly line of said W 1/2, E 1/2, NE 1/4, NW 1/4, of Section 2, Township 55 South, Range 40 East, a distance of 122.58 feet to a point; thence run S 44 degrees 13 minutes 23 seconds E a distance of 50.00 feet to a point of intersection with the Northwestern Right-of-Way line of the Florida East Cost (F.E.C.) Railway; thence run S 45 degrees 46 minutes 37 seconds W along the Northwestern Right-of-Way line of said F.E.C. Railway a distance of 480.45 feet to a point of intersection with a nontangent curve concave to the right, having a radius of 422.46 feet and a central angle of 20 degrees 26 minutes 00 seconds, said curve also being the Easterly Right-of-Way line of DADELAND BOULEVARD, as recorded in Road Plat Book 101 Page 18 of the Public Records of Dade County, Florida; thence run Northwesterly along the arc of said curve a distance of 157.88 feet to the point of compound curvature of a circular curve to the right having a radius of 1,874.86 feet, and a central angle of 04 degrees 04 minutes 00 seconds; thence run Northwesterly along the arc of said curve a distance of 133.07 feet to the point of reverse curvature of a circular curve to the left having a radius of 1,944.86' and a central angle of 04

degrees 04 minutes 00 seconds; thence run Northwesterly along the arc of said curve a distance of 136.04 feet to a point of tangency; then run N 04 degrees 32 minutes 13 seconds W a distance of 43.94 feet to the Point of Beginning subject to all conditions, restrictions and easements of records; the last described four courses being the Easterly Right-of-Way of Dadeland Boulevard. Containing 121,806 square feet, more or less.

Approved _____ Mayor

Substitute
Agenda Item No. 5(M)
7-21-98

Veto _____

Override _____

98-114

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 33C-2 (B) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (RAPID TRANSIT ZONE); MODIFYING THE BOUNDARIES OF THE RAPID TRANSIT ZONE AND THE DADELAND SUBZONE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, on October 17, 1978, the Board of Miami-Dade County Commissioners by Ordinance No. 78-74 established the Rapid Transit Zone for the Stage I Fixed-Guideway Rapid Transit System in order to encourage development activity surrounding the rapid transit system; and

WHEREAS, on September 7, 1982, the Board of County Commissioners adopted Ordinance No. 82-80 allowing for the establishment of subzones within the Rapid Transit Zones to encourage development which leads to increased ridership; and

WHEREAS, on September 7, 1982, the Board of Miami-Dade County Commissioners by Ordinance No. 82-81 established the Dadeland Subzone; and

WHEREAS, the intent of the Rapid Transit Zone was to provide a catalyst for development and increased ridership of the System; and

WHEREAS, the Rapid Transit Zone and Dadeland Subzone provide for intensive development standards in close proximity

8
12

to the transit stations; and

WHEREAS, increased development in close proximity to the stations has a direct correlation with increase usage of the system; and

WHEREAS, amending the boundaries of the Rapid Transit Zone to include additional property will encourage additional development and substantially increase ridership on Miami-Dade County's public transportation system;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MIAMI-DADE COUNTY COMMISSIONERS AS FOLLOWS:

Section 1. Section 33C-2(B) of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33C-2. Rapid Transit Zone.

* * *

- (B) Designation of lands included. The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: ~~[[Exhibits 1]]~~ >>Exhibit 1, July 31, 1998, Exhibits 2<< through 9 and Exhibits 11 through 16, July 13, 1979 and

Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Exhibit 10, May 26, 1983, certified by the clerk of the Board as a portion of this chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Planning, Development and Regulation, as the Rapid Transit Zone for the Stage I Fixed-Guideway Rapid Transit System. The Director of the department of Planning, Development and Regulation shall submit to each affected municipality an official map or maps designating the Rapid Transit zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten(10) days after its enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JUL 21 1998

Approved by County Attorney as MCJ
to form and legal sufficiency.

Prepared by: JPC

MEMORANDUM

Agenda Item No. 5(E)

~~(Public Hearing 7-21-98)~~

TO: Hon. Chairperson and Members
Board of County Commissioners

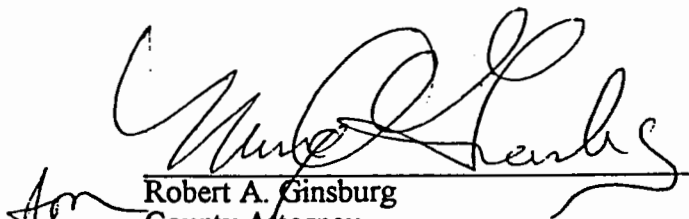
DATE: July 7, 1998

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
traffic and motor vehicles

98 • 108

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Natacha Seijas Millan.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 21, 1998

FROM: 
M. R. Stierheim
County Manager

SUBJECT: Fiscal Impact
of Proposed Ordinance
Regarding Baby
Stroller Parking Violations

The proposed ordinance change reduces the fine amount for violation of the baby stroller parking ordinance to the maximum fine allowed (currently \$30) for a non-moving violation pursuant to Chapter 381 of the Florida Statutes. The County Code currently sets the fine at \$150 for the first violation and \$250 for the second violation. Team Metro relies on this fine revenue but the reduced fine has already been used in current year revenue projections and in the next fiscal year's proposed budget.

Notices will be mailed to all applicable business owners and property owners to notify them of the changes in the sign specifications; there will be negligible one time postage costs. The new specifications may be included with the mailing of other general notices to save postage. The change in the signs will likely be implemented through the use of a decal. Costs for implementing the change will be the responsibility of the property owners.

Any additional work as a result of this ordinance can be accomplished with current staffing levels. Therefore, there is only a minor fiscal impact on the County as a result of this ordinance.

Directives

No directives were received on this item.

cm16798

1A

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (E)
7-21-98

98-108

ORDINANCE NO. _____

ORDINANCE RELATING TO TRAFFIC AND MOTOR VEHICLES; PROVIDING IMPOUNDING OF VEHICLES AND MODIFICATION OF PENALTIES PURSUANT TO FLORIDA STATUTES FOR PARKING OF VEHICLES IN VIOLATION OF PARKING SPACES FOR PERSONS TRANSPORTING YOUNG CHILDREN AND STROLLERS; AMENDING SECTIONS 30-384, 30-499, 30-450 AND 33-122.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 30-384 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec 30-384. Impounding vehicles.

(a) Police officers or such other employees as may be designated by the County Manager are authorized to remove a vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the County or by a municipality under the circumstances hereinafter enumerated.

* * *

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(17) When a vehicle is left unattended in violation of
Section 30-450 of this Code.<<

* * *

Section 2. Sections 30-449 and 30-450 of the Code of Miami-Dade County,
Florida, are hereby amended to read as follows:

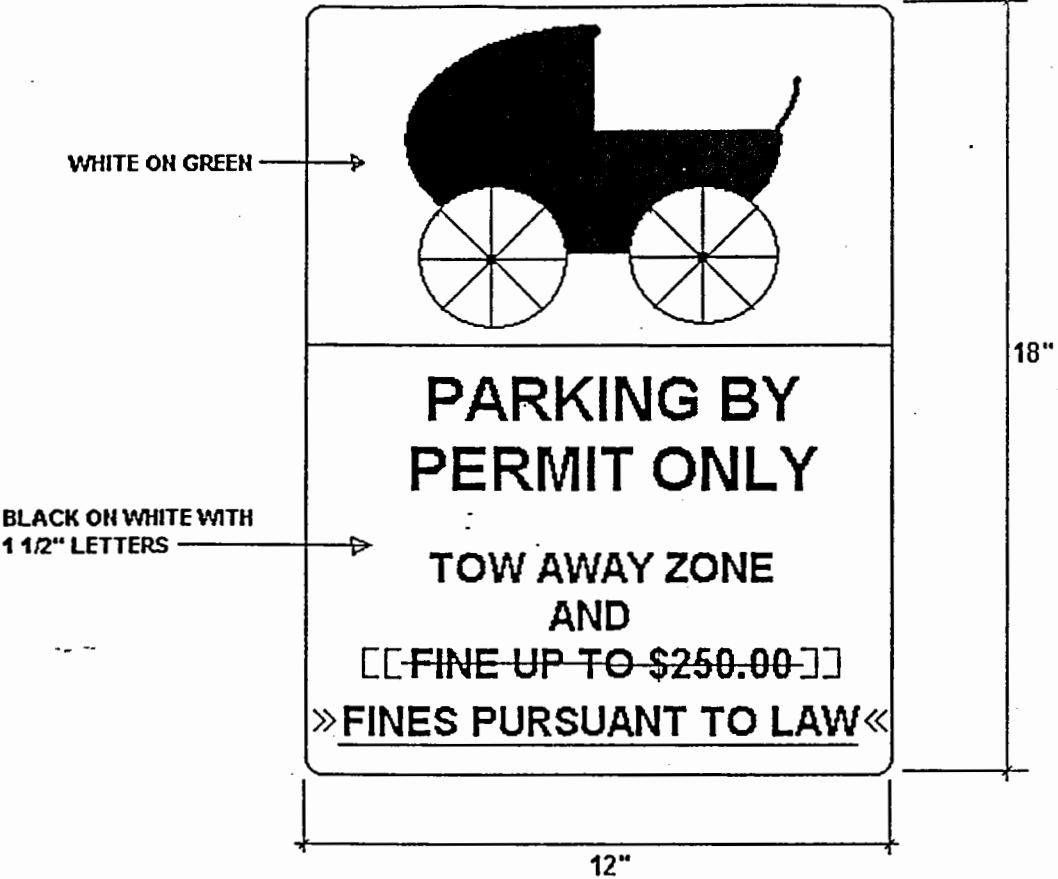
ARTICLE IIA. PARKING SPACES FOR
PERSONS TRANSPORTING
YOUNG CHILDREN AND
STROLLERS

Sec. 30-449. Parking spaces for persons
transporting young children and
strollers.

* * *

(c) *Signage and markings.* All parking spaces reserved
for persons transporting young children and strollers
shall be prominently outlined with green paint and
posted with an approved permanent above-ground
sign which shall conform to the figure entitled
"Baby Stroller Parking Sign" hereby incorporated in
this section. The bottom of the sign must be at least
five (5) feet above grade when attached to a
building, or seven (7) feet above grade for a
detached sign.

BABY STROLLER PARKING SIGN



Sec. 30-450. Penalty for misuse of specially marked parking spaces.

It is unlawful for any person to stop, stand, or park a vehicle within any parking space designated for persons transporting young children and strollers, unless such vehicle displays a parking permit decal issued pursuant to administrative order, and such vehicle is transporting a child aged two (2) years or less; provided, however, physically handicapped and/or disabled persons displaying a valid handicapped parking permit shall be permitted to utilize parking spaces designated for persons transporting young children and strollers. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this section, that officer or enforcement specialist shall:

* * *

(2) Charge the motor vehicle owner in violation with a noncriminal traffic infraction.

* * *

(b) Violators of this article shall be punished by ~~[[a mandatory fine of one hundred fifty dollars (\$150.00). A motor vehicle owner who is guilty of repeat violations of this article may be punished by a fine not to exceed two hundred fifty dollars (\$250.00)]]~~ >>the maximum fine for a non-moving violation pursuant to Chapter 318, Florida Statutes.<<

Section 3. Section 33-122.2 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:

Sec. 33-122.2. Parking spaces for persons transporting young children and strollers.

Parking spaces specifically designed for persons transporting young children under the age of three (3) and

strollers, shall be required for all uses other than single-family, duplex, townhouse or multifamily; provided, however, industrial zoned properties shall not be required to comply with this section. Such baby stroller parking spaces shall be provided as follows:

* * *

- (c) *Signage and markings.* All parking spaces for persons transporting young children and strollers shall be prominently outlined with green paint and posted with an approved permanent above-ground sign which shall conform to the figure entitled "Baby Stroller Parking Sign" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, or seven (7) feet above grade for a detached sign.

BABY STROLLER PARKING SIGN



WHITE ON GREEN →

BLACK ON WHITE WITH LETTERS →

18"

12"




MEMORANDUM

107.07-17A METRO.DADE/GSA-MAT. MGT.

TO: Zoning Services Supervisors

DATE: September 22, 1998

FROM: Alberto J. Torres 
Acting Zoning Services Division Chief

SUBJECT: **Landscape Ordinance
Chapter 18A**

Attached for your information is a memo dated September 15, 1998 from the Director regarding the Landscape Ordinance Chapter 18A.

Please read and familiarize yourselves with the contents of said memo and make distribution to appropriate staff.

AJT:jb
Attachment

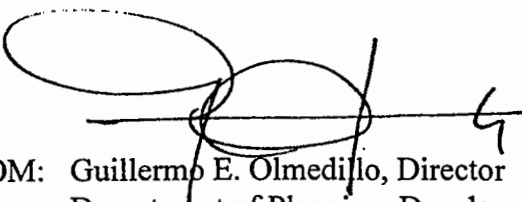


MEMORANDUM

OK

TO: Planning and Zoning Staff

DATE: September 15, 1998

FROM: 
Guillermo E. Olmedillo, Director
Department of Planning, Development
and Regulation

SUBJECT: Landscape Ordinance
Chapter 18A

It has been brought to my attention that two matters regarding the new Landscape Code require clarification. First, the recent revisions to the Landscape Code contained a scrivener's error in the definition of "accessways" as defined in Section 18A-3(A). This definition should have remained unchanged from the original ordinance. The last four lines were inadvertently left out in the amended ordinance considered by the Board. The correct definition which should be utilized for application of the Code is as follows:

(A) **Accessways:** The maximum width of an accessway through the perimeter landscaped strip to an off-street parking or other vehicular use area shall be determined according to the Public Works Manual, Part I, Standards Details. No more than one (1) two-way accessway shall be permitted for any street frontage up to one hundred (100) lineal feet or no more than two (2) one-way accessways shall be permitted for any street frontage up to one hundred (100) lineal feet, such standards to be applicable to any property under one (1) ownership. Where such ownership involves over one hundred (100) feet of street frontage, one (1) additional two-way or two (2) additional one-way drives may be permitted for each additional one hundred (100) feet of frontage or major fraction thereof. The balance of such street frontage not involved with accessways shall be landscaped in accordance with the provisions of this chapter.

Secondly, clarification is necessary regarding the interpretation of the Landscape Code as it pertains to "street trees" in agricultural areas of Miami-Dade County. The ordinance provides for an exemption on properties which have received "an agricultural classification and assessment pursuant to Sec. 193.461 F.S." This exemption is to be recognized upon the submittal of a plan indicating the area with the agricultural exemption. Unless the permit applicant can meet the above requirements prior to issuance of the permit, the requirements of the Landscape Code shall apply to the entirety of the property. In those instances where a portion of the property has received an agricultural exemption and is noted on the required plan submittal, the street tree requirements of the Code shall only apply to that portion of the non-exempt property having frontage on a public or private roadway. Roadway frontage of

property having frontage on a public or private roadway. Roadway frontage of property which has received an agricultural clarification and agreement pursuant to Sec. 193.461 F.S. is exempt from the street tree requirements of the Code.

You are reminded to be consistent in your administration of the Landscape Ordinance (Chapter 18A). If there are provisions of this Code of which you are unsure of its application, inform your supervisor and clarification will be provided.

chap18A

750

MEMORANDUM

Agenda Item No. 5 (H)

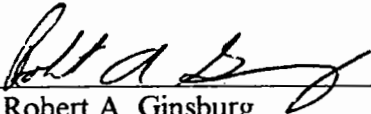
To: Hon. Chairperson and Members
Board of County Commissioners

Date: (Public Hearing 12-1-98)
September 15, 1998

Subject: Ordinance relating to unusual use
approval for certain
telecommunications antennas

From: Robert A. Ginsburg
County Attorney

The attached ordinance was prepared and placed on the agenda at the request of
Commissioner Bruno A. Barreiro.


Robert A. Ginsburg
County Attorney

RAG/rk
Attachment

*see attached
list of
towers/antennas*



MEMORANDUM

107.07-17A METRO-DADE/ISSA-MAT. MGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 1, 1998
Fiscal Impact on

FROM: 
Merrett R. Stierheim
Country Manager

SUBJECT: Ordinance Relating to
Unusual Use Approval for
Certain Telecommunications
Antennas

The proposed ordinance relating to unusual use approval for certain telecommunication antennas creates no fiscal impact on Dade County.

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (H)
12-1-98

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SUBSECTION 33-13(e) (UNUSUAL USES) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 33-60 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR UNUSUAL USE APPROVAL FOR CERTAIN TELECOMMUNICATIONS ANTENNAS; PROVIDING THAT CERTAIN TELECOMMUNICATIONS ANTENNAS SHALL BE PERMITTED IN ANY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, it is in the interest of Miami-Dade County to provide reasonable accommodation to, and to promote and encourage fair and reasonable competition among telecommunications service providers on a neutral and non-discriminatory basis; and

WHEREAS, it is in the interest of Miami-Dade County to encourage collocation of facilities to minimize the number of separate installations and to conserve land use,

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

Section 1. Subsection 33-13(e) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-13. Unusual uses.

(e) *Unusual and new uses.* Unless approved upon public hearing, the following unusual uses or uses similar thereto

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

shall not be permitted in any district save and except in those districts that permit such uses without a public hearing: Airport; airplane crop dusting field; all zoning applications by State and municipal entities and agencies (said applications shall be heard directly by the Board of County Commissioners, notwithstanding the provisions of Section 33-311); amusement rides and enterprises; amusement center (except in BU-1A Zone in which such use is permitted); archery ranges; art galleries and museums (educational and philanthropic) in districts more restrictive than RU-4; auction sales; auto, truck, machinery salvage yards; bathing beach; boat salvage; bombing field, canal excavation, where not a part of C. & S. F. F. C. D. and County secondary canal system; carnivals, circuses; convalescent homes; day camp, day nursery in zone more restrictive than RU-3; dog kennel, dog training track; electric substation; electric power plant; frog farm; garbage and waste dumps; gas distribution system and plant; golf course except in RU-1 and other Districts where the same is a permitted use; golf course clubhouse and incidental uses in all districts more restrictive than the BU-1 District; golf driving range; gypsy camp; heliports; homes of the aged (except group homes and community residential homes where same is a permitted use); homes for dependent children (except group homes and community residential homes where same is a permitted use); hospitals (not animal hospital) in district more restrictive than RU-4; incinerators; Indian village; institutions for handicapped persons (except group homes and community residential homes where same is a permitted use), including but not limited to incidental related facilities such as workshops, sales of products fabricated therein, residential quarters, educational training facilities; infirmary, commissary, or any one or combination of such related incidental facilities; junkyard; kindergarten in zones more restrictive than RU-3; lake excavation and asphalt plant, concrete batching plant, concrete block plant, prestressed and precast concrete products plant, rock crushing and screening plant ancillary thereto or in connection therewith; landing field; movie (open air) except as provided in BU-1A Zone; nightclub in BU-2 or more liberal districts; nursing homes; oil and gas well drilling and essential, incidental uses thereto, such as minimum storage facilities; in AU and GU Districts subject to conformance to all applicable Florida State statutes and rules and regulations of the State Board of Conservation

other applicable state rules and regulations; outdoor clay; outdoor paint testing laboratory; outdoor patios; table service in connection with restaurants; palmist; psychic readers; parking (noncommercial parking in zones more restrictive than in which the use it serves is located); pistol ranges; pony rings; private club in RU-3B and RU-3 and more restrictive districts, including but not limited to AU and GU Districts; private playgrounds and recreational area; public and private utility facilities such as electricity, gas, water, telephone, telegraph, cable TV., and including work centers (repair and storage areas for trucks, heavy equipment, pipe, meters, valves, cable, poles) as accessory uses, and including sewage treatment plants and lift stations and water treatment plants and pumping stations, excluding temporary package water and sewage treatment plants approved by the Environmental Quality Control Board>> and excluding any telecommunications antenna owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, provided that (a) equipment appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed 125 feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than 50 feet in width or, if less than 50 feet in width, such easement or right-of-way is adjacent to and parallel with road right-of-way which is 100 feet or greater in width, and (c) the antenna was attached to the utility pole or structure prior to January 1, 1997 <<; race tracks; retirement villages, including as an accessory use commercial facilities of the BU-1 type; rifle range; rock pits (filling of); rock quarries; shopping center promotional activities; skeet range; subdivision entrance gates and entrance features not conforming to regulations; testing laboratory or plant; tourist attractions; towers (radio and TV) and transmitting stations; trailer as watchman's quarters; trailers or tourist camp; trap range; water tank and tower; water treatment plant; water use facilities; wood burning barbecue (commercial); zoo (except in public park).

* * *

Section 2. Section 33-60 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-60. Compliance with article.

>>(a)<<Before erection of a water tower, standpipe, windmill, tower or mast for any purpose, over ten (10) feet in height above the roof of a structure or over twenty (20) feet in height if erected on natural ground, the requirements of this article and the construction requirements of the South Florida Building Code shall be observed. All towers, poles, and masts requiring notice to the Federal Aviation Administration (FAA) as prescribed in Federal Aviation Regulations (FAR) Part 77, shall be lighted as specifically recommended by the FAA in the determination rendered to the proponent's notice of proposed construction. In addition, for all towers, poles, and masts not requiring notice to the FAA which are one hundred fifty (150) feet or higher above grade in height, one (1) flashing red beacon safety light will be required for each one hundred fifty (150) feet in height. The peak effective intensity of said lights should not be less than one thousand five hundred (1,500) candles (in red) when measured at any horizontal angle. The flashing mechanism, should not permit more than forty (40) nor less than twenty (20) flashes per minute. The beacons shall conform to Federal Aviation Administration type L-866 (red) or Military Specification L-6273. All existing towers, poles, and masts, which are one hundred fifty (150) feet or higher above grade shall be made to conform with those requirements by May 1, 1989. This section shall be applicable and enforceable in the incorporated and unincorporated areas of Dade County.

>>(b) Telecommunications antennas owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, shall be permitted in any zoning district, provided that (a) equipment appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed 125 feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than 50 feet in width or, if less than 50 feet in width, such easement or right-of-way is adjacent

Luis M. Cruz
Director of Marketing
South Florida MTA

PrimeCo Personal Communications
777 Yamato Road, Suite 600
Boca Raton, Florida 33431-4407
(561) 995-5528

November 19, 1998

Ms. Diane O'Quinn
Director of Zoning
Miami-Dade County

RECEIVED
NOV 20 1998
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY _____



Dear: Ms. O'Quinn:

Per your request, enclosed please find the addresses of the FPL sites, in Miami-Dade County, where PrimeCo antennae are located as well as photographs of the sites. Please let me know if you need any additional information.

<u>PrimeCo #</u>	<u>Address</u>	<u>Pole #</u>
60400	8950 SW 232 Street	257A8
60408	1/4 mile s/o NW 186 St and w/o 73 Ave	49U9
60706	s/o SW 24 St & e/o 97th Ave	13U2
60800	1/4 mile s/o SW 88 St & e/o 177 Ave	204U4
60801	e/o SW 127 Ave & s/o 88th St	152U3
60802	w/o 9501 SW 100 Ave Rd	7U4
60808	s/o SW 141 St & w/o 67 Ave	1U6
60809	n/o SW 152 St & 1/4 mile e/o 122 Ave	145A4
61804	SW 320 St & 139 Ave	128A6

Sincerely,

Luis M. Cruz

cc. Leon Garza, General Manager
Ed Wholl, Esq

to and parallel with road right-of-way which is 100 feet or greater in width, and (c) the antenna was attached to the utility pole or structure prior to January 1, 1997.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

BM

Sponsored by Commissioner Bruno A. Barreiro



MEMORANDUM

Agenda Item No. 4(P)

(Public Hearing 1-13-98)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 16, 1997

FROM: Armando Vidal, P.E.
County Manager

SUBJECT: Ordinance Revising the Planned
Area Development Zoning District

98-7

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached ordinance revising the Planned Area Development District (PAD) to allow such developments to occur on smaller parcels.

BACKGROUND

Planned Area Developments are intended to be established as a unique zoning district to provide flexibility in planning, design and development of mixed use projects. Few examples exist from the twenty years these regulations have been in effect. The proposed changes will reduce the minimum acreage requirement for such developments from twenty (20) acres to five (5) acres. This will allow small sites, meeting the objectives of providing a mixture of housing types fulfilling the needs of various life styles and income levels, to utilize the PAD provisions.

This Code change was identified as a recommendation in the County approved 1997 Housing Initiative Plan. The Housing Initiative Plan, previously approved by the Board, was produced by the Office of Economic Development as part of Dade County's Local Housing Assistance program. One primary focus of this program is to provide for more affordable housing.

FISCAL IMPACT

The adoption of the Planned Area Development revision which reduces the minimum site size would have no fiscal impact on Dade County.

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 4(P)
1-13-98

ORDINANCE NO. 98-7

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-284.24 AND 33-284.27 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA; REDUCING MINIMUM ACREAGE REQUIREMENTS FOR PLANNED AREA DEVELOPMENT ZONING DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, it has been determined that a reduction of the minimum acreage size in the Planned Area Development district will provide an incentive for increased use of this zoning district, particularly for the development of affordable housing,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Section 33-284.24 of the Code of Metropolitan Dade County, Florida is hereby amended as follows:¹

Sec. 33-284.24. Purpose and intent.

The purpose and intent of the Planned Area Development District ~~[[a district of twenty (20) acres or more,]]~~ is to create living environments that are responsive to the needs of their inhabitants; to provide flexibility in planning, design, and development; to encourage innovative approaches to the design of community environments; to encourage the fulfillment of housing needs appropriate to various life styles and income levels; to encourage the integration of different housing types within a development; to provide for necessary commercial, recreational and educational facilities conveniently located in relation to housing; to provide an environment compatible with surrounding land use; to adapt the zoning process to changes in construction and development technology; to encourage the preservation of the natural site features; to provide community environments that are so designed and located as to be an integral part of the total ecosystem; to encourage the design of communities and structures adapted to the local subtropical climate; thereby promoting the public health, safety, and general welfare of Dade County.

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and shall remain unchanged.

Section 2. Section 33-284.27 of the Code of Metropolitan Dade County, Florida is hereby amended as follows:

Sec. 33-284.27. Development Parameters.

* * *

(A) Size of development site.

The minimum size of the site to be developed as a Planned Area Development shall be ~~[[twenty (20)]]~~ >> five (5) << acres.

* * *

Section 3. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention and the word "ordinance" may be changed to "section," "article" or other appropriate word.

Section 5. This ordinance shall become effective twenty (20) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JAN 13 1998

Approved by County Attorney as
to form and legal sufficiency. RAE

Prepared by: Jic

MEMORANDUM

Agenda Item No. 4(L)

(Public Hearing 1-13-98)

Hon. Chairperson and Members
Board of County Commissioners

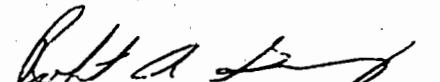
DATE: December 16, 1997

DM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
Parking Calculations for
Industrial Uses

98-5

The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Miriam Alonso, Commissioner District 12.


Robert A. Ginsburg
County Attorney

RAG/ydl



MEMORANDUM

107.07-17A METRO-DADEIGSAM* MG*

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: January 13, 1998

SUBJECT: Ordinance relating to
Parking Calculations for
Industrial Uses

FROM: Armando Vidal, P. E.
County Manager

The proposed ordinance pertaining to parking calculations for industrial uses will not create a fiscal impact upon Miami-Dade County.

1A

Approved _____ Mayor

Agenda Item No. 4(L)
1-13-98

Veto _____

Override _____

ORDINANCE NO. 98-5

ORDINANCE AMENDING SECTION 33-124,
ZONING CODE OF METROPOLITAN DADE
COUNTY, FLORIDA, PERTAINING TO PARKING
CALCULATIONS FOR INDUSTRIAL USES;
PROVIDING SEVERABILITY, INCLUSION IN THE
CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-124 of the Code of Metropolitan Dade County, Florida, is
hereby amended as follows:¹

Sec. 33-124. Standards.

* * *

(n) Industrial.

(1) ~~[[Where the building is designed for, and to be used by, a single occupant (user), one]]~~ >>For a warehouse building, one <<parking space shall be provided for each one thousand (1,000) square feet of ~~[[the]]~~ gross floor area in the building up to ten thousand (10,000) square feet and then one space for each two thousand (2,000) square feet of gross >>warehouse<< floor area thereafter. >> Office, retail and wholesale showroom areas provided in conjunction with the industrial use shall have parking spaces provided for such areas as otherwise contained in this article. Regardless of the intended mix of use, a minimum of two (2) parking spaces shall be provided for each bay in the building. In determining the number of bays, the Director shall take into account the possibility of partitioning the building into multiple units, the number and location of bathrooms, the number and location of overhead or other door openings, the layout of electrical circuits and air

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

conditioning units, etc. In determining the number of spaces to be provided, the formula requiring the greatest number of parking spaces shall be applied.<<

~~[[2) Where the building is designed so that it can be used by multiple occupants (users), one parking space shall be provided for each one thousand (1,000) square feet of the gross floor area in the building. A minimum of two (2) parking spaces shall be provided for each bay in the building. In determining the number of bays, the Director shall take into account the possibility of partitioning the building into multiple units, the number and location of bathrooms, the number and location of overhead or other door openings, the layout of electrical circuits and air conditioning units, etc. In determining the number of spaces to be provided, the formula requiring the greatest number of parking spaces shall be adhered to.]]~~

~~[[3)]]~~ >>(2)<< Where open lot or walled-in uses only are involved, such as salvage yards, batching plants, precast or prestressed concrete products, or the like, two (2) parking spaces for each five thousand (5,000) square feet of lot area shall be provided, or one space for each two (2) employees shall be provided, whichever requires the greater number of parking spaces. Such parking spaces shall be located no farther than one thousand five hundred (1,500) feet from the industrial use in question. Such noncontiguous property to be used for parking must be located in BU-1A, BU-2, BU-3 or an industrial district.

The ownership of the parking area shall be the same as that of the individual site which it is to serve. Before any permit for industrial use may be obtained, which under this chapter requires additional and separate parking areas, the owner of the industrial site shall cause to be recorded an agreement to the effect that the ownership of the industrial site and of the separate parking area shall remain the same until the regulations are amended eliminating the need for such separate parking area.

~~[[If retail sales are conducted or offices provided in connection with such industrial use, additional off street parking will be provided as applies to the commercial uses or offices. The portion of the structure allocated for retail sales or offices shall be used as a basis for determining the additional off street parking to be provided.]]~~

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective twenty (20) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JAN 13 1998

Approved by County Attorney as
to form and legal sufficiency.

BAG
JM

Prepared by:

Sponsored by Dr. Miriam Alonso

1 A bill to be entitled
2 An act relating to transportation
3 administration; directing the Department of
4 Transportation to perform a pilot project;
5 amending s. 20.23, F.S.; providing for the
6 relocation of the turnpike district; providing
7 responsibilities for the Fort Myers Urban
8 Office; authorizing the department to continue
9 to use the model developed for the career
10 service broadbanding compensation and
11 classification system; amending s. 206.46,
12 F.S.; authorizing the department to use State
13 Transportation Trust Fund moneys to pay for the
14 operation and maintenance of existing or future
15 department-owned toll facilities and reimburse
16 the trust fund from turnpike revenues; amending
17 s. 311.07, F.S.; providing funding eligibility
18 for certain seaport intermodal projects;
19 amending s. 316.215, F.S.; exempting
20 front-end-loading vehicles from certain
21 requirements applicable to motor vehicles;
22 amending s. 316.2397, F.S.; allowing petroleum
23 tankers to display amber warning lights;
24 amending s. 316.302, F.S., relating to
25 commercial motor vehicle safety regulations;
26 updating reference to federal regulations;
27 providing exception to specified provisions for
28 public utility and authorized emergency
29 vehicles; revising provisions with respect to
30 requirements for intrastate transporting of
31 hazardous materials; providing for

1 any other statutory mandates and directions given to the
2 agency.

3 Section 26. Paragraph (d) of subsection (2) of section
4 348.0003, Florida Statutes, is amended to read:

5 348.0003 Expressway authority; formation;
6 membership.--

7 (2) The governing body of an authority shall consist
8 of not fewer than five nor more than nine voting members. The
9 district secretary of the affected department district shall
10 serve as a nonvoting member of the governing body of each
11 authority located within the district. Each member of the
12 governing body must at all times during his or her term of
13 office be a permanent resident of the county which he or she
14 is appointed to represent.

15 (d) Notwithstanding any provision to the contrary in
16 this subsection, in any county as defined in s. 125.011(1),
17 the governing body of an authority shall consist of up to 13
18 members, and the following provisions of this paragraph shall
19 apply specifically to such authority. Except for the district
20 secretary of the department, the members must be residents of
21 the county. Seven ~~Five~~ voting members shall be appointed by
22 the governing body of the county. At the discretion of the
23 governing body of the county, up to two of the members
24 appointed by the governing body of the county may be elected
25 officials residing in the county. Five ~~Three~~ voting members of
26 the authority shall be appointed by the Governor. One member
27 shall be the district secretary of the department serving in
28 the district that contains such county. This member shall be
29 an ex officio voting member of the authority. If the governing
30 board of an authority includes any member originally appointed
31 by the governing body of the county as a nonvoting member,

MEMORANDUM

107.07-17A METRO DALLAS AREA METRO

Agenda Item No. 4(H)

Hon. Chairperson and Members
TO: Board of County Commissioners

(Public Hearing 1-13-98)


DATE: December 16, 1997

SUBJECT: Ordinance deleting
sunset provision of
Ordinance 96-127;
amending §33-314

FROM: Robert A. Ginsburg
County Attorney

98-2

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Miguel Díaz de la Portilla.


Robert A. Ginsburg
County Attorney

RAG/fp
Attachment
ord\436

MEMORANDUM

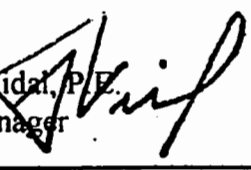
07.07-17A ME*AC-DACF GSA-MA* MG*

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: January 13, 1998

SUBJECT: Fiscal Impact of Proposed
Ordinance Deleting Sunset
Provision of Ordinance 96-127
and Amending the County Code

FROM: Armando Vidal, P.E.
County Manager



The proposed ordinance deletes the sunset provision of Ordinance No. 96-127 and amends Section 33-314 of the County Code. This ordinance changes County Commission procedure and is not expected to have a fiscal impact on the County's budget.

fiscal/02798

1A

Approved _____ Mayor

Agenda Item No. 4(H)
1-13-98

Veto _____

Override _____

ORDINANCE NO. 98-2

ORDINANCE RELATING TO ZONING; DELETING SUNSET PROVISION OF ORDINANCE NO. 96-127, TO PERMIT APPEALS TO THE BOARD OF COUNTY COMMISSIONERS OF CERTAIN ZONING DECISIONS OF THE COMMUNITY ZONING APPEALS BOARD; PROVIDING APPEALS TO THE BOARD OF COUNTY COMMISSIONERS OF DECISIONS OF THE COMMUNITY ZONING APPEALS BOARDS ON APPEALS OF ADMINISTRATIVE DECISIONS; AUTHORIZING BOARD OF COUNTY COMMISSIONERS TO ISSUE OATHS AND COMPEL ATTENDANCE OF WITNESSES; AMENDING SECTION 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 41 of Ordinance No. 96-127 is hereby deleted as follows:¹

~~[[Section 41. One year from the effective date of this ordinance, Section 33-314(B) stands repealed and zoning decisions previously appealed to the County Commission from decisions of the Community Zoning Appeals Boards pursuant to this section shall be directly appealed to the Circuit court unless the County Commission by ordinance provides otherwise.]]~~

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. Section 33-314 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:

* * *

>>(10) Applications for appeals of administrative decisions pursuant to Section 33-311(A)(2).

* * *

(1) The chair, or vice-chair or acting chair, may administer oaths and compel the attendance of witnesses in the same manner prescribed in the circuit court. <<

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JAN 13 1998

Approved by County Attorney as
to form and legal sufficiency:

RA6
CAK

Prepared by:

Sponsored by Commissioner Miguel Diaz de la Portilla

MEMORANDUM

Amended

Agenda Item No. 4(G)

107.07-47A METRO-DADE/GSA.MA* MS*

(Public Hearing 1-13-98))

Hon. Chairperson and Members
TO: Board of County Commissioners

DATE: December 16, 1997

SUBJECT: Ordinance relating to
Rules of the Board of
County Commissioners;
amending Rule 3.01 of
Section 2-1 of the
Code of Miami-Dade
County, Florida

Robert A. Ginsburg
FROM: County Attorney

0#98-1

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Miguel Díaz de la Portilla.



Robert A. Ginsburg
County Attorney

RAG/fp
Attachment
ord\442



MEMORANDUM

107.07-17A METRO-DADE/GSA-MAT. MGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: January 13, 1998

FROM: Armando Vidal, P. E.
County Manager

SUBJECT: Ordinance relating to Rules
of the Board of County
Commissioners; amending
Rule 3.01 of Section 2-1 of
the Code of Miami-Dade
County, Florida

The proposed ordinance pertaining to the rules of the Board of County Commissioners; amending Rule 3.01 of Section 2-1 of the Code of Miami-Dade County, Florida, will not create a fiscal impact upon Miami-Dade County.

Approved _____ Mayor

Veto _____

Override _____

Amended
Agenda Item No. 4(G)
1-13-98

ORDINANCE NO. 98-1

ORDINANCE RELATING TO RULES OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THAT ZONING MATTERS BE CONSIDERED DURING THE BOARD OF COUNTY COMMISSIONERS' REGULAR TUESDAY MEETINGS; AMENDING RULE 3.01 OF SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Rule 3.01 of Section 2-1 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 2-1 Rule of Procedure of County Commission

* * *

Rule 3.01 Regular meetings.

- (a) The commission shall hold regular meetings on the first and third Tuesday of each month, and when the day fixed for any such regular meeting falls on a day designated by law as a legal holiday, such meeting may be held on another day selected by the Commission, or such meeting may be canceled at the discretion of the Commission. Unless otherwise determined by the Commission, regular meetings shall commence at 9:00 in the morning. Regular meetings may be otherwise postponed or canceled by resolution or

motion adopted at a regular meeting by a majority of the Commission members present. All regular ~~[[and-zoning]]~~ meetings shall be held in the Commission Chambers, Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128, or such location as may be approved by a majority of the Commission members present and shall be open to the public and all news media.

- (b) The Commission shall ~~[[hold-meetings-on-the-first-and-third-Thursday-of-each-month-for-the-purpose-of]]~~ consider~~[[ing]]~~ and determin~~e~~~~[[ing]]~~ zoning matters~~>>~~ at its regular meetings~~<<~~.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall not apply to zoning items advertised prior to the effective date hereof.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JAN 13 1998

Approved by County Attorney as
to form and legal sufficiency:

SAC

Prepared by:

CJC

MEMORANDUM

Agenda Item No. 4(H)

107.07-17A (FTR) (01/01/98) (MGT)

Hon. Chairperson and Members
TO: Board of County Commissioners


(Public Hearing 1-13-98)

DATE: December 16, 1997

SUBJECT: Ordinance deleting
sunset provision of
Ordinance 96-127;
amending §33-314

FROM: Robert A. Ginsburg
County Attorney

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Miguel Díaz de la Portilla.



Robert A. Ginsburg
County Attorney

RAG/fp
Attachment
ord\436

MEMORANDUM

107.07-17A METRO-DASH GSA MAT MG

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: January 13, 1998

FROM: Armando Vidal, P.E.
County Manager

SUBJECT: Fiscal Impact of Proposed
Ordinance Deleting Sunset
Provision of Ordinance 96-127
and Amending the County Code

The proposed ordinance deletes the sunset provision of Ordinance No. 96-127 and amends Section 33-314 of the County Code. This ordinance changes County Commission procedure and is not expected to have a fiscal impact on the County's budget.

fiscal:02798

1A

Approved _____ Mayor

Agenda Item No. 4(H)
1-13-98

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; DELETING SUNSET PROVISION OF ORDINANCE NO. 96-127, TO PERMIT APPEALS TO THE BOARD OF COUNTY COMMISSIONERS OF CERTAIN ZONING DECISIONS OF THE COMMUNITY ZONING APPEALS BOARD; PROVIDING APPEALS TO THE BOARD OF COUNTY COMMISSIONERS OF DECISIONS OF THE COMMUNITY ZONING APPEALS BOARDS ON APPEALS OF ADMINISTRATIVE DECISIONS; AUTHORIZING BOARD OF COUNTY COMMISSIONERS TO ISSUE OATHS AND COMPEL ATTENDANCE OF WITNESSES; AMENDING SECTION 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 41 of Ordinance No. 96-127 is hereby deleted as follows:¹

~~[[Section 41. One year from the effective date of this ordinance, Section 33-314(B) stands repealed and zoning decisions previously appealed to the County Commission from decisions of the Community Zoning Appeals Boards pursuant to this section shall be directly appealed to the Circuit court unless the County Commission by ordinance provides otherwise.]]~~

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged :

Section 2. Section 33-314 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:

* * *

>>(10) Applications for appeals of administrative decisions pursuant to Section 33-311(A)(2).

* * *

(I) The chair, or vice-chair or acting chair, may administer oaths and compel the attendance of witnesses in the same manner prescribed in the circuit court. <<

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6
CAK

Prepared by:

Sponsored by Commissioner Miguel Diaz de la Portilla