



**MEMORANDUM**

Agenda Item No. 4A Supplement

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To: Honorable Chairperson and Members  
Board of County Commissioners

Date: December 16, 1999

From:   
County Manager

Subject: Supplement to the Downtown  
Kendall Urban Center District  
Ordinance.

99-166

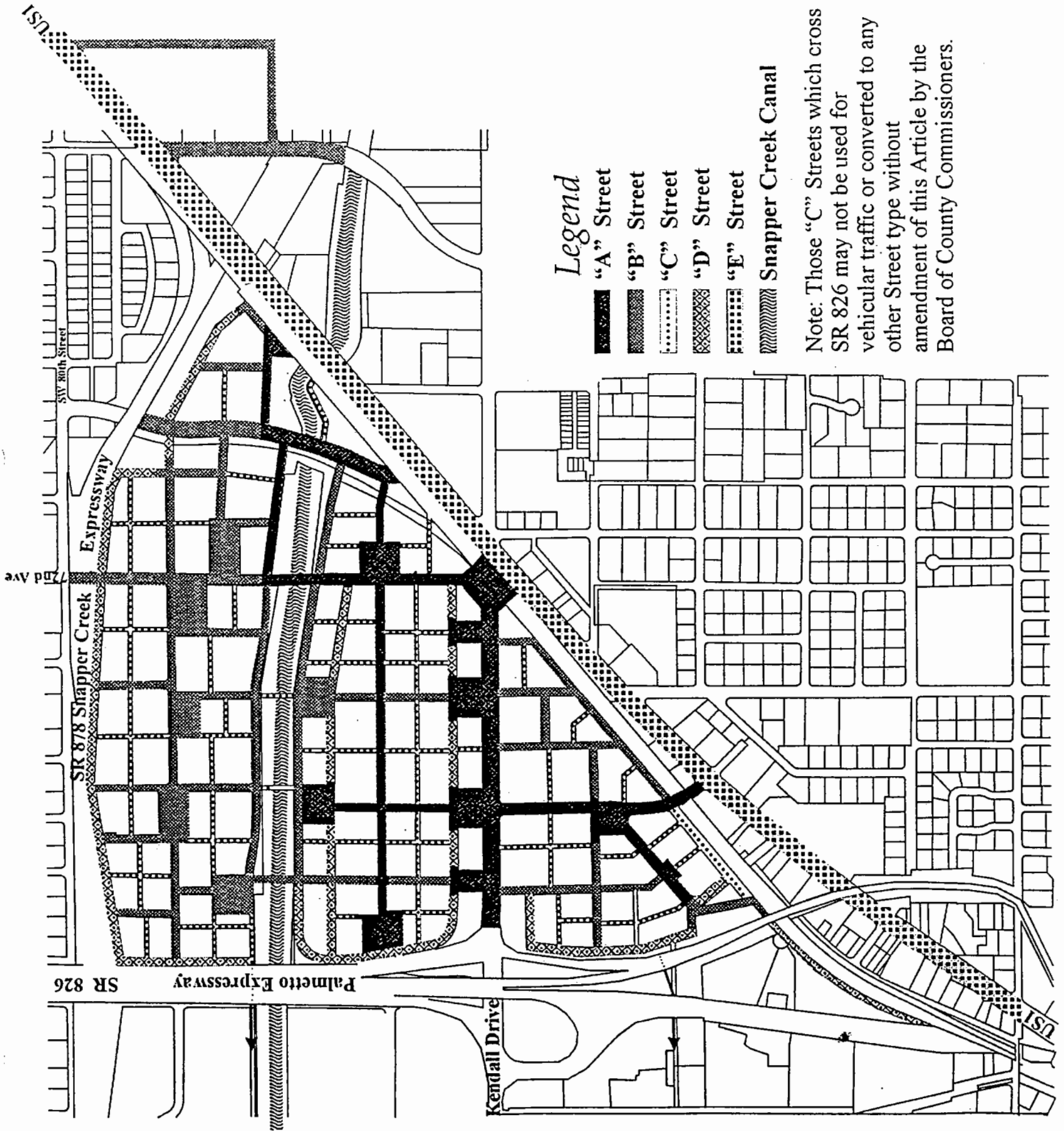
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**RECOMMENDATION**

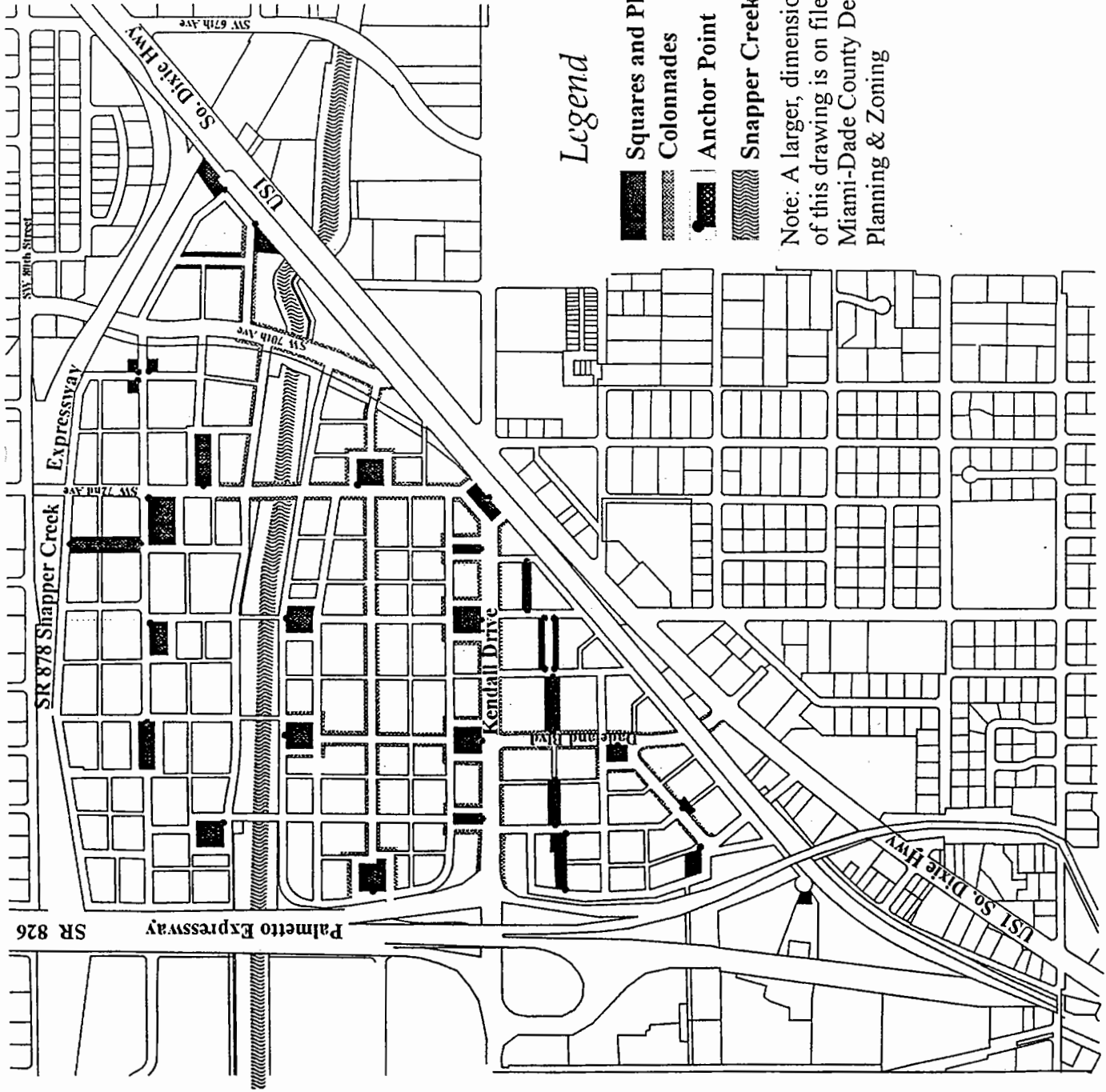
It is recommended that the Board approve this supplement to the Downtown Kendall Urban Center District Ordinance originally placed on the Agenda of the December 16, 1999 Board of County Commissioners meeting as item Nos. 4A Substitute and 4A Alternate. The supplement better reflects the existing and proposed roadway alignments on the Regulating Plans depicted on pages 9, 10 and 11 of the original Ordinance.



(B) Street Frontage Plan.



(C) Designated Open Space Plan.



# MEMORANDUM

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

Agenda Item No. 4(H)

(Public Hearing 12-7-99)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: November 16, 1999

FROM: M. R. Eisenstein  
County Manager

SUBJECT: Ordinance Amending  
GP, Governmental  
Property Zoning District

99-164

## RECOMMENDATION

It is recommended that the Board amend Chapter 33 of the Code of Miami-Dade County, Florida, to allow public airports as a listed, permitted use in the GP (Governmental Property) zoning district.

## BACKGROUND

On April 20, 1976 the Board of County Commissioners adopted Ordinance No. 76-36 providing for a new GP (Governmental Property) zoning district. Also included in that ordinance was a list of various public uses such as public parks, public bus stations, etc., that were considered to be permitted uses under the GP district. Public airport use was not specifically included in that list. Recent staff discussions relating to the re-zoning of portions of Opa Locka Airport (currently zoned AU) to the GP zoning district have resulted in staff's finding that the GP zoning district does not specifically provide for public airport use. It is advisable that the list of uses permitted in the GP zoning district be comprehensive so that interpretations are not subject to appeal.

## FISCAL IMPACT

This ordinance has no fiscal impact on Miami-Dade County.

## HOUSING IMPACT

This ordinance has no impact on the cost of housing.

Attachment



# MEMORANDUM

Hon. Chairperson and Members  
Board of County Commissioners

DATE: December 7, 1999

SUBJECT: Agenda Item No. 4(H)

FROM: Robert A. Ginsburg  
County Attorney

99-164

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" (Applicable if raised)
- \_\_\_\_\_ 6 weeks required between first reading and public hearing
- \_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget
- \_\_\_\_\_ Budget required
- \_\_\_\_\_ Statement of fiscal impact required
- \_\_\_\_\_ Statement of private business sector impact required
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires a detailed County Manager's report for public hearing
- \_\_\_\_\_ "Sunset" provision required
- \_\_\_\_\_ Legislative findings necessary

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 4(H)  
12-7-99

ORDINANCE NO. 99-164

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.22, CODE OF MIAMI-DADE COUNTY, FLORIDA, TO INCLUDE PUBLIC AIRPORTS AS PERMITTED USE WITHIN GP, GOVERNMENTAL PROPERTY ZONING DISTRICT, 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 33-284.22 the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-284.22. Uses permitted.**

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

- (1) Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses;
- (2) Fire stations;
- (3) Police stations;
- (4) Public auto inspection stations;

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

99 • 164

- (5) Public water and sewer treatment and distribution facilities;
- (6) Public libraries;
- (7) Public buildings and centers;
- (8) Public hospitals, nursing homes and health facilities;
- (9) Public auditoriums, arenas, museums, art galleries;
- (10) Maximum and minimum detention facilities;
- (11) Solid waste collection and disposal facilities;
- (12) Public maintenance and equipment yards;
- (13) Public bus stations and rapid transit stations and facilities;
- >>(14) Public Airports<<

[[14]]>>(15)<<And other similar governmental uses.

**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.



99-164

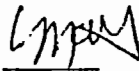
Section 4. This ordinance shall become effective ten (10) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

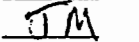
PASSED AND ADOPTED: DEC 07 1999

Approved by County Attorney as  
to form and legal sufficiency:

Prepared By:

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✓

M E M O R A N D U M

Agenda Item No.4(L)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: (Public Hearing 9-21-99)  
September 9, 1999

FROM: M. R. Stierheim  
County Manager

SUBJECT: Ord. Chapters, 2, 28  
and 33 of Code of  
Miami-Dade County  
Florida

99-123

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance amending the Code of Miami-Dade County, transferring the Subdivision Platting Division from the Department of Planning and Zoning to the Public Works Department.

BACKGROUND

The proposed amendments to the County Code in the attached ordinance transfer the functions of the Subdivision Platting Section from the Department of Planning and Zoning to the Public Works Department. The Subdivision Platting Section was a unit under the Public Works Department until December, 1995, when it was transferred to the Department of Planning and Zoning as a part of the consolidation of the County's zoning, building and planning functions.

The Building Department has been removed from the umbrella of the Planning and Zoning Department. The relocation of the Subdivision Platting unit back to the Public Works Department will ensure a consistent operational efficiency for the land development process, and enhance our level of service to the community by providing a single point of contact throughout the entire platting process.

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

ORDINANCE NO. 99-123

ORDINANCE AMENDING CHAPTERS 2, 28, AND 33 OF THE CODE OF MIAMI-DADE COUNTY; RELATING TO THE TRANSFER OF THE SUBDIVISION PLATTING DIVISION FROM THE DEPARTMENT OF PLANNING AND ZONING TO THE PUBLIC WORKS DIVISION; 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. Chapter 2 of the Code of Miami-Dade County is hereby amended to read as follows: <sup>1</sup>

**Sec. 2-105. Director-Duties**

\* \* \*

The Department of Planning and Zoning shall be responsible for the enforcement of the Planning ~~[[7]]~~ >>and<< Zoning ~~[[and Subdivision]]~~ laws of the County, in accordance with the provisions of this Code, including but not limited to Sections 2-968, 2-969 and 33-39.21, and shall perform such other duties and functions as the County Commission may prescribe.

\* \* \*

Section 2. Chapter 28 of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 28-7 Same-Procedure for platting.**

\* \* \*

(E) *Approval of Tentative Plat.* On plats that lie within the unincorporated areas of the County, copies of the tentative plat shall be distributed by the Department of >>Public Works to the Department of<< Planning and Zoning ~~[[to the Department of Public Works]]~~ and the Department of Florida Health and to such other departments as may be necessary. Tentative approval shall confer

<sup>1</sup>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.

upon the subdivider the right for a one hundred-twenty-day period from the date of approval that the terms and conditions under which the tentative approval was granted will not be changed if the Final Plat is in accordance with the tentative approval.

**Sec. 28-8 Same Final plat**

\* \* \*

(d) *Other data required with plat. . .*

\* \* \*

(8) No plat shall be entitled for recording in the Clerk's Office until the plat is signed by the Director of the >>Miami-<< Dade County Department of [~~Planning and Zoning~~] >>Public Works<<, certifying that the plat appears to conform to all of the requirements of the chapter. A certification of the Director of the >>Miami-<< Dade County Department of [~~Planning and Zoning~~] >>Public Works<<, need not appear if the plat division of the appropriate authority submits an affidavit to the Clerk stating that the County has not acted on said plat within forty-five (45) days of the acknowledged receipt of the subject plat.

**Sec. 28-9 Same-Final approval; rejection, for plats within the unincorporated areas of the County.**

Approval of plats by the Director of the Department of [~~Planning and Zoning~~] >>Public Works<< shall be final, insofar as that Department is concerned. Approvals shall not be denied if the plat complies with this chapter.

After approval has been given as provided in this chapter, the Director of the Department of [~~Planning and Zoning~~] >>Public Works<< shall inform the subdivider, or his surveyor, as the case may be, that the plat has been given final approval and is ready for recording. In the event the plat has been rejected, the Director of the Department of [~~Planning and Zoning~~] >>Public Works<< will so notify the subdivider or his surveyor in writing with all reasons for such rejection.

**Sec. 28-9.1 Same - Fees for plats within the unincorporated areas of the County.**

The Miami-Dade County Department of [~~Planning and Zoning~~] >>Public Works<< shall charge and collect fees for subdivision platting at the rates established by administrative order, which shall not become effective until approved by resolution of the Board of County Commissioners.

\* \* \*

**Sec. 28-20 Municipal Regulations; effect.**

Any municipality which has, or which desires to provide higher standards of subdivision regulations than those provided by this chapter shall certify such regulations, as have been adopted in accordance with law, to the County Department ~~[[s of Planning and Zoning]]~~ >>of Public Works<<. Any such regulations which provide for higher standards in any municipality shall be enforced as a supplement to this chapter by the County Department ~~[[s]]~~ concerned.

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

**Sec. 33-303.1 Developmental Impact Committee**

(A) There is hereby established a Developmental Impact Committee composed of thirteen (13) members representing the following County departments and agencies:

(1) Public Works Department ~~[[7]]~~ >>, consisting of a representative from the Traffic Division and a representative from the Subdivision Platting Division<<

(2) Department of Planning and Zoning, consisting of a representative of the Planning Division ~~[[7]]~~ >>and<< a representative of the Zoning Division >>.<< ~~[[and a representative of the Subdivision Platting Section.]]~~

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

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

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

Section 7 This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: SEP 21 1999

Approved by County Attorney as to form and legal sufficiency.

Prepared by:

Handwritten signature consisting of stylized initials 'MGM' above a horizontal line, with another signature below it.



# MEMORANDUM

CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA

Agenda Item No. 4(K)

107.07-17 - METRO-GIS/ISS-MAT MGT

(Public Hearing 9-21-99)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: **September 9, 1999**

FROM: M. R. Stierheim  
County Manager

SUBJECT: Ordinance Amending  
Chapter 33 Permitting  
Private Recreation Area,  
Building or Playground in  
the RU-1 Zoning District

99-122

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance allowing private recreation areas, private recreational buildings or playgrounds in residential developments.

## BACKGROUND

Since 1960, Chapter 33, Miami-Dade County Code (Zoning) has required that private playgrounds and recreational areas proposed within a residential district as the principal use on a lot receive public hearing approval as an "unusual use." Staff has recognized that the unusual use zoning hearing requirement impedes creativity in the design of future residential developments and the opportunity to provide homeowners with recreational/green space amenities. To ensure that these amenities are maintained, the ordinance requires ownership and maintenance of same by a homeowner's association. Prior to a comprehensive revision of the Zoning Code, this proposed ordinance will eliminate an inconsistency between the Zoning Code and the principles of the Urban Design Manual.

## FISCAL IMPACT

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

## HOUSING COST IMPACT

The proposed ordinance has no cost impact on housing in Miami-Dade County.

Attachment

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4(K)

9-21-99

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99 • 122

ORDINANCE AMENDING CHAPTER 33 (ZONING), OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERMITTING PRIVATE RECREATION AREA, PRIVATE RECREATION BUILDING OR PLAYGROUND IN THE RU-1 ZONING DISTRICT, MODIFYING UNUSUAL USE PROVISIONS; AMENDING SECTIONS 33-13 AND 33-199 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 33-13 of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

Sec. 33-13. Unusual Uses

\* \* \*

(e) *Unusual and new uses.* Unless approved upon public hearing, the following unusual uses or uses similar thereto shall not be permitted in any district save and except in those districts that permit such uses without a public hearing:

\* \* \*

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; >> (except for those allowed pursuant to Section 33-199); << 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

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



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;

\* \* \*

**Section 2.** Section 33-199 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Section 33-199. Uses - Permitted.**

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose in RU-1 District which is designed, arranged or intended to be used or occupied for any purpose other than the following, unless otherwise specifically provided herein;

- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.
- (2) Municipal recreation building, playgrounds, parks or reservations owned and operated by a municipality County, State or the United States Government.

>>(2.1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.<<

\* \* \*

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

PASSED AND ADOPTED: ~~SEP 21 1999~~  
SEP 21 1999

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by:

RA6  
AWA

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MEMORANDUM

Amended  
Substitute No. 2  
Agenda Item No. 4(F)

107.07-17A W/NO-DADFGSAMAT MGT

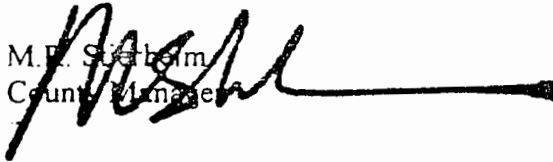
TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: September 21, 1999

SUBJECT: Zoning Ordinance providing  
land use compatibility between  
Kendall-Tamiami Executive  
Airport and off-airport  
development

FROM:

M.P. Susholm  
County Manager



O#99-118

The accompanying substitute ordinance is submitted for this Board's consideration and approval on Tuesday, September 21, 1999. The substitute differs from the original in that certain provisions have been added detailing requirements under state law. The substitute requires detailed findings for construction of educational facilities and provides standards to be met for approval of residential construction and educational facilities in airport hazard areas. The substitute provides for notice to the Florida Department of Transportation, and allows for comment by the Department, if any.

Substitute No. 2 provides a definition for "aviation schools" and redefines "educational facilities" to include both public schools and nonpublic institutions which are not under the jurisdiction of the Dade County School Board. The second substitute also requires applicants for relief from airport zoning regulations to send a copy of the application, return receipt requested to the Florida Department of Transportation, and to file a copy of the return receipt along with the application. No public hearing may commence less than 46 days after receipt of the application by FDOT.

**RECOMMENDATION**

It is recommended that the Board adopt the attached Zoning Ordinance providing land use compatibility between Kendall-Tamiami Executive Airport and off-airport development.

**BACKGROUND**

In 1990, the Florida Legislature created the Airport Safety and Land Use Compatibility Study Commission ("Commission"). This Commission's charge was to assure that Florida's airports would have the capacity to handle growth without jeopardizing public health, safety, and welfare.

One of the recommendations of the Commission was to require the Florida Department of Transportation ("FDOT") to establish guidelines for compatible land use around airports. As a result, Chapter 333 Florida Statutes "Airport Zoning" was developed to require local governments to develop specified land use control measures and consider the impact of airports and airport activity on environ land. This became one of the minimum requirements for adequate zoning protection on July 1, 1992.

Chapter 333 Florida Statutes "Airport Zoning" establishes the requirement for land use compatibility around airports in three basic areas:

- Airspace protection
- Compatibility with airport noise and operations
- Public safety

As such, encroachment of incompatible development in the vicinity of airports can be prevented, and further development controlled through County regulations.

The Kendall-Tamiami Executive Airport (TMB) Ordinance is based on Federal Aviation Administration (FAA), Florida Department of Transportation (FDOT), Florida Statutes (F.S.), and Miami-Dade County Planning and Zoning Department guidelines on establishing land use compatibility zoning around MDAD operated TMB. Utilizing this guidance, it is the intention of MDAD to develop zoning criteria for the environs of TMB to insure compatibility with airport operations and activity.

The existing TMB ordinance is entitled Miami-Dade County Code Article XL "New Tamiami Zoning" Section 33-388-33-403. This ordinance primarily deals with issues related to height of structures allowed to be constructed near TMB based on FAA Federal Aviation Regulation (FAR) Part 77 standards.

The purpose of the proposed ordinance update is to come into compliance with State law. The goal of this update is to prohibit encroachment of incompatible land use around TMB. This ordinance incorporates provisions of state statutes, copies of which are attached hereto.

#### FISCAL/ECONOMIC IMPACT

The implementation of this ordinance is not expected to have any fiscal or economic impact on Miami-Dade County.

gation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights thereover.

History.—s. 2, ch. 23079, 1945; s. 2, ch. 88-356; s. 71, ch. 90-136.

**333.025 Permit required for structures exceeding federal obstruction standards.—**

(1) In order to prevent the erection of structures dangerous to air navigation, subject to the provisions of subsections (2), (3), and (4), each person shall secure from the Department of Transportation a permit for the erection, alteration, or modification of any structure the result of which would exceed the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29. However, permits from the Department of Transportation will be required only within an airport hazard area where federal standards are exceeded and if the proposed construction is within a 10-nautical-mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport licensed by the state for public use.

(2) Affected airports will be considered as having those facilities which are shown on the airport master plan, or an airport layout plan submitted to the Federal Aviation Administration Airport District Office or comparable military documents, and will be so protected. Planned or proposed public-use airports which are the subject of a notice or proposal submitted to the Federal Aviation Administration or to the Department of Transportation shall also be protected.

(3) Permit requirements of subsection (1) shall not apply to projects which received construction permits from the Federal Communications Commission for structures exceeding federal obstruction standards prior to May 20, 1975, provided such structures now exist; nor shall it apply to previously approved structures now existing, or any necessary replacement or repairs to such existing structures, so long as the height and location is unchanged.

(4) When political subdivisions have adopted adequate airspace protection in compliance with s. 333.03, and such regulations are on file with the Department of Transportation, a permit for such structure shall not be required from the Department of Transportation.

(5) The Department of Transportation shall, within 30 days of the receipt of an application for a permit, issue or deny a permit for the erection, alteration, or modification of any structure the result of which would exceed federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29.

(6) In determining whether to issue or deny a permit, the department shall consider:

- (a) The nature of the terrain and height of existing structures.
- (b) Public and private interests and investments.
- (c) The character of flying operations and planned developments of airports.
- (d) Federal airways as designated by the Federal Aviation Administration.

(e) Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport.

- (f) Technological advances.
- (g) The safety of persons on the ground and in the air.
- (h) Land use density.
- (i) The safe and efficient use of navigable airspace.

(j) The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions' comprehensive plans, and all other known proposed structures in the area.

(7) When issuing a permit under this section, the Department of Transportation shall, as a specific condition of such permit, require the obstruction marking and lighting of the permitted structure as provided in s. 333.07(3)(b).

(8) The Department of Transportation shall not approve a permit for the erection of a structure unless the applicant submits both documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation, and no permit shall be approved solely on the basis that such proposed structure will not exceed federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other federal aviation regulation.

History.—s. 3, ch. 75-16; s. 3, ch. 88-356; s. 7, ch. 92-152.

**333.03 Power to adopt airport zoning regulations.**

(1)(a) In order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area within its territorial limits shall, by October 1, 1977, adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area.

(b) Where an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to such airport is located wholly or partly outside the territorial limits of said political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located, shall either:

1. By interlocal agreement, in accordance with the provisions of chapter 163, adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question; or

2. By ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested in paragraph (a) in the political subdivision within which such area is located. Each such joint board shall have as members two representatives appointed by each political subdivision participating in its creation and in addition a chair elected by a majority of the members so appointed. However, the airport manager or managers of the affected political subdivisions shall serve on the board in a nonvoting capacity.

(c) Airport zoning regulations adopted under paragraph (a) shall, as a minimum, require:

1. A variance for the erection, alteration, or modification of any structure which would cause the structure

to exceed the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29;

2. Obstruction marking and lighting for structures as specified in s. 333.07(3);

3. Documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation submitted by each person applying for a variance;

4. Consideration of the criteria in s. 333.025(6), when determining whether to issue or deny a variance; and

5. That no variance shall be approved solely on the basis that such proposed structure will not exceed federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other federal aviation regulation.

(d) The department shall issue copies of the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political subdivision having airport hazard areas and, in cooperation with political subdivisions, shall issue appropriate airport zoning maps depicting within each county the maximum allowable height of any structure or tree. Material distributed pursuant to this subsection shall be at no cost to authorized recipients.

(2) In the manner provided in subsection (1), interim airport land use compatibility zoning regulations shall be adopted. When political subdivisions have adopted land development regulations in accordance with the provisions of chapter 163 which address the use of land in the manner consistent with the provisions herein, adoption of airport land use compatibility regulations pursuant to this subsection shall not be required. Interim airport land use compatibility zoning regulations shall consider the following:

(a) Whether sanitary landfills are located within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbojet or turbo-prop aircraft.

2. Within 5,000 feet from the nearest point of any runway used only by piston-type aircraft.

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. part 77.25. Case-by-case review of such landfills is advised.

(b) Whether any landfill is located and constructed so that it attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The political subdivision shall request from the airport authority or other governing body operating the airport a report on such bird feeding or roosting areas that at the time of the request are known to the airport. In preparing its report, the authority, or other governing body, shall consider whether the landfill will incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft. The airport authority or other governing body shall respond to the political subdivision no later than 30 days after receipt of such request.

(c) Where an airport authority or other governing body operating a publicly owned, public-use airport has conducted a noise study in accordance with the provisions of 14 C.F.R. part 150, neither residential construction nor any educational facility as defined in chapter 235, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction by 14 C.F.R. part 150, Appendix A or an equivalent noise level as established by other types of noise studies.

(d) Where an airport authority or other governing body operating a publicly owned, public-use airport has not conducted a noise study, neither residential construction nor any educational facility as defined in chapter 235, with the exception of aviation school facilities, shall be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(3) In the manner provided in subsection (1), airport zoning regulations shall be adopted which restrict new incompatible uses, activities, or construction within runway clear zones, including uses, activities, or construction in runway clear zones which are incompatible with normal airport operations or endanger public health, safety, and welfare by resulting in congregations of people, emissions of light or smoke, or attraction of birds. Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of a runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. Exceptions approving construction of an educational facility within the delineated area shall only be granted when the political subdivision administering the zoning regulations makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

(4) The procedures outlined in subsections (1), (2), and (3) for the adoption of such regulations are supplemental to any existing procedures utilized by political subdivisions in the adoption of such regulations.

(5) The Department of Transportation shall provide technical assistance to any political subdivision requesting assistance in the preparation of an airport zoning code. A copy of all local airport zoning codes, rules, and regulations, and amendments and proposed and granted variances thereto, shall be filed with the department.

(6) Nothing in subsection (2) or subsection (3) shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in s. 235.19, as of July 1, 1993.

History.—s. 3, ch. 23079, 1945; s. 4, ch. 75-18; s. 4, ch. 88-358; s. 72, ch. 90-136; s. 8, ch. 92-152; s. 10, ch. 93-184; s. 1, ch. 94-201; s. 958, ch. 95-148.

**333.04 Comprehensive zoning regulations; most stringent to prevail where conflicts occur.—**

(1) **INCORPORATION.**—In the event that a political subdivision has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, structures, and natural objects, and uses of property, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith.

(2) **CONFLICT.**—In the event of conflict between any airport zoning regulations adopted under this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such regulations were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

*History.—s. 4, ch. 23079, 1945.*

**333.05 Procedure for adoption of zoning regulations.—**

(1) **NOTICE AND HEARING.**—No airport zoning regulations shall be adopted, amended, or changed under this chapter except by action of the legislative body of the political subdivision in question, or the joint board provided in s. 333.03(1)(b) by the bodies therein provided and set forth, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be published at least once a week for 2 consecutive weeks in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which are located the airport areas to be zoned.

(2) **AIRPORT ZONING COMMISSION.**—Prior to the initial zoning of any airport area under this chapter the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take any action until it has received the final report of such commission, and at least 15 days shall elapse between the receipt of the final report of the commission and the hearing to be held by the latter board. Where a city plan commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

*History.—s. 5, ch. 23079, 1945; s. 74, ch. 90-136; s. 23, ch. 90-279; s. 39, ch. 95-143.*

**333.06 Airport zoning requirements.—**

(1) **REASONABLENESS.**—All airport zoning regulations adopted under this chapter shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this chapter. In determining what regula-

tions it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area and runway clear zones, the character of the neighborhood, the uses to which the property to be zoned is put and adaptable, and the impact of any new use, activity, or construction on the airport's operating capability and capacity.

(2) **INDEPENDENT JUSTIFICATION.**—The purpose of all airport zoning regulations adopted under this chapter is to provide both airspace protection and land use compatible with airport operations. Each aspect of this purpose requires independent justification in order to promote the public interest in safety, health, and general welfare. Specifically, construction in a runway clear zone which does not exceed airspace height restrictions is not evidence per se that such use, activity, or construction is compatible with airport operations.

(3) **NONCONFORMING USES.**—No airport zoning regulations adopted under this chapter shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in s. 333.07(1) and (3).

*History.—s. 6, ch. 23079, 1945; s. 75, ch. 90-136.*

**333.065 Guidelines regarding land use near airports.—**The Department of Transportation, after consultation with the Department of Community Affairs, local governments, and other interested persons, shall adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports. These guidelines shall utilize acceptable and established quantitative measures, such as the Air Installation Compatible Use Zone standards, the Florida Statutes, and applicable Federal Aviation Administration documents.

*History.—s. 49, ch. 93-206.*

**333.07 Permits and variances.—**

(1) **PERMITS.—**

(a) Any airport zoning regulations adopted under this chapter may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or repaired. In any event, however, all such regulations shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or would permit a nonconforming structure or tree or nonconforming use to be made or become higher or to become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

(b) Whenever the administrative agency determines that a nonconforming use or nonconforming



structure or tree has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and, whether application is made for a permit under this subsection or not, the said agency may by appropriate action, compel the owner of the nonconforming structure or tree, at his or her own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for 10 days after notice thereof, the said agency may report the violation to the political subdivision involved therein, which subdivision, through its appropriate agency, may proceed to have the object so lowered, removed, reconstructed, or equipped, and assess the cost and expense thereof upon the object or the land whereon it is or was located, and, unless such an assessment is paid within 90 days from the service of notice thereof on the owner or the owner's agent, of such object or land, the sum shall be a lien on said land, and shall bear interest thereafter at the rate of 6 percent per annum until paid, and shall be collected in the same manner as taxes on real property are collected by said political subdivision, or, at the option of said political subdivision, said lien may be enforced in the manner provided for enforcement of liens by chapter 85.

(c) Except as provided herein, applications for permits shall be granted, provided the matter applied for meets the provisions of this chapter and the regulations adopted and in force hereunder.

(2) VARIANCES.—

(a) Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in violation of the airport zoning regulations adopted under this chapter or any land development regulation adopted pursuant to the provisions of chapter 163 pertaining to airport land use compatibility, may apply to the board of adjustment for a variance from the zoning regulations in question. At the time of filing the application, the applicant shall forward to the department by certified mail, return receipt requested, a copy of the application. The department shall have 45 days from receipt of the application to comment and to provide its comments or waiver of that right to the applicant and the board of adjustment. The department shall include its explanation for any objections stated in its comments. If the department fails to provide its comments within 45 days of receipt of the application, its right to comment is waived. The board of adjustment may proceed with its consideration of the application only upon the receipt of the department's comments or waiver of that right as demonstrated by the filing of a copy of the return receipt with the board. Noncompliance with this section shall be grounds to appeal pursuant to s. 333.08 and to apply for judicial relief pursuant to s. 333.11. Such variances may only be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and where the relief granted would not be contrary

to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and this chapter. However, any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this chapter.

(b) The Department of Transportation shall have the authority to appeal any variance granted under this chapter pursuant to s. 333.08, and to apply for judicial relief pursuant to s. 333.11.

(3) OBSTRUCTION MARKING AND LIGHTING.—

(a) In granting any permit or variance under this section, the administrative agency or board of adjustment shall require the owner of the structure or tree in question to install, operate, and maintain thereon, at his or her own expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction.

(b) Such marking and lighting shall conform to the specific standards established by rule by the Department of Transportation.

(c) Existing structures not in compliance on October 1, 1988, shall be required to comply whenever the existing marking requires refurbishment, whenever the existing lighting requires replacement, or within 5 years of October 1, 1988, whichever occurs first.

History.—s. 7, ch. 23079, 1945; s. 5, ch. 88-358; s. 76, ch. 90-136; s. 483, ch. 95-148.

333.08 Appeals.—

(1) Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in its administration of airport zoning regulations adopted under this chapter, or any governing body of a political subdivision, or the Department of Transportation, or any joint airport zoning board, which is of the opinion that a decision of such an administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

(2) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board, by filing with the agency from which appeal is taken and with the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken, or properly certified copies thereof in lieu of originals, as the agency involved may elect.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by an order of the board on notice to the agency from which the appeal is taken and on due cause shown.



(4) The board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(5) The board may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

History.—s. 8, ch. 23079, 1945; s. 6, ch. 88-356.

**333.09 Administration of airport zoning regulations.**—All airport zoning regulations adopted under this chapter shall provide for the administration and enforcement of such regulations by an administrative agency which may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision, but in no case shall such administrative agency be or include any member of the board of adjustment. The duties of any administrative agency designated pursuant to this chapter shall include that of hearing and deciding all permits under s. 333.07(1), deciding all matters under s. 333.07(3), as they pertain to such agency, and all other matters under this chapter applying to said agency, but such agency shall not have or exercise any of the powers herein delegated to the board of adjustment.

History.—s. 9, ch. 23079, 1945.

**333.10 Board of adjustment.**—

(1) All airport zoning regulations adopted under this chapter shall provide for a board of adjustment to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in s. 333.08.

(b) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations.

(c) To hear and decide specific variances under s. 333.07(2).

(2) Where a zoning board of appeals or adjustment already exists, it may be appointed as the board of adjustment. Otherwise, the board of adjustment shall consist of five members, each to be appointed for a term of 3 years by the authority adopting the regulations and to be removable by the appointing authority for cause, upon written charges and due notice and after public hearing.

(3) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.

(4) The board shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created. Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair, or in the chair's absence the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the said board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

History.—s. 10, ch. 23079, 1945; s. 484, ch. 95-148.

**333.11 Judicial review.**—

(1) Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or any governing body of a political subdivision or the Department of Transportation or any joint airport zoning board, or of any administrative agency hereunder, may apply for judicial relief to the circuit court in the judicial circuit where the board of adjustment is located within 30 days after rendition of the decision by the board of adjustment. Review shall be by petition for writ of certiorari, which shall be governed by the Florida Rules of Appellate Procedure.

(2) Upon presentation of such petition to the court, it may allow a writ of certiorari, directed to the board of adjustment, to review such decision of the board. The allowance of the writ shall not stay the proceedings upon the decision appealed from, but the court may, on application, on notice to the board, on due hearing and due cause shown, grant a restraining order.

(3) The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the board of adjustment. The findings of fact by the board, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a decision of the board shall be considered by the court unless such objection shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

(5) In any case in which airport zoning regulations adopted under this chapter, although generally reasonable, are held by a court to interfere with the use and enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the State Constitution or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of

land, or such regulations as are not involved in the particular decision.

(6) No appeal shall be or is permitted under this section, to any courts, as herein provided, save and except an appeal from a decision of the board of adjustment, the appeal herein provided being from such final decision of such board only, the appellant being hereby required to exhaust his or her remedies hereunder of application for permits, exceptions and variances, and appeal to the board of adjustment, and gaining a determination by said board, before being permitted to appeal to the court hereunder.

*History.—*s. 11, ch. 23079, 1945; s. 43, ch. 63-512; s. 7, ch. 88-358; s. 485, ch. 95-148.

**333.12 Acquisition of air rights.**—In any case which: it is desired to remove, lower or otherwise terminate a nonconforming structure or use; or the approach protection necessary cannot, because of constitutional limitations, be provided by airport regulations under this chapter; or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming use is located, or the political subdivision owning or operating the airport or being served by it, may acquire, by purchase, grant, or condemnation in the manner provided by chapter 73, such air right, navigation easement, or other estate, portion or interest in the property or nonconforming structure or use or such interest in the air above such property, tree, structure, or use, in question, as may be necessary to effectuate the purposes of this chapter, and in so doing, if by condemnation, to have the right to take immediate possession of the property, interest in property, air right, or other right sought to be condemned, at the time, and in the manner and form, and as authorized by chapter 74.

In the case of the purchase of any property or any easement or estate or interest therein or the acquisition of the same by the power of eminent domain the political subdivision making such purchase or exercising such power shall in addition to the damages for the taking, injury or destruction of property also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

*History.—*s. 12, ch. 23079, 1945.

**333.13 Enforcement and remedies.**—

(1) Each violation of this chapter or of any regulations, orders, or rulings promulgated or made pursuant to this chapter shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and each day a violation continues to exist shall constitute a separate offense.

(2) In addition, the political subdivision or agency adopting the airport zoning regulations under this chapter may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this chapter or of airport zoning regulations adopted under this chapter or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto.

(3) The Department of Transportation may institute a civil action for injunctive relief in the appropriate circuit court to prevent violation of any provision of this chapter.

*History.—*s. 13, ch. 23079, 1945; s. 232, ch. 71-136; s. 5, ch. 75-16.

**333.14 Short title.**—This chapter shall be known and may be cited as the "Airport Zoning Law of 1945."

*History.—*s. 15, ch. 23079, 1945.

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Substitute No. 2  
Agenda Item No. 4(F)  
9-21-99

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO KENDALL-TAMIAMI EXECUTIVE AIRPORT AND SURROUNDING AREA, AMENDING ARTICLE XL OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, CHANGING THE NAME OF NEW TAMIAMI AIRPORT TO KENDALL-TAMIAMI EXECUTIVE AIRPORT; AMENDING DEFINITIONS; ADDING AND DEFINING NEW ZONING DISTRICTS; PROVIDING PROCEDURES FOR VARIANCES AND EXCEPTIONS TO CONFORM TO FLORIDA STATUTES; AMENDING ARTICLE XXXVI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING FOR APPEAL TO THE BOARD OF COUNTY COMMISSIONERS; 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. Article XL of the Code of ~~[[Metropolitan-]]~~ >>Miami-<<Dade County,

Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-388. Short title.**

This article shall be known and may be cited as the “~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport Zoning Ordinance.”

**Sec. 33-389. Provisions hereof established as minimum standards governing zoning.**

It is established that the airport zoning area for ~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport, the zone

<sup>1</sup> 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.

classification districts therein and the height limitation applicable to such districts, as the same are hereinafter set forth, shall be incorporated with all other minimum standards governing zoning heretofore or hereinafter adopted pursuant to Section 4.07 of the Home Rule charter for ~~[[Metropolitan]]~~ >>Miami-<< Dade County, Florida.

**Sec. 33-390. Definitions.**

In construing the provisions hereof and each and every word, term, phrase or part thereof, where the context will permit, the definitions provided in Section 1.01 F.S. and Section 33-1 and Section 33-302 of the Code of Metropolitan Dade County, Florida, and the following definitions shall apply:

(1) *Airport* means ~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport.

(2) *Airport* elevation means the established elevation of the highest point on the usable landing area. The airport elevation for ~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport is ten (10.0) feet mean sea level.

~~[[3) *Airport Hazard* means any structure or tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.]]~~

~~[[4)]]~~>>(3)<<*Airport reference point* means the point established as the approximate geographic center of the landing area and so designated and identified. The position of the airport reference point for ~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport is described as follows:

Commence at the northeast corner of Section 16, Township 55 South, Range 39 East, Dade County, Florida, and run thence southward along the east line of said Section 16 at a bearing of South 02° 22' 40" East a distance of 2734.47 feet; thence westward at right angles to the said east line of Section 16 at a bearing of South 87° 37' 20" West for a distance of 334.45 feet to the airport reference point.

- (4) Aviation schools shall mean any educational facility that primarily provides education or training in the science and art of flight, including but not limited to: the operation and construction of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operations, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.
- (5) Educational facilities shall mean those facilities as defined by Chapter 235, Florida Statutes, as amended, and the Code of Miami-Dade County.>>
- (6) Hazard to Air Navigation is an obstruction determined by the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.<<

~~[(5)]~~>>(7)<<Height for the purpose of determining the height limits in all districts set forth in this article and shown on the boundary map for zone classification districts, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

~~[(6)]~~>>(8)<<Instrument runway means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing or take-off of aircraft under restricted visibility conditions. The instrument runways at ~~[[New]]~~ >>Kendall<<Tamiami >>Executive<< Airport are designated as Runway 9L/27R and Runway 9R/27L and their centerlines are described as follows:

- (a) Runway 9L/27R: Commencing at the northeast corner of Section 15, Township 55 South, Range 39 East, Dade County, Florida; thence south 03° 53' 36" East along the east line of said Section 15 a distance of 945.03 feet; thence south 87° 04' 03" West a distance of 2606.21 feet to the east end of the runway and the point of beginning; thence continue south 87° 04' 03" West a distance of ~~[[5500]]~~ >>5000<< feet to the west end of the runway.

- (b) *Runway 9R-27L*: Commencing at the southeast corner of Section 15, Township 55 South, Range 39 East, Dade County, Florida; thence north 04° 35' 16" West along the east line of said Section 15 a distance of 1068.16 feet; thence south 87° 04' 03" West a distance of 2684.19 feet to the east end of the runway and the point of beginning; thence continue south 87° 04' 03" West a distance of ~~[[5500]]~~ >>5000<< feet to the west end of the runway.

~~[[7]]~~>>(8)<< *Landing* area means the defined area of the airport used or intended to be used for landing, take-off, or taxiing of aircraft.

~~[[8]]~~>>(9)<< *Nonconforming use* means any structure, tree or use of land lawfully in existence on the effective date hereof which does not conform to a regulation prescribed in this article or any amendment thereto, as of the effective date of such regulations.

~~[[9]]~~>>(10)<< *Non-instrument runway* means a runway other than an instrument runway. The non-instrument runway at ~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport is designated as Runway 13/31 and its centerline is described as follows:

- (a) *Runway 13/31*: Commencing at the northeast corner of Section 15, Township 55 South, Range 39 East, Dade County, Florida; thence south 03° 53' 36" East along the east line of said Section 15 a distance of 945.03 feet; thence south 87° 04' 03" West a distance of 9254.87 feet; thence south 52° 54' 00" East a distance of 1148.67 feet to the northwest end of the runway and the point of beginning thence continue south 52° 54' 00" East a distance of 4000 feet to the southeast end of the runway.

~~[[10]]~~>>(11)<< *Person* means an individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, administrator, executor, guardian or other similar representative thereof.

[[(+1)]]>>(12)<<*Runway* means the ~~[[paved surface of ]]~~  
>>defined area on<< an airport >>prepared for<< landing  
~~[[strip.]]~~ >>and take-off of aircraft along its length.<<

[[(+2)]]>>(13)<< *Structure* means an object constructed or  
installed by man, including, but without being limited  
to, buildings, derricks, draglines, cranes and other boom-  
equipped machinery, towers, signs, smokestacks, utility  
poles, or overhead transmission lines.

[[(+3)]]>>(14)<< *Tree* means any object of natural growth.

>>(15) *Obstruction* means any structure, growth, or other object,  
including a mobile object, which exceeds the height  
limitations as set forth herein.

(16) *Airport hazard* means any structure or tree or use of land  
which would exceed the federal obstruction standards as  
contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and  
77.29 and which obstructs the airspace required for the  
flight of aircraft in taking off, maneuvering, or landing or is  
otherwise hazardous to such taking off, maneuvering, or  
landing of aircraft.<<

**Sec. 33-391. Establishment of airport zoning area for  
[[New]] >>Kendall-<< Tamiami  
>>Executive<< Airport.**

For the purpose of this article there is hereby created and  
established the airport zoning area for [[New]] >>Kendall-<<  
Tamiami >>Executive<< Airport and it is hereby ordained that  
such area shall include, and the provisions of this article shall be  
applicable to and embrace all of the unincorporated and the  
incorporated land and water area lying, situate and being in those  
certain portions of Dade County, Florida, described as follows, to  
wit:

- (1) In Township 55 South, Range 37 East, all of Sections 1, 12,  
13, 24, 25 and 36.
- (2) In Township 55 South, Range 38 East, all of Section>>s<<  
1 to 32 inclusive.

- (3) In Township 55 South, Range 39 East, all of Sections 1 to 30 inclusive.
- (4) In Township 55 South, Range 40 East, all of Sections 1 to 30 inclusive, and the north one-half of Section 36.
- (5) In Township 55 South, Range 41 East, all of Sections 6, 7, 18, 19, 30, and the north one-half of Section 31.
- (6) In Township 54 South, Range 40 East, the south one-half of Sections 35 and 36.
- (7) In Township 54 South, Range 41 East, the south one-half of Section 31.
- (8) All of Lot 1 as the same lies between Township 54 South, Range 37 East and Township 55 South, Range 37 East.
- (9) All of Lot 6 as the same lies between Township 54 South, Range 38 East and Township 55 South, Range 38 East.

**Sec. 33-392. Establishment of zone classification districts for airport zoning area.**

For the purpose of this article all of the Airport Zoning Area for ~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport, as the same is created, established and described hereinbefore, is hereby divided into zone classification districts as follows:

- (1) *L or Landing districts*~~[[ - ]]~~ >>*(Primary Surfaces)*.<< A "landing district" is established for each instrument runway for instrument landings and take-offs and for each non-instrument runway for non-instrument landings and take-offs.

A landing district for an instrument runway shall have a uniform width of one thousand (1,000) feet, shall extend for the full length of such instrument runway plus a distance of two hundred (200) feet beyond each end thereof and shall include such runway and be symmetrical about the centerline thereof.



A landing district for non-instrument runway shall have a uniform width of five hundred (500) feet, shall extend for the full length of such non-instrument runway plus a distance of two hundred (200) feet beyond each end thereof and shall include such runway and be symmetrical about the centerline thereof.

- (2) *IA or Instrument approach districts.* An "instrument approach district" is established for each end of each instrument runway for instrument landings and take-offs and it is further established that each such instrument approach district shall embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface which shall hereafter, for the purposes of this article, be referred to and described as the instrument approach surface.

The instrument approach surface shall begin, and shall ~~have~~ have a base one thousand (1,000) feet wide, at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond the end of the runway, the centerline of this surface being the continuation of the centerline of the runway. The instrument approach surface shall extend outward and upward from its base, the elevation of which shall be the same as that of the runway end adjacent thereto, with a slope of one ~~(1)~~ foot vertically to fifty (50) feet horizontally for the first ten thousand (10,000) feet of its length and thence with a slope of one (1) foot vertically to forty (40) feet horizontally for the remainder.

- (3) *NA or Non-instrument approach districts.* A "non-instrument approach district" is established for each end of each non-instrument runway for non-instrument landings and take-offs and it is further established that each such non-instrument approach district shall embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface which shall hereafter, for the

purposes of this article, be referred to and described as the non-instrument approach surface.

The non-instrument approach surface shall begin, and shall have a base five hundred (500) feet wide, at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of ~~[[two thousand five hundred (2,500)]]~~ >>three thousand five hundred (3,500) << feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond the end of the runway, the centerline of this surface being the continuation of the centerline of the runway. The non-instrument approach surface shall extend outward and upward from its base, the elevation of which shall be the same as that of the runway end adjacent thereto, with a slope of one (1) foot vertically to ~~[[forty (40)]]~~ >>thirty four (34) << feet horizontally for its entire length.

- (4) *TR or* ~~[[Transition]]~~ >>Transitional<< districts. “~~[[Transition]]~~ >>Transitional<< districts” are hereby established adjacent to each landing, instrument approach and non-instrument approach district.

~~[[Transition]]~~ >>Transitional<< districts adjacent to runways embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface symmetrically located on each side of each runway. For instrument runways such imaginary inclined surfaces extend outward from lines parallel to and five hundred (500) feet on either side of the centerline of the runway, upward with a slope of one (1) foot vertically to seven (7) feet horizontally and terminating at an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation. For non-instrument runways such imaginary inclined surfaces extend outward from lines parallel to and two hundred fifty (250) feet on either side of the centerline of the runway, upward with a slope of one (1) foot vertically to seven (7)

feet horizontally and terminating at an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation.

~~[[Transition]]~~ >>Transitional<< districts adjacent to non-instrument approach districts embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which extend outward and upward from the long sides of the non-instrument approach surfaces, as hereinbefore described, >>at right angles to the centerline of the runway,<< with a slope of one (1) foot vertically to seven (7) feet horizontally terminating at an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation.

~~[[Transition]]~~ >>Transitional<< districts adjacent to instrument approach districts embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which extend outward and upward from the long sides of the instrument approach surfaces as hereinbefore described, >>at right angles to the centerline of the runway,<< with a slope of one (1) foot vertically to seven (7) feet horizontally.

Within horizontal districts, which are hereafter established and described, this imaginary inclined plane shall terminate when it reaches an elevation one hundred fifty (150) feet above the hereinbefore established airport elevation. Within conical districts, which are also hereafter established and described, this imaginary inclined surface shall terminate in its intersection with the conical surface which, for the purposes of this article, is described hereinbelow. Outward from the limits of such conical surface, this imaginary inclined surface shall terminate five thousand (5,000) feet from the long sides of the hereinbefore described instrument approach surfaces, such five thousand (5,000) feet being measured horizontally and at right angles to the continuation of the centerline of the runway.

For the purposes of this ~~[[article]]~~  
>>subsection<<, the horizontal surface is established ~~[[as a horizontal circular surface which has a radius of seven thousand 7,000 feet centered vertically above the airport reference point at an elevation]]~~ one hundred fifty-150 feet above the heretofore established airport elevation >> by swinging arcs of 10,000 feet radii for all runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.<<

For the purposes of this subsection, the conical surface is established ~~[[ as the outer surface of right angled section of an inverted cone, the horizontal circular base of]]~~ >>at the outer edge of the horizontal surface base<< which has a radius of ~~[[seven thousand 7,000]]~~ >>thirteen thousand two hundred and fifty 13,250<< feet centered vertically above the airport reference point at an elevation one hundred fifty 150 feet above the heretofore established airport elevation and the horizontal circular top of which has a radius of ~~[[twelve thousand 12,000]]~~ >> seventeen thousand two hundred and fifty 17,250 << feet at an elevation ~~[[five hundred 500]]~~ >> three hundred and fifty 350<< feet above the hereinbefore established airport elevation >>by extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.<<

- (5) *T or Horizontal districts.* A "horizontal district" is established as the area within >>the oblique<< ~~[[a]]~~ circle having its center at the airport reference point and ~~[[seven thousand 7,000]]~~ >>thirteen thousand two hundred and fifty (13,250)<< feet as its radius. >>and is created by swinging arcs of 10,000 feet for all runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.<< The horizontal district does not include the landing, instrument approach, non-instrument approach, ~~[[and]]~~ transition >>or conical<< districts.

- (6) *T1 or Conical districts.* A “conical district” is established commencing at the periphery of the horizontal district and extending to a periphery ~~[[twelve thousand 12,000]]~~ >>seventeen thousand two hundred and fifty (17,250)<< feet from the airport reference point ~~[[:-]]~~ >>therefrom a horizontal distance of 4,000 feet.<< The conical district does not include the >>landing<< instrument approach, non-instrument approach, and ~~[[transition]]~~ >>transitional<< >>or horizontal<< districts.
- (7) *N.Z. or Non-zoned districts.* Those portions of the airport zoning area not embraced and included in landing, instrument approach, non-instrument approach, transition, horizontal and conical districts, as the same are established and described elsewhere herein, are hereby designated as non-zoned districts.

**Sec. 33-393. Establishment of height limitations for zone classification districts in the airport zoning area.**

Except as otherwise provided elsewhere in this article, no structure shall be erected or altered and no tree shall be allowed to grow or be maintained in any district created and established by this article to a height in excess of the height limits herein established for such district. Such height limitations will, in applying the provisions of this article, be corrected to elevations referred to the heretofore established mean sea level datum plane, by adding such height limitations to the mean sea level elevation of the point, line or plane to which such height limitation is referenced, or to the airport elevation, as the context of this article requires. Such limitations are hereby established for the districts as follow:

- (1) *Landing districts:* Structures and trees will not be permitted in landing districts except as required, necessary and pertinent to the operation and maintenance of ~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport and then only to the extent permitted or authorized by applicable rule or regulation promulgated by the Federal Aviation Administration, or its successor counterpart.

- (2) *Instrument approach districts:* One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
- (3) *Non-instrument approach districts:* One (1) foot in height for each ~~[[fifty—(50)]]~~ >>thirty-four (34)<< feet in horizontal distance beginning at a point two hundred (200) feet from the end of the non-instrument runway and extending to a point ten thousand two hundred (10,200) feet from the end of the runway.
- (4) ~~[[Transition]]~~ >> Transitional<< *districts:* One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the centerline of non-instrument runways and five hundred (500) feet from the centerline of instrument runways, measured at right angles to the longitudinal centerline of the runway and extending upward to a maximum height of one hundred fifty (150) feet above the airport elevation as established elsewhere herein.

In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all instrument approach surfaces >>,<< ~~[[and]]~~ >>all<< non-instrument approach surfaces >>and the long sides of all primary surfaces<< upward and outward to an intersection with hereinbefore described horizontal and conical surfaces. Further, where the instrument approach surface projects beyond, or through and beyond the conical surface, the height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained, beginning at the edge of the instrument approach surfaces and extending a distance of five thousand (5,000) feet from the edge of the instrument approach surface, such five thousand (5,000) feet being measured horizontally

and at right angles to the continuation of the centerline of the runway.

- (5) *Horizontal district:* One hundred fifty (150) feet above the hereinbefore established airport elevation.
- (6) *Conical district:* One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the hereinbefore described horizontal surface and ~~[[measured in a vertical plane passing through the airport reference point.]]~~ >>extending to a height of 350 feet above the airport elevation.<<
- (7) *Non-zoned districts:* The height limitations as well as land use requirement in non-zoned districts shall, for the purposes of this article, be identical with requirements as set forth in Chapter 33 of the Code of ~~[[Metropolitan]]~~ >>Miami-<< Dade County, Florida, or, as the same may be set forth in the general zoning ordinances of the various municipalities where the property is located within a municipality.

Where the hereinbefore described imaginary inclined or horizontal surfaces or one district overlap, merge or intersect with those of any other district, the imaginary inclined or horizontal surface that prescribes the most restrictive height limitation shall obtain and shall govern.

Notwithstanding any other provisions of this article to the contrary, the height limits prescribed by this article shall not establish for any particular parcel of privately owned land at any particular point within such a parcel, a height limit of less than forty (40) feet above mean sea level at that point.

~~[[Sec. 33-394.           Zone classification district boundary map for the airport zoning area.]]~~

>>Sec. 33-394.           Establishment of land use zoning criteria for airports.

For the purpose of this article all of the land use zoning criteria for Kendall-Tamiami Executive Airport and the

surrounding area, as the same is created, established and described hereinbefore, is hereby divided into classifications as follows:

- (1) Inner District (ILZ). An ILZ covers an area measured as one-half the length of the longest runway at the airport on either side and at the end of each runway centerline at the airport.
- (2) Outer District (OLZ). The OLZ at an airport is based on VFR traffic pattern criteria and predominant type of aircraft utilizing the airport. For Kendall-Tamiami Executive Airport "Category A" is used due to the predominant type of aircraft having an approach speed less than 91 knots and aircraft weighing less than 30,001 pounds. The mathematical formula for determining the limits of the OLZ are found in Federal Aviation Administration (FAA) Advisory Circular 7400.2C.
- (3) No School Zone (NSZ). An NSZ for each runway covers an area that extends five statute miles from the end of a runway in a direct line along the centerline of the runway, and has a width measuring one-half the length of the longest runway at the airport.
- (4) Inner Safety Zone (ISZ). Also referred to as the Runway Protection Zone (RPZ). For Kendall-Tamiami Executive Airport the ISZ is defined as an area which is centered about the extended runway centerline and begins 200 feet beyond the end of the area usable for take-off or landing. The ISZ dimension for Runway 13/31 begins at a width of 500 feet and extends 1,000 feet to a width of 700 feet. The ISZ dimension for Runway 9R/27L and Runway 9L/27R begin at a width of 1,000 feet and extends 2,500 feet to a width of 1,750 feet.
- (5) Outer Safety Zone (OSZ). The OSZ is described as an area that extends outward from the ISZ to a point 5,000 feet from a runway end. The OSZ dimension for Runway 13/31 begins at a width of 700 feet and extends 3,800 feet to a width of 1,460 feet. The OSZ dimensions for Runway 9R/27L and Runway 9L/27R begin at a width of 1,750 feet and extend 2,300 feet to a width of 2,440 feet.



Sec. 33-395. Land use zoning classifications for airports.

(A) Except as otherwise provided in this article, limitations on development of land, structures, and utilization of land within areas designated herein as being restricted due to non-compatibility with aircraft operations are in effect. In situations where land is beneath more than one land use classification the most restrictive shall apply. Restrictions to insure land use compatibility around Kendall-Tamiami Executive Airport are hereby established as follows:

- (1) Inner District (ILZ). New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.
- (2) Outer District (OLZ). New residential construction and educational facilities excluding aviation, within this land use classification are required to incorporate at least a 25 db Noise Level Reduction (NLR) into the design/construction of the structure.
- (3) No School Zone (NSZ). New educational facilities, excluding aviation schools, are not permitted within this land use classification.
- (4) Inner Safety Zone (ISZ). New residential construction, educational facilities (excluding aviation schools), churches and places of public assembly are not permitted within this land use classification.
- (5) Outer Safety Zone (OSZ). Residential units are limited to less than two per acre. Educational facilities (excluding aviation schools) and places of public assembly are not permitted.

(B) Except as otherwise provided in this article, it shall be unlawful to put any land or water located within L, T, and NA Districts and within TR Districts adjoining L and NA Districts and within the inner ten thousand (10,000) feet of IA Districts and the adjoining portions of TR Districts to any of the following prohibited uses:

(1) Establishments or uses that emit smoke, gases, or dust in quantities or densities sufficient to jeopardize the safe use of the airport.

(2) Notwithstanding any other provisions of this article, no use may be made of land or water within the airport zoning area in such a manner as to; create electrical interference with radio communications between the airport and aircraft; make it difficult for aircraft pilots and tower control operators to distinguish between airport lights, aircraft and others; result in glare in the eyes of aircraft pilots using the airport, or tower control operators; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft.

>>(3) Neither residential construction nor any educational facility as defined in Chapter 235, Florida Statutes, and the Code of Miami-Dade County, with the exception of aviation school facilities, shall be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline. <<

>>(4) Nothing contained herein shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in Section 235.19, Florida Statutes, as of July 1, 1993.<<

>>(5) Land fills and associated uses that emit smoke, gases, dust or attract birds shall not be permitted within 10,000 feet of any runway.<<

Sec.33-39[[4]]>>6<<. ~~[[Zone classification district boundary map for the airport zoning area.]]~~ >>Land Use and Height Zoning maps for the airport zoning area<<.

The Board of County Commissioners shall, by resolution, adopt, approve and ratify [[a]] drawing>>s<< which shall be entitled "Airport >>Land Use<< Zoning [[Area]] >>Map<< for [[New]] >>Kendall<<Tamiami >>Executive<< Airport >>and Surrounding Area<<, ~~[[Boundary Map, Zone Classification Districts,]]~~ >>and "Airport Height Zoning Map for Kendall-Tamiami Executive Airport and Surrounding Area."<< Such drawings shall locate and identify [[New]] >>Kendall<<Tamiami >>Executive<< Airport, >>the affected surrounding area<< and other topographic data pertinent thereto and to the purposes of this article and [[it]]>>they<< shall also truly and faithfully depict ~~[[the boundary of]]~~ the airport zoning area and the boundaries; and by contour lines, the height limitations, ~~[[for the several]]~~ >>and<< zone classification districts therein as the same are established herein and as the same may be changed, varied, amended or supplemented by resolution as provided and prescribed in Chapter 33 of the Code of ~~[[Metropolitan]]~~>>Miami<< Dade County, Florida. Copies or prints of such drawings shall be maintained and kept on file in the offices of the >>Miami<<Dade County ~~[[Port Authority]]~~ >>Aviation Department<< and the >>Miami-Dade County Planning and Zoning<< Department and shall be prima facie evidence of the boundaries of the zone classification districts and the height limitations applicable thereto and therein.

Sec. 33-39[[6]]>>7<<. **Nonconforming uses, regulations not retroactive.**

The regulations prescribed by this article or any amendment thereto shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree or use of land lawfully in existence not conforming to the regulations as of July 19, 1969, or otherwise interfere with the continuance of any nonconforming use. >>Between July 19, 1969 and the effective date of this ordinance property owners shall not be permitted to erect any structure or to grow or maintain trees to heights in excess of those provided in Ordinance No. 69-40<<. After ~~[[the effective date hereof]]~~>>July 19, 1969<<, property owners shall not be permitted >>to erect any structure or<< to

grow or maintain trees to heights in excess of those provided herein. ~~[[Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was lawfully begun prior to the effective date of this article, and is diligently prosecuted and completed within the time limit as prescribed by the South Florida Building Code.]]~~ Notwithstanding the preceding provisions of this article, the owner of any such nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such marking, or marking and lighting, as shall be deemed necessary by the Director of the >>Aviation Department<< ~~[[Port Authority]]~~, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazard. Such marking and lighting, and the installation, operation and maintenance thereof, or such disposition of the hazard as may be agreed upon by and between the owner and the Director of the >>Miami-<<Dade County >>Aviation Department<<—~~[[Port Authority]]~~ in lieu of such marking, or marking and lighting, shall be at the expense of the >>Miami-<<Dade County >>Aviation Department.<< ~~[[Port Authority.]]~~

>>For the purposes of determining what shall constitute a nonconforming use, nothing contained herein shall be construed to prohibit or to require the removal of any lawful residential construction existing on the effective date of this ordinance or the approval of new residential construction either (a) on land located inside a residential zoning district, (b) on land designated or considered as “Residential Communities” on the Comprehensive Development Master Plan Land Use Plan Map, or (c) on land designated as “Agriculture” or “Open Land” on the Land Use Plan Map that was surrounded on three or more sides within ¼ mile by land designated as “Residential Communities” on the Land Use Plan Map on the effective date of this ordinance. Any new residential construction on land identified in this paragraph is required to incorporate at least a 25 db Noise Level Reduction (NLR) into the design/construction of the structure.

For the purposes of determining what shall constitute a non-conforming use, nothing contained herein shall be construed to prohibit the construction of educational facilities previously approved by Zoning Resolution of the Community Zoning Appeals Board or Board of County Commissioners within twelve (12) months prior to the effective date of this ordinance.<<

Sec. 33-39~~[[7]]~~>>9<<. Administration and enforcement.

It shall be the duty of the Director >>of the Department of Planning and Zoning ~~[[Department]]~~ of Miami-Dade County, Florida,<< to administer and enforce the regulations prescribed herein in accordance with Section 2-118, Code of ~~[[Metropolitan]]~~ >>Miami-<<Dade County, Florida.

In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by the Director. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Director of the ~~[[Dade County]]~~ >>Aviation Department and Team Metro of Miami-Dade County<< ~~[[Port Authority]]~~. A >> Planning and Zoning<< Department administrative official shall order discontinuance of use of land or buildings; removal of trees to conform with height limitations set forth herein; removal of buildings, additions, alteration, or structures; discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this article.

Sec. 33-~~[[398]]~~>>400<<. Permits.

Applications for permits under this article shall be obtained from the appropriate ~~[[Building]]~~ >>planning<< and >>z<<[[Z]]oning >>d<< ~~[[D]]~~epartment or agency.

>>Approval of a<<[[A]]pplications for permits for all construction, for adding height to any existing structures, and for all alterations, repairs, or additions that will change the use of the structure from the existing use to any commercial >>,<< ~~[[or]]~~ industrial >>educational facility or residential<< use in any airport zone classification district lying within unincorporated >>and incorporated<< areas of >>Miami-<<Dade County, shall be obtained from the Director ~~[[.]]~~ >> of the Department of ~~Dade County~~ Planning and Zoning Department, such application for permits shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is to be used during construction. No person shall operate such equipment until approval is obtained from the Director of the Aviation Department<<.

All applications for permits made to appropriate municipal ~~[[Building]]~~ >>Planning<< and Zoning Department >>s<< or agencies for all construction or for adding height to any existing structure, and for all alterations, repairs, or additions that will change the use of structure from the existing use to any commercial >>,<< ~~[[or]]~~ industrial >>educational facility or residential<< use in any airport zone classification district lying within a municipality for which airport zone classification district boundaries have been established herein, shall be approved by the Director >>of the Miami-Dade County Planning and Zoning Department<< or by his duly authorized representative prior to issuance of the permit by any municipal ~~[[Building]]~~ >>Planning<< and Zoning Department or agency for the purpose of assuring compliance with the minimum standards governing zoning as set forth in this article; provided, however, no approval by the Director >>of the Miami-Dade County Planning and Zoning Department<< will be required for building and use permits from municipalities which have adopted by ordinance effective airport zoning regulations, the minimum standards of which are at least as restrictive as the minimum standards prescribed herein as such apply to the areas covered by this article~~[[;]]~~ >>. No<< approval by the Director >>of the Dade County Planning and Zoning Department<< will be required for building and use permits from municipalities which have adopted by ordinance effective general zoning regulations, the minimum standards of which are at least as restrictive as the minimum standards prescribed herein as such apply to the areas covered by this article; providing, however, that no municipality may grant any variance to said general zoning regulations which would make said minimum standards less restrictive than the minimum standards prescribed herein.

Permits will be approved by the Director >>of the Miami-Dade County Planning and Zoning Department<< or his duly authorized representative unless the proposal fails to meet the requirements of all applicable zoning regulations and building codes including the provisions of this article.

Permits when >>applied for by<< ~~[[issued to]]~~ applicants intending to use derricks, draglines, cranes and other boom-equipped machinery for such construction, reconstruction or alteration >>of any commercial, industrial, educational facility or residential use<<, shall, when the boom operating height exceeds the height limitations imposed by this article, require applicant to mark, or mark and light, the >>machinery<<~~[[highest point on the~~

~~boom]]~~ to reflect conformity with the Federal Aviation Administration's ~~>>~~or the Miami-Dade County Aviation Department~~<<~~ standards for marking and lighting obstructions, ~~[[and]]~~ ~~>>~~whichever is the more restrictive, and shall require the applicant in such cases to obtain approval from the Director of the Miami-Dade County Aviation Department for the location, height and time of operation for such construction equipment use prior to the issuance of a construction permit to the applicant.~~<<~~ ~~[[in such cases the applicant shall notify the Director of the Dade County Port Authority at least twenty-four (24) hours prior to the time that such use is to begin.]]~~

~~>>~~Notwithstanding any provision of this ordinance, in granting any permit or variance under this article, the Director or the appropriate board shall require the owner of the structure or tree for which a permit or variance is being sought, to install, operate and maintain thereon, at the owners sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction, such marking and lighting to conform to the specific standards established by rule of the Department of Transportation.~~<<~~

Any decision of the Director ~~>>~~of the Planning and Zoning Department of Miami-Dade County~~<<~~ may be appealed as provided and prescribed under Article XXXVI, of Chapter 33, Code of ~~[[Metropolitan]]~~ ~~>>~~Miami-~~<<~~ Dade County, Florida.

Sec. 33-~~[[399]]~~~~>>~~401~~<<~~. Nonconforming uses abandoned or destroyed.

Whenever the Director ~~>>~~of Planning and Zoning Department of Miami-Dade County~~<<~~ determines that ~~>>~~the height limits or use standards of this article will be violated by the reconstruction, substitution or replacement of an existing nonconforming use, structure or tree, no permit shall be granted for such reconstruction substitution or replacement.~~<<~~~~[[a nonconforming use, structure or tree has been abandoned or is more than fifty (50) percent burned, torn down, physically deteriorated, or decayed, no permit shall be granted for reconstruction that would permit such structure or tree to violate height limits or use standard of this article.]]~~

Whether application is made for a permit under this paragraph or not, the Director ~~>>~~of the Planning and Zoning

Department of Miami-Dade County<< may by appropriate action require the owner of the nonconforming structure or tree to permit the >>Miami-<<Dade County ~~[[Port Authority]]~~ >>Aviation Department<< at its expense to lower, remove, or mark, or mark and light such object as may be necessary to conform to these regulations.

**Sec. 33-40[[0]]>>2<<. Variances**

>>(1)<< Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or otherwise use his property not in accordance with the regulations prescribed in this article may apply to the appropriate zoning board for a variance from such regulations as provided and prescribed under Article XXXVI or Chapter 33, Code of ~~[[Metropolitan]]~~ >>Miami-<< Dade County, Florida. >>Applications for variances or any other authorization for any construction or use not authorized by Sections 33-392, 33-393, 33-394, 33-395, 33-396 or 33-397 shall be submitted and determined in accordance with the procedures, provisions and requirements set forth in Florida Statutes, Section 333.03(1)(e) and Sections 333.07 through and including 333.11 (1998) or successor legislation. For the purpose of zoning applications filed under this chapter, ~~[[T]]~~>>t<<he appropriate Community Zoning Appeals Board shall constitute the board of adjustment pursuant to Florida Statutes, Section 333.10, subject to all procedures applicable to community zoning appeals boards.<<

>>(2) At the time of filing the application, the applicant shall forward to the Florida Department of Transportation by certified mail, return receipt requested, a copy of the application for the Department's review and comment, if any. A copy of the return receipt must be filed with the Director of the Miami-Dade County Department of Planning and Zoning at the time of filing the application. No public hearing on the application may commence less than forty-six (46) days after receipt of the application by the Department of Transportation. Notwithstanding any provision of the Code of Miami-Dade County, failure to comply with the requirements of this subsection shall be grounds for appeal of a decision rendered by the community zoning appeals board by an applicant, governing body of any municipality, if affected, or any aggrieved party as defined in Section 33-313, Code of Miami-Dade County, the Director or the County Manager to the Board of County Commissioners. The provisions of Section 33-313 shall govern all appeals brought under this subsection.<<



>>(3) No application shall be considered unless a written evaluation and recommendation of the director of the aviation department of his or her designee has been provided to the applicable board. For purposes of applications brought under this section, the procedures of this section shall be in addition to any procedures set forth elsewhere in the Code of Miami-Dade County.  
<<

>>(4)<< Approval of such variances ~~[[applications]]~~ shall be ~~[[allowed where]]~~ >>limited to those cases in which<< it is duly found that a literal application or enforcement of the regulations would result in practical difficulty ~~[[or]]~~ ~~and~~ >>or<< unnecessary hardship and the relief granted would not be contrary to the public interest but ~~[[with]]~~ >>would<< do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Dade County, Florida, by preventing the creation >>of an airport hazard or of a hazard to air navigation<<, ~~[[or establishment of airport hazards]]~~, thereby protecting the lives and property of users of ~~[[New]]~~ >>Kendall-<<Tamiami >>Executive<< Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.

>>(5) Construction of any educational facility is prohibited at either end of a runway of Kendall-Tamiami Executive Airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. In addition to any findings required in this chapter, variances approving construction of an educational facility within the delineated area shall only be granted when the appropriate zoning board makes specific findings detailing how the public policy reasons for allowing construction outweigh health and safety concerns prohibiting such a location.<<

>>(6) Notwithstanding the foregoing provisions of this section, in granting any permit or variance under this article, the Director or the appropriate board shall require the owner of the structure or tree for which a permit or variance is being sought, to install, operate and maintain thereon, at the owners sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction, such marking and lighting to

conform to the specific standards established by rule of the Department of Transportation.<<

>>(7) Notwithstanding any provision contained in any section of this Code, the Board of County Commissioners shall have jurisdiction over any appeal filed by the County Manager from a decision of a Community Zoning Appeals Board rendered pursuant to this section where it is the opinion of the County Manager that a Community Zoning Appeals Board's resolution is incompatible with aviation activity or aviation safety.<<

**Sec. 33-40[[1]]>>3<<.      ~~[[Hazard marking and lighting.]]~~  
>>Conditions to variances.<<**

Any ~~[[permit or]]~~ variance granted under this article may, if such action is deemed advisable to effectuate the purposes of this article and reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain >>at his expense<< or to permit the Dade County ~~[[Port Authority]]~~ >>Aviation Department<< to install, operate, and maintain thereon at the owner's expense such marking, or marking and lighting, as may be necessary to indicate to aircraft pilots the presence of an airport hazard ~~[[:-]]~~ >>or hazard to air navigation.<<

**Sec. 33-40[[2]]>>4<<.      Penalties and enforcement.**

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall be punishable as provided by Section 33-39, Code of Metropolitan Dade County, Florida.

**Sec. 33-40[[3]]>>5<<.      Conflicting regulations.**

>>Nothing contained in this article shall be interpreted to conflict with or supersede any federal regulation pertaining to the control of hazards to air navigation; provided however, w[[W]]here this article imposes lower height limitations or more stringent restrictions upon the use of land or water than are imposed or required by [[any]] other >>County<< ordinance or resolution, >>or federal rules or regulations, << the provisions of this article shall govern. ~~[[Nothing contained in this article shall, however, be interpreted to conflict with or supersede any federal regulations pertaining to the control of airport hazards.]]~~

Section 2. Article XXXVI of the Code of Metropolitan MIAMI-DADE COUNTY, Florida, is hereby amended to read as follows:

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

\* \* \*

(8) Any appeal filed by the County Manager from any action of the Community Zoning Appeals Boards where it is the opinion of the County Manager that a Community Zoning Appeals Board's resolution has either (a) an overall impact to the County ~~[[øf]]~~ >><<(b) is inconsistent with the Miami-Dade County Comprehensive Development Master Plan~~[[.]]~~ >>or (c) is incompatible with aviation activity or aviation safety.<<

\* \* \*

Section 3. This ordinance does not contain a sunset provision.

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

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

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

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RA 6

Prepared by:

JM+CHC



# MEMORANDUM

Agenda Item No. 4(0)

To: Honorable Chairperson and Members  
Board of County Commissioners

(Public Hearing 9-9-99)  
Date: July 13, 1999

From: Merrett R. Stierheim  
County Manager

Subject: Ordinance Amending Section  
20-43 of the Code of Miami-Dade  
County

99-108

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance which provides that the County Commissioner or Commissioners whose district encompasses all or part of a community council shall appoint an individual qualified to fill a vacancy if a community council seat becomes vacant and remains vacant for ninety (90) days.

## BACKGROUND

Vacancies on community councils may be created when a council member resigns or is otherwise no longer able to serve on the council. For elected seats, the vacancy is advertised and the council, at an advertised public meeting, may appoint someone to serve for the duration of the term.

There may be occasions when, due to a lack of a quorum at the meeting at which the appointment should occur, a tie vote, or the absence of qualified candidates coming forward, a seat may remain vacant for several months. The lack of a full board may impede the timely resolution of zoning applications if a hearing must be rescheduled due to a tie vote or to the lack of a quorum. The need to reschedule and re-advertise such hearings is costly and presents a burden to all involved, including the applicant, the members of the community council, the public and staff.

This ordinance would allow sufficient time for the community council to make an appointment. Should the council not do so, the County Commission may do so.

## FISCAL IMPACT

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

## HOUSING IMPACT

This ordinance has no impact on the cost of housing in Miami-Dade County.

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 4(O)  
9-9-99

ORDINANCE NO. 99-108

ORDINANCE AMENDING SECTION 20-43 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING THAT THE COUNTY COMMISSIONER OR COMMISSIONERS WHOSE DISTRICT ENCOMPASSES A COMMUNITY COUNCIL SHALL APPOINT NEW COUNCIL MEMBERS TO FILL COUNCIL VACANCIES WHERE THE COUNCIL FAILS TO DO SO WITHIN 90 DAYS OF SUCH VACANCY; 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 20-43 (A) (7) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

(7) Any vacant Council position, at the sole determination of the appropriate Community Council, may be filled for the duration of the unexpired term by the appointment of an individual meeting the qualifications provided in subsection (1) above. Provided, however, in the event there is an insufficient number of Community Council Members in office to constitute a quorum, the County Commissioner or Commissioners whose district encompasses all or part of a Community Council, shall appoint a sufficient number of members necessary to constitute a quorum. >>Further, should any Community Council fail to fill any vacant Council position within ninety (90) days from the date such position becomes vacant, the County Commissioner or Commissioners whose district encompasses all or part of a Community Council shall appoint an individual meeting the qualifications set forth in subsection (1) above to fill such vacancy.<< In the event any Council Member no longer resides in a Council subarea for a subarea position or Council area for an at large position, that person shall be deemed to have tendered their

<sup>1</sup>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.

resignation from such Council; provided, however, any Council member who, as a result of a modification to the configuration of a Council subarea pursuant to Section 20-42, is no longer qualified to be an elected member of such Council, shall be permitted to complete the term of office commenced prior to the subarea boundary modification.

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, 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:

SEP 09 1999

Approved by County Attorney as  
to form and legal sufficiency.

RA6

Prepared by:

CAK

**MEMORANDUM**

Amended  
Agenda Item No. 4(D)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** September 9, 1999

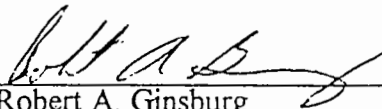
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
Donation Collection Vehicles  
and Donated Goods Center

O#99-99

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Natacha Seijas Millan, Commissioner Miguel Diaz de la Portilla, Chairperson Gwen Margolis, Commissioner Katy Sorenson, and Commissioner Javier D. Souto.

  
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/ydl



Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Agenda Item No. 4(D)  
9-9-99

ORDINANCE NO. 99-99

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-19 AND 33-238, CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PERMIT CERTAIN ATTENDED, NON-MOTORIZED DONATION COLLECTION VEHICLES AND DONATED GOODS CENTERS IN THE BU-1 ZONE; AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS OF SECTIONS 33-19 AND 33-238; 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 33-19 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec. 33-19. **Donation Collection Bins Prohibited**[[.]];  
>>Exceptions<<

- (a) *Donation collection bins prohibited*[[.]]; >>Exceptions<<  
It shall be unlawful to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintained a donation collection bin in or on any lot, parcel or tract of land or body of water in any zoning district. A donation collection bin is hereby defined as a receptacle designed with a door, slot or other opening and which is intended to accept and store donated items; provided, however, the definition of donation collection bins shall not include ~~[[trailers where personnel are present to accept~~

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<sup>1</sup>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.

donations.]]>>non-motorized vehicles which comply with the following criteria:

- (i) the non-motorized vehicles must be operated by an organization which has been incorporated as a not-for-profit organization under the laws of the State of Florida for a charitable purpose and which has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service; and
- (ii) personnel directly employed by or volunteers for the not-for-profit organization must be present at the non-motorized vehicles at least five days a week (except holidays) to accept donations; and
- (iii) the monetary proceeds resulting from the sale of donations collected at a non-motorized vehicle must be used in accordance with the organization's charitable purpose pursuant to Section 33-19(a)(i) to benefit persons within the boundaries of Miami-Dade County or outside of Miami-Dade County to provide emergency relief for victims of natural, man-made or economic disasters; and
- (iv) the operation of the non-motorized vehicles, the collection and distribution of donations and proceeds thereof must be conducted by said not-for-profit organization and not by a licensee, subcontractor or agent of the not-for-profit organization; and
- (v) the non-motorized vehicles shall be located on sites in accordance with the requirements of Section 33-238(5); provided further that said non-motorized vehicles shall operate in a safe manner, be neat in appearance, well maintained, free of graffiti, fully painted and shall be buffered from adjacent properties by on-site landscaping, walls or similar screening; and
- (vi) For each non-motorized vehicle said not-for-profit organization shall submit a declaration of use in a form meeting with the approval of the Director in connection with the issuance of an annually

renewable certificate of use and occupancy. Said declaration of use shall specify compliance with the foregoing conditions.

Non-motorized vehicles which comply with the foregoing criteria are not required to be shown on site plans which are required by the Code to be submitted for approval at public hearing or by administrative site plan review.<<

Section 2. Section 33-238 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-238.                   **Uses Permitted.**

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

- (1) Residential uses may be permitted as a combination of permitted business uses and residential uses housed in the same building; the floor area of the residential use shall not exceed fifty (50) percent of the floor area of the building.
- (2) Antique shops.
- (3) Apparel stores selling new and/or used merchandise, provided such establishments offering used merchandise contain not more than four thousand (4,000) square feet of gross floor area. The incidental sales of used jewelry, used toys, and used furniture shall be permitted in conjunction with the sales of used apparel, provided that the floor area devoted to the display of those incidental sales items does not exceed thirty (30) percent of the total gross floor area of the apparel store.
- (4) Art good stores, artist studios and photograph shops and galleries.
- (5) >>Attended, non-motorized donation collection vehicles as described in Section 33-19; provided, however, that such

attended non-motorized donation collection vehicles are placed only on improved property on sites of not less than one-half acre in size, in compliance with required setbacks, and not in required landscape areas or required parking areas and not in an area which would impede traffic circulation. It is further provided, that no attended non-motorized donation collection vehicle shall be placed within twenty-six hundred (2600) feet of another non-motorized donation collection vehicle; the distance shall be measured by following a straight line from the nearest property line where the proposed attended, non-motorized donation collection vehicle is to be located to the nearest property line of an existing attended, non-motorized donation collection vehicle. Notwithstanding any ordinance, resolution or administrative order to the contrary no fee shall be charged for the issuance of a certificate of use and occupancy. <<

~~[(5)]~~>>(6)<<Banks, excluding drive-in teller service.

~~[(6)]~~>>(7)<<Beauty parlors.

~~[(7)]~~>>(8)<<Bakeries, retail only (baking permitted on premises).

~~[(8)]~~>>(9)<<Barber shops.

~~[(9)]~~>>(10)<<Bicycle sales, rentals and repairs (non motorized).

~~[(10)]~~>>(11)<<Confectionery, ice cream stores and dairy stores.

~~[(11)]~~>>(12)<<Conservatories and music and dance schools.

~~[(12)]~~>>(13)<<Dairy stores.

~~[(13)]~~>>(14) Donated goods centers for the acceptance only of new or used merchandise, upon compliance with the following conditions:

- (a) the portion of the donated goods center which is open to the public shall not exceed 2000 square feet;
- (b) a solid wall shall separate the public area of the donated goods center from the balance of the said center and shall prevent public access to the balance of said center;

- (c) the donated goods center must be operated by an organization which has been incorporated as a not-for-profit organization under the laws of the State of Florida for a charitable purpose and which has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service;
- (d) the donated goods must be accepted by personnel directly employed by or volunteers for the not-for-profit organization;
- (e) the monetary proceeds resulting from the sale of donations collected at a donated goods center must be used in accordance with the organization's charitable purpose pursuant to Section 33-238(14)(c) to benefit persons within the boundaries of Miami-Dade County or outside of Miami-Dade County to provide emergency relief for victims of natural, man-made or economic disasters;
- (f) the operation of the donated goods center, the collection and use of donations and proceeds thereof must be conducted by said not-for-profit organization and not by a licensee, subcontractor or agent of the not-for-profit organization;
- (g) a declaration of use in a form meeting with the approval of the Director shall be submitted to the Department prior to the issuance of a certificate of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.<<

[[~~(14)~~]]>>(15)<<Florist shops.

[[~~(15)~~]]>>(16)<<Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.

[[~~(16)~~]]>>(17)<<Hardware stores.

[[~~(17)~~]]>>(18)<<Information booth, gate house and security station. The structure housing these uses shall comply with

principal building setback requirements but need not comply with any minimum square footable requirements for the districts.

[[~~(18)~~]]>>(19)<<Interior design shops, office and display only.

[[~~(19)~~]]>>(20)<<Jewelry stores.

[[~~(20)~~]]>>(21)<<Leather goods and luggage shops.

[[~~(21)~~]]>>(22)<<Mail order offices, without storage of products sold.

[[~~(21.1)~~]]>>(22.1)<<Museum.

[[~~(22)~~]]>>(23)<<Newsstand.

[[~~(23)~~]]>>(24)<<Office buildings.

[[~~(24)~~]]>>(25)<<Optical stores.

[[~~(25)~~]]>>(26)<<Paint and wallpaper stores.

[[~~(26)~~]]>>(27)<<Photograph galleries.

[[~~(27)~~]]>>(28)<<Pottery shops.

[[~~(28)~~]]>>(29)<<Restaurants and coffee houses or dining room where kitchen is screened or located altogether within an enclosed building or room and with ample provisions for carrying away or dissipating fumes, odors, smoke or noise and where premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passerby. Restaurants and outdoor (where approved by public hearing) cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.

[[~~(28.1)~~]]>>(29.1)<<Religious facilities located inside the Urban Development Boundary. Religious facilities outside the Urban Development Boundary will be permitted only upon approval after public hearing.

[[~~(29)~~]]>>(30)<<-Schools.

[[~~(30)~~]]>>(31)<<self-service post office which contains mechanical or computer equipment designed to provide limited postal service for walk-up trade.

[[~~(31)~~]]>>(32)<<Shoe stores and shoe repair shops.

[[~~(32)~~]]>>(33)<<Sporting goods stores.

[[~~(33)~~]]>>(34)<<Tailor shops, provided such establishments contain not more than four thousand (4,000) square feet of floor area.

[[~~(34)~~]]>>(35)<<Tobacco shops.

[[~~(35)~~]]>>(36)<<Variety stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.

[[~~(36)~~]]>>(37)<<Any property in a BU District may be used as access for egress and ingress only to property zoned in any BU classification or in any IU classification provided that both properties are under the same ownership.

[[~~(37)~~]]>>(38)<<Outside walk-up window service (no outside stools, chairs or tables), in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10.

**Schedule of civil penalties.**

*	*	*
Code Section	Description of Violation	Civil Penalty
*	*	*
>> <u>33-19</u>	<u>Maintaining illegal donation collection bin</u> <<	<u>500.00</u>

\* \* \*

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

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

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

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

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

CAC

Sponsored by Commissioner Natacha Seijas Millán  
Commissioner Miguel Diaz de la Portilla  
Commissioner Gwen Margolis  
Commissioner Katy Sorenson  
Commissioner Javier D. Souto



**MEMORANDUM**

Agenda Item No. 4(H)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** (Public Hearing 7-27-99)  
July 13, 1999

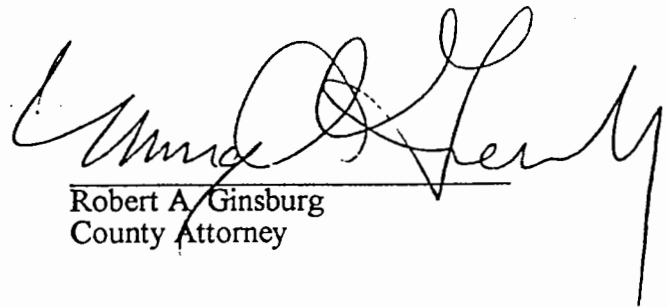
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
Chapter 33E (Dade County  
Road Impact Fee)

99-92

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The accompanying ordinance was prepared and placed on the agenda at the request of Chairperson Gwen Margolis.



Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

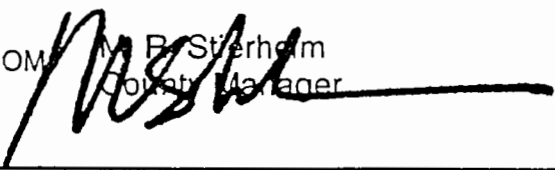
99-92

107.07-17A METRO DADE/GSA MAY '97

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: July 27, 1999

SUBJECT: Fiscal Impact Statement for  
Proposed Ordinance Relating to  
Deleting Road Impact Fee  
Exemption for Convention Hotels

FROM:   
County Manager

The proposed ordinance removing the exemption of convention hotels from the payment of road impact fees creates a fiscal impact on Miami-Dade County. It is not possible to estimate the fiscal impact because it is unknown how many convention hotels may be built.

However, since the exemption was created in 1996, two (2) convention hotels have been approved and were exempt from road impact fees. The road impact fees which would have been required totaled \$894,538 (\$692,390 Loew's; \$202,148 Royal Palm).

Fiscal/08199

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4 (H)  
7-27-99

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99-92

ORDINANCE RELATING TO CHAPTER 33E (DADE COUNTY ROAD IMPACT FEE); DELETING EXEMPTION FOR CONVENTION HOTELS IN TAX INCREMENT FINANCING DISTRICT; 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 33E-14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec 33E-14. Exemptions and credits.

\* \* \*

(d) Notwithstanding any other provisions of this chapter, development activity shall be exempt from the requirement of payment of road impact fees upon a determination by the County Planning and Zoning Director that such activity conforms to the following requirements:

\* \* \*

(4) Any commercial or industrial development activity located within an area approved for tax increment financing in accordance with Chapter 30-A of the Code of ~~[[Metropolitan]]~~ >>Miami<<Dade County, as the same may be amended, in which the development activity has made specific expenditures from tax increment dollars or arterial

<sup>1</sup>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.

roadway systems as identified in Section 33E-12 of the Code of ~~[[Metropolitan]]~~ >>Miami-<<Dade County, as the same may be amended. The total amount of exemption shall not exceed the total expenditure from tax increment dollars for capacity improvements to the collector or arterial roadway system. ~~[[Provided, however, in the case of convention hotels serving convention centers over 250,000 square feet the project is exempt up to the lesser of (1) the amount of the fee had the feepayer not been exempt, or (2) the amount of the expenditures on road improvements made with tax increment dollars or State of Florida grant dollars.]]~~

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.

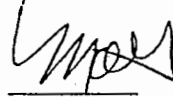
Section 4. This ordinance shall not apply to any building permit issued prior to this ordinance's effective date.

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: JUL 27 1999

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Sponsored by Commissioner Gwen Margolis



# MEMORANDUM

Agenda Item No. 4(H)

O: Honorable Chairperson and Members  
Board of County Commissioners

DATE: June 22, 1999

(Public Hearing 7-13-99)

SUBJECT: Proposed Ordinance  
Pertaining to Signs

FROM: M. P. Sierheim  
County Manager

99-83

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance pertaining to permanent point of sale signs in shopping centers. This ordinance proposes to amend Section 33-105 of the Code of Miami-Dade County (Zoning) to correct a scrivener's error.

## BACKGROUND

Ordinance 85-59 approved by the Board of County Commissioners on July 16, 1985, substantially modified signage regulations for all business signs located in Miami-Dade County. However, said ordinance contained a scrivener's error in the method of calculating setbacks for detached point of sale signs in shopping centers. (A point of sale sign is a sign which advertises the occupant of the premises, including the merchandise, products, or services which are available through the occupant identified in the signage. A detached sign is a sign that is not mounted on the face of the building, but rather is placed on a pole and is generally located close to the front property line.)

This ordinance will correct the numerical scrivener's error (.1825 vs .8125), and will make the method of calculating detached sign setbacks in shopping centers consistent with the regulations pertaining to all other business and industrial properties.

## FISCAL IMPACT

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

## HOUSING IMPACT

The proposed ordinance creates no impact on the cost of housing in Miami-Dade County.

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4(H)  
7-13-99

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99-83

ORDINANCE AMENDING CHAPTER 33 (ZONING)  
OF THE CODE OF MIAMI-DADE COUNTY,  
FLORIDA, PERTAINING TO SIGN REGULATIONS;  
AMENDING SECTION 33-105; 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 33-105 of the Code of Miami-Dade County, Florida, is hereby  
amended as follows:<sup>1</sup>

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

(Setbacks and spacing for such signs shall be amended as shown in the table  
included herewith on page 2.)

**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.

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

**Sec. 33-105. Permanent point of sales signs for shopping centers.**

Type of signs permitted: Detached; attraction board; flat; pylon; awning, canopy, roller curtain, umbrella; semaphore.

Type of Signs	Size	Number	Setbacks and Spacing	Illumination	Maximum Height	Special Conditions *
Detached	Up to 40 square feet for first 50 feet of frontage plus .75 square feet for each additional foot of frontage to a maximum sign size of 300 square feet	1 sign only if shopping center has less than 500 feet of lineal street frontage; a shopping center with 500 or more lineal street frontage is permitted either 1 300-square-foot sign or 2 200-square-foot signs; shopping centers on a corner lot are permitted an additional 40-square-foot sign on a side street	Setback for all street r.o.w.'s is 7 feet for a sign not exceeding 40 square feet; thereafter $[\frac{1}{2} + \frac{1}{2} \times \frac{1}{2}]$ additional setback for each 10 square feet of sign (calculated to the nearest 1/2 foot)	Illumination permitted; see general provision on illumination	30 feet from grade to top of sign	Sign shall be used only to identify the shopping center and/or as a directory of tenants in the shopping center
			Interior side setback is a minimum of 3 1/2 feet for a sign not exceeding 40 square feet; thereafter the interior side setback shall be increased by 10 percent of the calculated street frontage up to 100 lineal feet and by 20 percent of the calculated street frontage where same exceeds 100 lineal feet but does not exceed 200 lineal feet; then increases by 30 percent of the calculated street frontage above 200 lineal feet.			
			Minimum space between detached signs shall be 20 feet.			

W

\* \* \*



**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: JUL 13 1999

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by:

RA6  
DM

2/25/99 DGM  
modified 3/29/99 DGM  
Ord. 33-105



# MEMORANDUM

Agenda Item No. 4(G)

(Public Hearing 7-13-99)

To: Honorable Chairperson and Members  
Board of County Commissioners

Date: June 22, 1999

From: M. R. Stierheim  
County Manager

Subject: Ordinance Relating to Traditional  
Neighborhood Development -  
Amending Sections 33-284.46,  
33-284.47 and 33-284.50 of the  
County Code.

99 • 82

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending the Traditional Neighborhood Development (TND) District. The amendments are necessary to clarify conflicts between provisions of the TND Ordinance and other provisions of Chapter 33 of the Code of Miami-Dade County, and to provide that certain review procedures shall not apply to applications of the Director of the Department of Planning and Zoning or Zoning Official.

## BACKGROUND

On April 2, 1991, the Board adopted Ordinance No. 91-41, the Traditional Neighborhood Development (TND) District, to ensure the development of land using the traditional urban conventions which guided development in the United States from colonial times until the 1940's.

On December 15, 1998, the Board of County Commissioners adopted Resolution No. R-1445-98 instructing the Director of the Miami-Dade Department of Planning and Zoning to file a zoning application for a zoning district boundary change from RU-3 (Four Unit Apartment House District) and RU-4L (Limited Apartment House District) to TND on certain property in the Naranja Lakes area of South Miami-Dade County. The Director filed the application on March 4, 1999.

Section 33-284.50(B) of the of Miami-Dade County, *Initial TND review*, requires, among other information necessary to guarantee the construction of the development, the following: A recordable agreement guaranteeing the development of the TND; a development schedule indicating the approximate date(s) when construction will be initiated and completed; and the proposed treatment of the perimeter of the TND, including materials and techniques to be used to provide transition to other developments. This and other graphic and written information shall be submitted to the

Developmental Impact Committee (DIC) for review during the TND's initial review process, the process when the district boundary change is approved. Preliminary review of the Director's application revealed that for the rezoning to proceed, it is necessary to amend the TND ordinance to exempt applications of the Director of the Department of Planning and Zoning or Zoning Official from the above listed requirements. Much of this information cannot be provided since the Director does not have controlling interest on the property. It should be pointed out that the developer of the TND will have to submit this information to the DIC at the time of site plan approval.

Other amendments to the existing ordinance are necessary to clarify that the provisions of the TND Ordinance shall apply where in conflict with other provisions of Chapter 33 of the Code.

#### FISCAL IMPACT

These modifications to the existing TND Ordinance will result in no fiscal impact to the County.

#### ECONOMIC IMPACT

This ordinance will have no economic impact on the private sector or the projected employment for the County.

#### HOUSING IMPACT

Adoption of this ordinance will have no direct or indirect impact on housing costs.

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 4(G)  
7-13-99

ORDINANCE No. 99-82

ORDINANCE PERTAINING TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) ZONING DISTRICT; AMENDING SECTIONS 33-284.46, 33-284.47 AND 33-284.50 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE PROVISIONS OF THE TND ORDINANCE SHALL APPLY WHERE IN CONFLICT WITH OTHER PROVISIONS OF CHAPTER 33 OF THE CODE; PROVIDING THAT CERTAIN REVIEW PROCEDURES SHALL NOT APPLY TO APPLICATIONS OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING OR ZONING OFFICIAL; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND EFFECTIVE DATE

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

Section 1. Section 33-284.46, 33-284.47 and 33-284.50 of the Code of Miami-Dade County, Florida are hereby amended as follows:<sup>1</sup>

**ARTICLE XXXIIII. TRADITIONAL  
NEIGHBORHOOD DEVELOPMENT (TND)  
DISTRICT**

**Sec. 33-284.46. Purpose and Intent.**

The TND District is designed to ensure the development of land along the lines of traditional neighborhoods. Its provisions adapt the urban conventions which were normal in the United States from colonial times until the 1940's. The TND ordinance prescribes the following physical conventions:

<sup>1</sup>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.

\* \* \*

(H) Architecture and landscape respond to the unique character of the region.

>>Where the terms, design criteria, development parameters, and review procedure contained herein conflict with those provisions provided elsewhere in Chapter 33, the provisions of the TND shall apply.<<

**Sec. 33-284.47. Design criteria.**

(A) The following design criteria and requirements shall be applicable in the TND District. ~~[[When there are conflicts between the terms used herein and definitions as provided elsewhere in Chapter 33, the TND ordinance shall take precedence.]]~~ Terms used throughout this ordinance shall take their commonly accepted meaning unless otherwise defined in Chapter 33 or Chapter 28 of the Code of ~~[[Metropolitan]]~~ >>Miami-<<Dade County. Terms requiring interpretation specific to this ordinance are as follows:

\* \* \*

**Sec. 33-284.50. Review procedure.**

The TND review procedures are divided into four (4) steps: (A) preapplication conference; (B) initial TND review; (C) intermediate site plan review; and (D) final review.

\* \* \*

(B) *Initial TND review.*

- (1) Following the preapplication conference(s), the total development plan reviews shall be initiated by the applicant. Required exhibits listed below together with an application for public hearing shall be submitted to the Department in accordance with the requirements of Section 33-304, Code of ~~[[Metropolitan]]~~ >>Miami-<<Dade County.

(a) *Required exhibits – Written documents.* The following written documents shall be submitted to the Developmental Impact Committee for review prior to the public hearing.

1. Recordable agreement guaranteeing the development in accordance with promises made in the written and graphic documents listed below as approved by the Community Zoning Appeals Board. A draft of said agreement shall be submitted to the Developmental Impact Committee twelve (12) days prior to Developmental Impact Committee Executive Council review with final executed agreement received fifteen (15) days prior to Community Zoning Appeals Board review and action.
2. A development schedule indicating the approximate date(s) when construction of the TND and phases thereof including the mix of residential and commercial, will be initiated and completed.

\* \* \*

(b) *Required exhibits – Graphic Documents.* Maps, site plans and drawings, depicting the proposed TND shall be submitted as part of the development plan and shall contain the following minimum information:

\* \* \*

4. The proposed treatment of the perimeter of the TND including materials and techniques to be used to provide transition to other developments.
5. Any additional information required by the Developmental Impact Committee to evaluate the character and impact of the proposed TND.

>>It is provided, however, that the requirements of subsections 33-284.50(B)(1)(a)(1) and (2), and 33-284.50(B)(1)(b)(4) shall not apply to applications of the Director or Zoning Official.<<

\* \* \*

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: JUL 13 1999

Approved by County Attorney as  
to form and legal sufficiency: RAI

Prepared by: CAK

**MEMORANDUM**

Substitute  
Agenda Item No. 4(D)

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** (Public Hearing 7-13-99)  
April 13, 1999

**FROM:** Robert A. Ginsburg  
County Attorney


**SUBJECT:** Ordinance relating to  
bicycle racks

99 - 81

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Javier D. Souto.

The substitute differs from the original proposal as follows:

1. It modifies the requirements based on use for parks, shopping malls, offices and restaurants and residences.
2. It expressly excludes airport and seaport terminals from its requirements.
3. Provides no permit is needed for posting required signs.
4. Exempts multi-family uses from retroactive application of these requirements.
5. Various non-material clarifications.
6. Makes several nonsubstantive clarifications and stylistic changes.

  
Robert A. Ginsburg  
County Attorney

RAG/bw





# MEMORANDUM

107 07-17A METRO/DADE/CSA-MAT MGT

TO: Honorable Chairperson and Members  
Board of County commissioners

DATE: July 13, 1999

SUBJECT: Fiscal Impact of Ordinance  
Relating to Bicycle Racks

FROM: M. R. Sierheim  
County Manager

99-81

The proposed ordinance relating to the installation of bicycle racks has a fiscal impact on Miami-Dade County. In order to comply with the proposed requirements of the ordinance, the County would need to purchase one hundred thirty-eight (138) bicycle racks at approximately \$500.00 each for a total expenditure of \$69,000.00.

Please note that the provision and installation of bicycle racks might require the removal of automobile parking spaces at certain facilities. The associated loss of revenue has not been included.

Fiscal/05799

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Substitute  
Agenda Item No. 4(D)  
7-13-99

ORDINANCE NO. 99-81

ORDINANCE CREATING SECTION 33-122.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REQUIRE BICYCLE RACKS AT CERTAIN PARKING LOTS; 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 33-122.3 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:<sup>1</sup>

>>Requirement of Bicycle Racks or Other Means of Storage - Racks or other means of storage that can secure at least four (4) bicycles shall be required for all park, shopping center, office and restaurant uses with parking lots, as follows:

(a) Quantity of bicycle parking spaces required:

<u>Total Parking Spaces in Lot</u>	<u>Required Number of Bicycle Parking Spaces:</u>
<u>25 to 50</u>	<u>4</u>
<u>51 to 100</u>	<u>8</u>
<u>101 to 500</u>	<u>12</u>
<u>501 to 1000</u>	<u>16</u>
<u>over 1000</u>	<u>four (4) additional spaces for each 500 parking spaces over 1000.</u>

<sup>1</sup> 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.

- (b) Other uses - All other uses, other than airport or seaport terminals, single family, duplex or townhouse which are exempt, shall provide racks or other means of storage as provided herein only where their total parking lot has 101 or more spaces.
- (c) Location & design of bicycle parking spaces: The bicycle parking spaces shall be located near the principal entrance to the building. At buildings and shopping centers that have multiple parking lots, the bicycle parking spaces should be installed near the entrances to the buildings served by the lots. The bicycle parking spaces should be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicap accessibility and is protected from the weather by being located under roof overhangs and canopies. The parking spaces may not be placed in the County maintained right-of-way. The design of the bicycle rack should permit the locking of the frame and at least one wheel with a standard size "U" lock and accommodate the typical range of bicycle sizes. The bicycle rack must resist removal, must be solidly constructed to resist rust, corrosion and vandalism, and must be properly maintained.
- (d) Other forms of storage: At the owner's option, bicycle parking may also be installed in the form of storage rooms, lockers or cages.
- (e) Signage and markings: All bicycle parking spaces shall be posted with a permanent and properly maintained above-ground sign which shall conform to the figure entitled "Secured Bicycle Parking" 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, which may not be installed in the County maintained right-of-way. No permit shall be required for such signs.
- (f) Application to existing uses: All property owners of existing establishments that are required by this section to provide bicycle parking spaces shall comply within one (1) year from the effective date of this ordinance and shall be responsible to maintain such facilities. Existing multi-family uses are exempt from this subsection. <<

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.

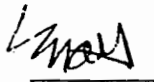
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered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

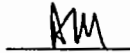
Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JUL 13 1999

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:

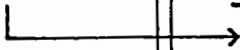


Sponsored by Commissioner Javier D. Souto

# BICYCLE PARKING SIGN



BLACK ON WHITE  
WITH 1 1/2" LETTERS



**BICYCLE PARKING ONLY**

**PLEASE SECURE YOUR BICYCLE PROPERLY**

ORDINANCE: 99-

18"

12"

**MEMORANDUM**

Substitute  
Agenda Item No. 4(B)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** July 13, 1999

**FROM:** Robert A. Ginsburg  
County Attorney

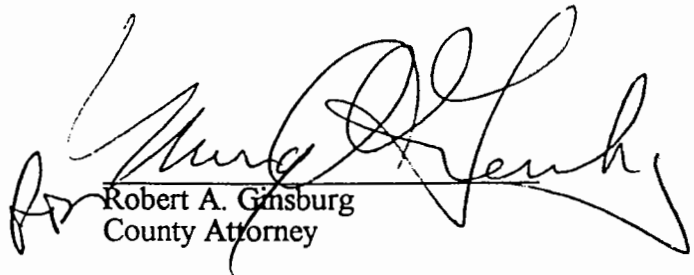
**SUBJECT:** Ordinance relating to  
Agricultural Practices Study  
Advisory Board

99-79

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The accompanying substitute ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

The substitute differs from the original in that it makes several non-substantive corrections to the names of several organizations making recommendations regarding membership of the Advisory Board.

  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

107.07.17A METRO-DADR/GSA MAT. MGT

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: July 13, 1999

SUBJECT: Fiscal Impact of Ordinance  
Relating to Agricultural  
Practices Study Advisory Board

FROM:   
County Manager

99-79

This proposed ordinance amends the appointment of members to Agricultural Practices Study Advisory Board. There is no fiscal impact of this ordinance on the County budget.

fiscal/07099

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Substitute  
Agenda Item No. 4 (B)  
7-13-99

ORDINANCE NO. 99-79

ORDINANCE AMENDING SECTION 2-931, ET. SEQ., OF THE CODE OF MIAMI-DADE COUNTY TO CHANGE THE COMPOSITION AND TERMS OF THE MIAMI-DADE COUNTY AGRICULTURAL PRACTICES STUDY ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Sections 2-931, 2-932 and 2-933 of the Code of Miami-Dade County provide for the creation, composition, terms, purpose, and duties of the Agricultural Practices Study Advisory Board; and

**WHEREAS**, a purpose of the Advisory Board is to study the regulation of agricultural practices in Miami-Dade County and to provide recommendations to the Board of County Commissioners with regard to such regulations; and

**WHEREAS**, the Advisory Board should appropriately represent the various sectors of agriculture in Miami-Dade County; and

**WHEREAS**, the Advisory Board recognizes the increasing economic impact of the nursery industry in Miami-Dade County; and

**WHEREAS**, to accomplish these goals, the Advisory Board has recommended this Board amend Section 2-931, et. seq. of the Code of Miami-Dade County to restructure the Advisory Board;

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



Section 1. Section 2-932 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec. 2-932. Membership; qualifications.

There shall be a total of thirteen (13) members appointed >>by the Board of County Commissioners<< as follows:

- (a) ~~[[The initial thirteen (13) members shall be comprised of the members of the Dade County Ad Hoc Committee created to study regulation of agricultural practices in the County.]]~~

>>two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by Florida Lime and Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida and Florida's Tropical Fruit Advisory Council;

two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nurserymen & Growers Association;

two (2) representatives from the vegetable industry, recommended by the Dade County Farm Bureau;

one (1) representative of the aquaculture industry, recommended by the ornamental Aquaculture Association of South Florida;

one (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;

one (1) representative of allied agribusiness, recommended by the Miami-Dade AgriCouncil;

<sup>1</sup> 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.

one (1) representative of agri-banking, recommended by the Homestead-Florida City Chamber of Commerce;

one (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;

one (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and

one (1) at large representative recommended by the Miami-Dade Agricultural Practices Study Advisory Board.<<

\* \* \*

Section 2. Section 2-933 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-933. Terms, staff support

~~[[Members of the Board shall serve until the submission of the Board's report to the Board of County Commissioners.]]~~  
>>Members shall have a major portion of their income from or work time devoted to production agriculture in Miami-Dade County, and shall be appointed for terms of three (3) years, with none serving more than two (2) consecutive terms in the same position. << The County Manager shall designate representatives from the Department of Planning~~[[, Development and Regulation]]~~ >>and Zoning << to provide appropriate staff support to the Board.

>>(a) Transition - In the year 2000 (Transition Year 1) there will be two at-large representatives, one (1) appointed for the regular three (3) year term and one appointed for one (1) year only. There will therefore be a total of fourteen (14) members in Transition Year 1 only. Otherwise, the transition from the current board to the new board and three year term rotations shall occur as follows:

Year 1 Transitions and Term Rotations:

1. Florida Lime & Avocado Committee (replacing current Tropical Fruit Growers of South Florida position)
2. At-Large Representative (replacing current Tropical Fruit Growers of South Florida position)

3. Farm Labor (replacing current Tropical Fruit and Vegetable position)
4. Nursery Representative #2 (replacing current Tropical Fruit Advisory Council position)
5. Citizens' Association

Year 2 Transitions and Term Rotations:

1. Tropical Fruit Representative (replacing current Florida Mango forum position)
2. Vegetable Representative #1
3. South Dade Soil & Water Conservation District
4. Allied Agribusiness

Year 3 Transition and Term Rotations:

1. Nursery Representative #1
2. Vegetable Representative # 2
3. Agri-banking
4. Aquaculture.<<

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:

JUL 13 1999

Approved by County Attorney as  
to form and legal sufficiency:

Lincoln

Prepared by:

son

Sponsored by Commissioner Katy Sorenson

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4(I)

Veto \_\_\_\_\_

6-8-99

Override \_\_\_\_\_

ORDINANCE NO. 99-67

ORDINANCE PERTAINING TO COMMUNITY COUNCILS, AMENDING §20-44 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE TIME FOR CONCLUSION OF MEETINGS; 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 20-44(C) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec 20-44. Community Councils; organization.

\* \* \*

Sec. 20-45(C) Within parameters recommended by the County Manager and approved by the County Commission, Community Councils shall be empowered to establish their own procedures for conducting their business and to select from the activities described in Section 20-41(B) those in which it wishes to engage. It is provided however that zoning procedures shall be adopted pursuant to Sections 33-308 of the Code. >>It is further provided that no zoning or non zoning meeting of a Community Council or Community Zoning Appeals Board shall extend beyond 11:00 p.m.<<

Section 2. If any section, subsection, sentence, clause or provision of

<sup>1</sup> 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

Substitute No. 2  
Agenda Item No. 4(E)

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: June 8, 1999

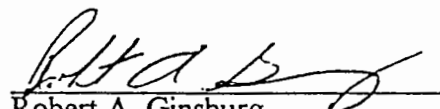
FROM: Robert A. Ginsburg  
County Attorney

SUBJECT: Ordinance relating to high  
structure set-aside district

99-65

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jimmy L. Morales.

The substitute corrects scrivener's errors as to form.

  
Robert A. Ginsburg  
County Attorney


RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: June 8, 1999

  
FROM: M. R. Stierheim  
County Manager

SUBJECT: Fiscal Impact of proposed  
Ordinance relating to high  
structure set-aside district

99-65

The proposed ordinance pertaining to high structure set-aside district creates no fiscal impact on Miami-Dade County.

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Substitute No. 2  
Agenda Item No. 4(E)  
6-8-99

ORDINANCE NO. 99-65

**ORDINANCE AMENDING SECTIONS 33-334(A)(6) AND  
33-335(6) OF THE CODE OF MIAMI-DADE COUNTY,  
FLORIDA REGARDING HS-A OR HIGH STRUCTURE  
SET-ASIDE DISTRICT; AMENDING SECTIONS 33-  
334(A)(7) AND 33-335(7) OF THE CODE REGARDING TR  
OR TRANSITION DISTRICT; PROVIDING FOR  
SEVERABILITY, INCLUSION IN THE CODE AND AN  
EFFECTIVE DATE**

WHEREAS, on October 28, 1986, the Board of Miami-Dade County Commissioners by Ordinance No. 86-83 established, among other things, the HS-A (High Structure Set-Aside) District and the TR (Transition) District, both in connection with the airport zoning for Miami International Airport; and

WHEREAS, Ordinance 86-83 as codified in the Code of Miami-Dade County, Florida contains certain scrivener's errors and deletions with respect to the HS-A District and the TR-District, which require correction; and

WHEREAS, the Board of Miami-Dade County Commissioners is desirous of amending the Code with respect to the HS-A District and TR District in order to correct the scrivener's errors and deletions; and

WHEREAS, the intent of the HS-A District was to provide an area where tall buildings and other structures may be permitted with no additional impact on the capacity and operation of Miami International Airport; and



WHEREAS, the intent of the TR District was to provide for transitions between the various landing and instrument approach districts, including the HS-A District, established in connection with the airport zoning for Miami International Airport; and

WHEREAS, the HS-A District may be reconfigured to allow additional development within Miami-Dade County with no additional impact on the capacity and operation of Miami International Airport; and

WHEREAS, a graphic representation of the reconfiguration of the HS-A District prepared by Ricondo & Associates, Inc., dated February 18, 1999 is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, in order to accommodate the reconfiguration of the HS-A District to allow additional development in Miami-Dade County, it is necessary to modify certain aspects of the TR District; and

WHEREAS, the reconfiguration of the HS-A District and modification of the TR District are consistent with City of Miami zoning regulations; and

WHEREAS, the Board of Miami-Dade County Commissioners wishes to reconfigure the HS-A District to allow additional development in Miami-Dade County and to modify the TR District to accommodate the reconfiguration of the HS-A District,

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

Section 1. Section 33-334(A)(6), (7) and Section 33-335(6), (7) of the Code of Miami-Dade County are hereby amended as follows:<sup>1</sup>

Sec. 33-334. Establishment of zone classification districts for airport zoning area; criteria for review of land use and zoning modifications in airport zoning area.

\*\*\*\*

(A) For the purpose of this article all of the airport zoning area for Miami International Airport (Wilcox Field), as the same is created, established and described hereinbefore, is hereby divided into zone classification districts as follows:

\*\*\*\*

(6) *HS-A or High structure set-aside district.* A "high structure set-aside district" is established which identifies an area where tall buildings and other structures may be permitted with limited impact on the capacity and operation of Miami International Air[~~Northeast corner is at N 524,757.12/E 769,800.34; and Southeast corner is at N 518,413.14/E 768,134.98.~~]]>>port. The high structure set-aside district embraces and includes all of the land and water lying within an area in the City of Miami, Florida bounded as follows:

On the West, by a line which begins at a point which is the intersection of the centerlines of I-95 and S.W. 15 Road and which extends northerly on a bearing of N 04° 38' 26" W for a distance of 665.91 feet to a point located within the I-95 right-of-way 160± feet north of the centerline of S.W. 11 Street and 270± feet east of the centerline of S.W. 4 Avenue, and which continues northerly from that point on a bearing of N 00° 21' 19"E for a distance of 4,677.95 feet to a point on the centerline of I-95 located 78± feet south of the centerline of N.W. 3 Street;

On the North, by a line beginning at the point of the I-95 centerline 78± feet south of the centerline of N.W. 3 Street and extending easterly on a bearing of S 86° 33' 36" E for a distance of 6,549.01 feet to a point in Biscayne Bay which is located a distance of

<sup>1</sup> 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.

1,771± feet along said line easterly from the point where that line intersects the existing Biscayne Bay bulkhead line;

On the South, by a line beginning at a point which is the intersection of the centerlines of I-95 and S.W. 15 Road and extending southeasterly on a bearing of S 57° 14' 10" E for a distance of 1,400.30 feet, thence on a bearing of S 68° 47' 20" E for a distance of 3,735.10 feet to a point in Biscayne Bay which is located a distance of 1,300± feet along said line southeasterly from the Biscayne Bay bulkhead line; and

On the East, by a straight line connecting the easterly termini of the north and south boundary lines of the HS-A District, said line being located in

Biscayne Bay 313± feet easterly of and parallel to the easterly bulkhead line of Claughton Island, having a northerly bearing of N 14° 42' 32" E, and having a length of 7,296.96 feet.

The HS-A District is further, and more particularly, located by the Florida State Plane Coordinate System as follows:

Northwest corner is at N 525,150.08/E 763,263.13;

Northeast corner is at N 524,757.12/E 769,800.34;

Southeast corner is at N 517,699.29/E 767,947.59; and

The Southwest corner ranges westerly and northerly through three points.

N 519,050.67/E 764,465.52 to N 519,808.48/E 763,288.00 to N 520,472.22/E 763,234.12.<<

The high structure set-aside district is overlaid by ~~four (4)~~ seven (7) imaginary surfaces as follows: a level surface at elevation 949 feet MSL, hereinafter called the 949-foot level surface; >>a level surface at elevation 660 feet MSL, hereinafter called the 660-foot shelf; a level surface at elevation 710 feet MSL, hereinafter called the 710-foot shelf; << an inclined surface with a gradient of 202 feet per nautical mile, or 30.08 feet horizontal for one (1) foot vertical, extending upward from the airport to the HS-A District and hereinafter called the >>west<< climb gradient surface; >>an inclined surface with a gradient of 250 feet per nautical mile, or 24.30 feet horizontal for one foot vertical, extending upward from the 710-foot shelf to the easterly boundary of the HS-A District and hereinafter called the southeast climb

gradient surface;<< and two (2) inclined transitional surfaces, one (1) which extends inward and upward from the northern boundary of the HS-A District to connect with the 949-foot level surface and with the >>west<< climb gradient surface, and one (1) which extends inward and upward from the ~~[[southern]]~~ >>northern<< boundary of the ~~[[HS-A District]]~~ >>660-foot shelf surface, the 710-foot shelf surface and the southeast climb gradient surface<< to connect with the ~~[[same said surfaces]]~~ >>949-foot level surface and with the west climb gradient surface,<< these transitional surfaces are herein below described under "transition districts."

The 949-foot level surface overlies all the land and water area bounded as follows:

Beginning at a point located on the easterly boundary line of the HS-A District 815.90 feet south of the northeast corner of said district, proceed southerly along said boundary line for a distance of 4,666.40 feet to a point which is ~~[[1,076.62]]~~ >>1,814.66<< feet from the southeasterly corner of the HS-A District; thence

Northwesterly along a line bearing N 59° 24' 54" W for a distance of 4,670.33 feet to a point which is located 265± feet west of the centerline of the Metrorail right-of-way and 77± feet north of the centerline of S.W. 7 Street; thence

Northerly along a line bearing N 13° 06' 53" E for a distance of 1,819.54 feet to a point which is located 528± feet west of the centerline of South Miami Avenue and 308± north of the centerline of S.W. 3 Street; thence

Easterly along a line bearing N 85° 38' 39" E for a distance of 4,806.44 feet to the point of beginning.

>>The 660-foot shelf is a level surface that overlies all the land area bounded as follows:

Beginning at the southerly end of the westerly boundary of the HS-A District proceed northerly on a bearing of N 04° 38' 26" W for a distance of 665.91 feet; thence Southeasterly along a line bearing S 67° 12' 38" E for a distance of 532.50 feet; thence Southerly along a line bearing S 30° 35' 06" W to its intersection with the southerly boundary of the HS-A District; thence Northwesterly

along the southerly boundary line for a distance of 143.59 feet to the point of beginning.

The 710-foot shelf is a level surface that overlies all the land area bounded as follows:

Beginning at a point which overlays the northeasterly corner of the 660-foot shelf area proceed southeasterly along a line bearing S 67° 12' 38" E for a distance of 2,412.9 feet; thence Southerly along a line bearing S 30° 35' 06" W to its intersection with the southerly boundary of the HS-A District; thence Westerly along the southerly boundary of the HS-A District on a bearing of N 68° 47' 20" W for a distance of 1,150.16 feet; thence Northwesterly along the southerly boundary of the HS-A District on a bearing of N 57° 14' 10" W for a distance of 1,256.71 feet to a point which overlays the southeasterly corner of the 660-foot shelf area; thence

Northeasterly along a line bearing N 30° 35' 06" E and which overlays the easterly boundary of the 660-foot shelf area to the point of beginning.<<

The >>west<< climb gradient surface begins at the westerly edge of the 949-foot level surface and proceeds westerly and downward toward the airport at a slope of 202 feet vertical per nautical mile horizontal intercepting the westerly boundary line of the HS-A District along said line between the following two (2) points: on the north at a point which is 711± feet west of the centerline of S.W. 2 Avenue and 25± feet south of S.W. 1 Street and on the south at a point which is 236± feet west of the centerline of S.W. 3 Avenue and 122± feet north of the centerline of S.W. 6 Street.

>>The southeast climb gradient surface begins vertically above the easterly boundary line of the 710-foot shelf at an elevation of 840 feet MSL and proceeds southeasterly and upward to the easterly boundary extended vertically of the HS-A District at a slope of 250 feet vertical per nautical mile horizontal and is described on the north by a horizontal line bearing S 67° 12' 38" E for a distance of 2,370.44 feet from the 710-foot shelf area and on the south by a horizontal line bearing S 68° 47' 20" E for a distance of 2,564.65 feet from the 710-foot shelf.<<

- (7) *TR or Transition districts.* "Transition districts" are hereby established adjacent to each landing and each instrument approach district.

Transition districts adjacent to landing districts embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface symmetrically located on each side of such landing districts. For instrument runways such imaginary inclined surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of one (1) foot vertically to seven (7) feet horizontally from the sides of the primary surface and from the side of the approach surface.

Transition districts adjacent to instrument approach districts embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which extend outward and upward from the long sides of the instrument approach surfaces as hereinbefore described, with a slope of one (1) foot vertically to seven (7) feet horizontally.

Within horizontal districts, this imaginary inclined transition surface shall terminate when it reaches an elevation of one hundred sixty (160) feet MSL. Within conical districts, the imaginary inclined transition surface shall terminate in its intersection with the conical surface as hereinbefore described under "conical district." Within the departure zone district, the imaginary inclined transition surface shall terminate in its intersection with the departure zone surface hereinbefore described under "departure zone district." Within the high structure set-aside district, the imaginary inclined transition surface shall terminate in its intersection with the 949 foot level surface and the >>west<< climb gradient>>, the southeast climb gradient, the 660-foot shelf and the 710-foot shelf<< hereinbefore described under "high structure set-aside district."

\*\*\*\*

Sec. 33-335. Establishment of height limitations for zone classification districts in the airport zoning area.

Except as otherwise provided elsewhere in this article, no structure shall be erected or altered and no tree shall be allowed to grow or be maintained in any district created and established by this article to a height in excess of the height

limits herein established for such district. Such height limitations will, in applying the provisions of this article, be corrected to elevations referred to the heretofore established mean sea level datum plane, by adding such height limitations to the mean sea level elevation of the point, line or plane to which such height limitation is referenced, or to the airport elevation, as the context of this article requires. An area, a structure or a tree located in more than one (1) of the described districts is considered to be only in the district with the more restrictive height limitation. Such limitations are hereby established for the districts as follows:

\*\*\*\*

- (6) *High Structure Set-Aside District:* For the 949-foot level surface, nine hundred forty-nine (949) feet MSL; >>for the 660-foot shelf, six hundred sixty (660) feet MSL; for the 710 foot shelf, seven hundred ten (710) feet MSL;<< for the >>west<< climb gradient surface, one (1) foot vertically to thirty and eight hundredths (30.08) feet horizontally beginning at the westerly edge of the 949-foot level surface down to the hereinbefore described westerly boundary of the high structure set-aside district; >>for southeast climb gradient surface, one (1) foot vertically to twenty-four and three tenths (24.3) feet horizontally beginning at an elevation of eight hundred forty (840) feet MSL at the easterly boundary of the 710-foot shelf up to the easterly boundary of the high structure set-aside district;<< and for the transition surfaces, one (1) foot vertically to seven (7) feet horizontally as a continuation of the transition surfaces described hereinbefore under transition district, beginning at the northerly [~~and southerly~~] boundaries of the >>660 shelf, the 710 shelf and the southeast climb gradient, and the northerly boundary of the<< high structure set-aside district and extending up to the 949-foot level surface or the >>west<< climb gradient surface.
- (7) *Transition district:* One (1) foot vertically for each seven (7) feet horizontally from the sides of the primary surfaces and from the sides of the approach surfaces. Transition surfaces from the primary surfaces to the horizontal surface, and from the approach surfaces to the adjacent horizontal surface, conical surface or departure zone surface. Within the high structure set-aside district, the transitional surfaces extend from the >>adjacent<< departure zone surface >>on the north<< to the 949-foot level surface and to the >>west<<climb gradient surface>>; and from the northerly boundaries of the 660-foot shelf, the 710-foot shelf and the southeast climb gradient to the 949-foot level surface and to the west climb gradient surface.<<

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: JUN 08 1999

Approved by County Attorney as  
to form and legal sufficiency:

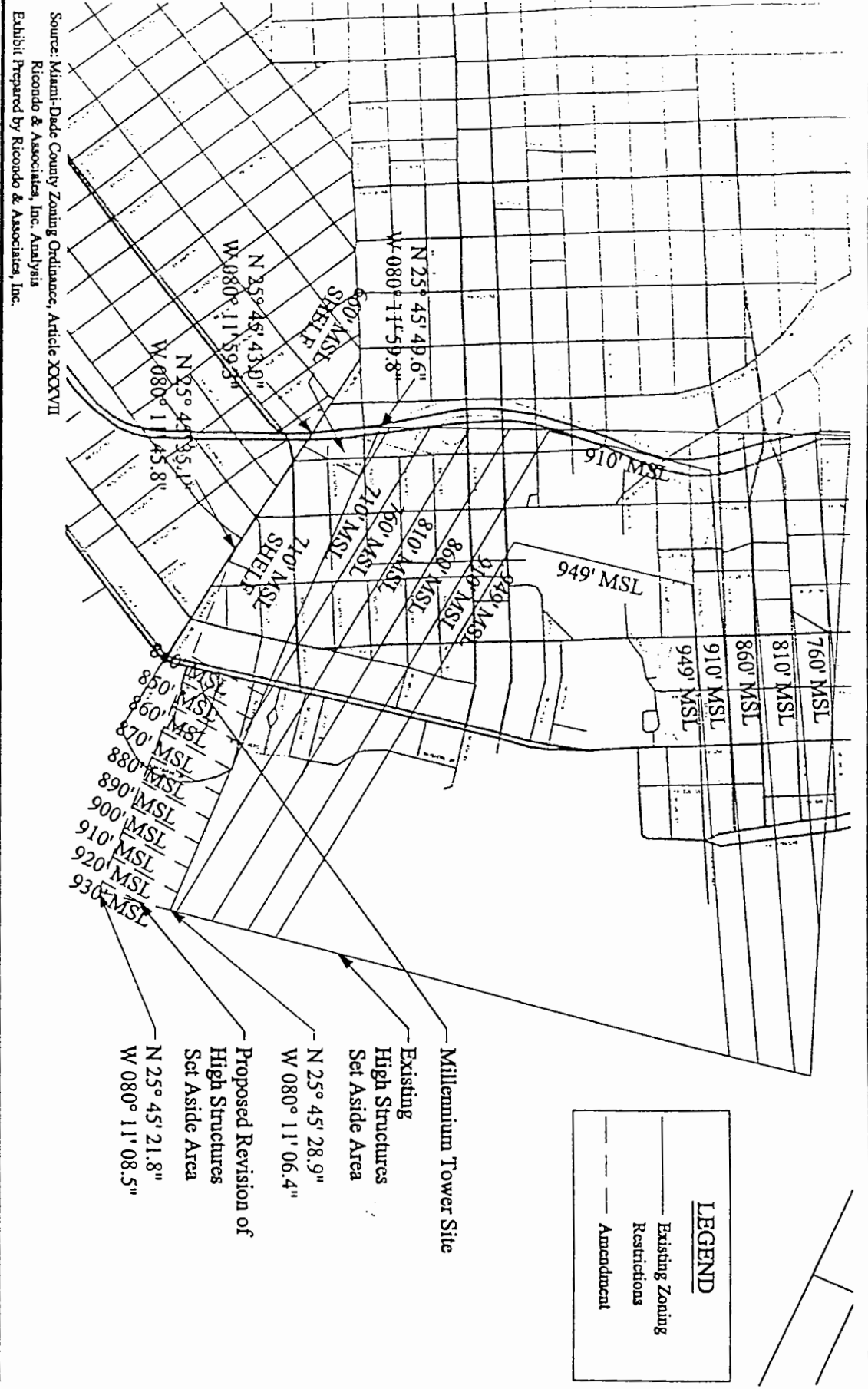
RAC

Prepared by:

AP

Sponsored by Commissioner Jimmy L. Morales





Source: Miami-Dade County Zoning Ordinance, Article XXXVII  
 Ricordo & Associates, Inc. Analysis  
 Exhibit Prepared by Ricordo & Associates, Inc.



**LEGEND**

- Existing Zoning Restrictions
- - - Amendment
- Millennium Tower Site
- · · Existing High Structures Set Aside Area
- - - Proposed Revision of High Structures Set Aside Area

**MIAMI-DADE COUNTY ZONING  
 ORDINANCE AMENDMENT**

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Substitute  
Agenda Item No. 4(D)  
6-8-99

ORDINANCE NO. 99-64

ORDINANCE PROHIBITING MEMBERS OF  
COMMUNITY ZONING APPEALS BOARDS FROM  
APPEARING BEFORE OTHER ZONING APPEALS  
BOARDS AND BEFORE COUNTY COMMISSION IN  
ZONING MATTERS; CREATING §33-307.1 OF THE  
CODE OF MIAMI-DADE COUNTY, FLORIDA;  
PROVIDING SEVERABILITY, INCLUSION IN THE  
CODE, AND EFFECTIVE DATE

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

Section 1. Section 33-307.1 of the Code of Miami-Dade County, Florida, is  
hereby created to read as follows:<sup>1</sup>

**Sec 33-307.1. Community Zoning Appeals Board;  
Prohibition of Members Appearance.**

No member of a Community Zoning Appeals Board may  
appear on behalf of a third person before another  
Community Zoning Appeals Board or before the County  
Commission sitting in its capacity as the zoning authority  
pursuant to Chapter 33, Code of Miami-Dade County.  
Violation of this section shall constitute grounds for  
removal pursuant to §20-43-.2

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<sup>1</sup> 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**

Substitute  
Agenda Item No. 4(D)

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** June 8, 1999

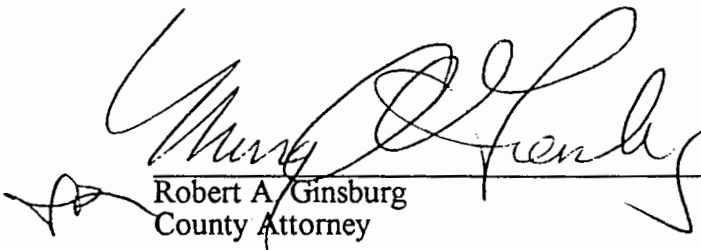
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance creating  
Sec. 33-307.1 of the Code of  
Miami, Dade County, Florida

99-64

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

The substitute differs from the original by providing that the prohibited appearances of Zoning Appeals Board members are those appearances made on behalf of a third person.

  
Robert A. Ginsburg  
County Attorney

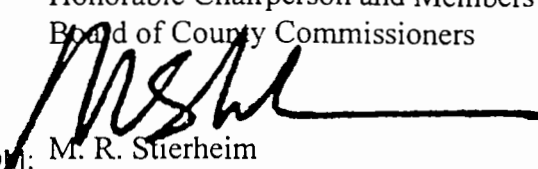
RAG/bw



# MEMORANDUM

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: June 8, 1999

FROM:   
M. R. Stierheim  
County Manager

SUBJECT: Fiscal Impact of Proposed  
Ordinance creating Section  
33-307.1 of the Code of  
Miami-Dade County, Florida

99-64

The proposed ordinance prohibiting members of Community Zoning Appeals Boards from appearing before other zoning appeals boards and before County Commission on Zoning matters, creates no fiscal impact on Miami-Dade County.

Approved \_\_\_\_\_ Mayor

Substitute  
Agenda Item No. 4(D)  
6-8-99

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99-64

ORDINANCE PROHIBITING MEMBERS OF  
COMMUNITY ZONING APPEALS BOARDS FROM  
APPEARING BEFORE OTHER ZONING APPEALS  
BOARDS AND BEFORE COUNTY COMMISSION IN  
ZONING MATTERS; CREATING §33-307.1 OF THE  
CODE OF MIAMI-DADE COUNTY, FLORIDA;  
PROVIDING SEVERABILITY, INCLUSION IN THE  
CODE, AND EFFECTIVE DATE

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

Section 1. Section 33-307.1 of the Code of Miami-Dade County, Florida, is  
hereby created to read as follows:<sup>1</sup>

**Sec 33-307.1. Community Zoning Appeals Board;  
Prohibition of Members Appearance.**

No member of a Community Zoning Appeals Board may  
appear on behalf of a third person before another  
Community Zoning Appeals Board or before the County  
Commission sitting in its capacity as the zoning authority  
pursuant to Chapter 33, Code of Miami-Dade County.  
Violation of this section shall constitute grounds for  
removal pursuant to §20-43-.2

<sup>1</sup> 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, 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: JUN 08 1999

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

RTK

Sponsored by Commissioner Natacha Seijas Millan



**MEMORANDUM**

(Public Hearing 5-11-99)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: April 27, 1999

SUBJECT: Proposed Ordinance  
Banks in RU-5A District

FROM: Mr. R. Steinhilber  
County Manager

99-48

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending the list of permitted uses in the RU-5A zoning district to allow banks without drive-thru banking facilities.

BACKGROUND

The RU-5 and RU-5A zoning districts are similar in nature in that each district allows for the establishment of semi-professional offices within the boundaries of the district. The RU-5 district permits banks without drive-thru banking facilities.

The RU-5A district was amended in 1989 to allow as a "special exception," banks and banks including drive-thru banking facilities. The 1989 amendment further required these establishments to be located on a parcel of three (3) acres or more. The special exception process requires approval via zoning hearing. It is appropriate that banks with drive-thru facilities be on a large site and be approved via public hearing to assure compatibility with what is typically an adjoining residential district.

An apparent inconsistency in the code however, allows banks (without drive-thru facilities) within the RU-5 district, but excludes same from the RU-5A district. The proposed ordinance seeks to remedy this inconsistency.

FISCAL IMPACT

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

Approved *Gregory S. ...* Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 4(I)  
5-11-99

ORDINANCE NO. 99.48

ORDINANCE AMENDING CHAPTER 33 (ZONING)  
OF THE CODE OF MIAMI-DADE COUNTY,  
FLORIDA; PERTAINING TO THE RU-5A,  
SEMI-PROFESSIONAL OFFICE DISTRICT;  
INCLUDING AS A PERMITTED USE BANKS,  
EXCLUDING DRIVE-THRU BANKING FACILITIES;  
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 33-223.6. of the Code of Miami-Dade County, Florida, is hereby  
amended as follows:<sup>1</sup>

**Sec. 33-223.6 Uses permitted**

No land, body of water or structure shall be used, or permitted to be  
used, and no structure shall be hereafter erected, constructed,  
reconstructed, moved or structurally altered or maintained for any  
purpose in an RU-5A district which is designed, arranged, or intended to  
be used or occupied for any purpose, except for one or more of the  
following uses, and all other uses are hereby prohibited:

\* \* \*  
>>(10A) Banks, excluding drive-thru banking facilities.<<

\* \* \*

**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.

<sup>1</sup> 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.



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 ten (10) 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: MAY 11 1999

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by:

RAG  
AM



# MEMORANDUM


Agenda Item No. 4(O)

(Public Hearing 4-27-99)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: April 13, 1999

99-43

FROM:   
M. R. Stierheim  
County Manager

SUBJECT: Ordinance Amending the  
Responsibilities of the Biscayne  
National Park Buffer Development  
Review Committee

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending the responsibilities of the Biscayne National Park Buffer Development Review Committee.

## BACKGROUND

The Biscayne National Park Buffer Development Review Committee's (the "Committee") current responsibilities include the evaluation and formulation of recommendations on requests for amendments to the Comprehensive Development Master Plan and certain types of development approvals that require a public hearing pursuant to the requirements of Chapter 33, Miami-Dade County Code, for properties that lie within the previously determined review area over which the Committee has jurisdiction. The specific types of requests currently delineated in the Code may not encompass all types of potential development requests for properties within the review area that should appropriately be evaluated by the Committee for potential impacts on Biscayne National Park. For example, requests for governmental facilities which require a public hearing under Chapter 33 are excluded from the list of request types to be evaluated by the Committee, although the legislative intent states that the Committee should review all such development requests. The revised language therefore will clarify the Committee's jurisdiction in regard to development requests requiring approval via public hearing.

Prior to scheduling a CDMP amendment or development approval request for public hearing by the final decision making board, staff determines whether or not the subject property falls within the Committee's review area. Requests located inside the review area are scheduled for hearing by the Committee prior to hearing by the final decision making board. The Committee's recommendation is transmitted to the final decision-making board in the form of a resolution. The attached ordinance modifies the original sunset date for this Committee. This new provision extends the date from January 1, 2000, to January 1, 2002, or until such time as the integrated land use and

water management plan for southeastern Miami-Dade County, as required by the CDMP (Policy 3E), is approved by the Board, whichever occurs later.

**FISCAL IMPACT**

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

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4 (O)  
4-27-99

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99-43

ORDINANCE AMENDING SECTION 2-115.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING THE RESPONSIBILITIES OF THE BISCAYNE NATIONAL PARK BUFFER DEVELOPMENT REVIEW COMMITTEE; 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 2-115.11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: 1

**Section 2-115.11 Biscayne National Park Buffer Development Review Committee; intent and purpose; establishment; membership; qualifications; appointment; term; duties; staff support.**

\* \* \* \*

(b) Each member shall be appointed by the County manager and approved by the Board of County Commissioners to serve a term lasting the duration of the Committee's life or until replaced by the County manager with the approval of Board of County Commissioners. Appointments and activities of the

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 shall remain unchanged.

Committee shall otherwise comply with the requirements of Sections 2-11.36 through 2-11.40 of the Code of Miami-Dade County, Florida. At its first meeting and annually thereafter, the Committee shall elect a Chair and Vice Chair. It is the Chair's responsibility to chair all meetings, to certify the recommendations issued by the Committee to the final decision-making body, and to issue an annual report to the Board of County Commissioners in accordance with Section 2-11.37, Code of Miami-Dade County. A simple majority of the Committee members shall constitute a quorum and a simple majority of the quorum of the Committee shall be required for the passage of any motion or approval of any recommendation. ~~[[The Committee shall automatically sunset on January 1, 2000.]]~~

(c) The responsibility of the Biscayne National Park Buffer Development Review committee shall be to evaluate and make recommendations on requests for ~~[[the following]]~~ CDMP amendments and development approvals in the Review Area which require approval after a public hearing ~~[[CDMP amendments]]~~ >> pursuant to requirements of Chapter 33, Miami-Dade County Code, including, but not limited to, << zoning district boundary changes, special exceptions, unusual uses, use variances, nonuse variances, and nonadministrative site plan reviews. The Committee's recommendations shall specifically address and be limited to potential impacts on Biscayne National Park and consistency with relevant provisions of the CDMP. The Committee's recommendations may include appropriate justifications for their conclusions, and recommendations for approval may include conditions where appropriate. In formulating its recommendations, the Committee shall consider County staff's evaluation and/or recommendations if timely available, public comments, and other information received during public meetings conducted by the Committee. Any such information or considerations shall be made part of the public record of the Committee. If a proposal is scheduled for review by the Committee at a properly noticed

public meeting[[s]], and the Committee fails to adopt a recommendation on the proposal, the Committee's recommendation shall be deemed to be without objection to the proposal.

\* \* \* \*

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 part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intentions, 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 shall sunset at such time as this Board approves an integrated land use and water management plan for southeastern Miami-Dade County as provided for in Policy 3E of the Comprehensive Development Master Plan or on January 1, 2002, whichever is later.

PASSED AND ADOPTED: APR 27 1999

Approved by County Attorney as  
to form and legal sufficiency: LAG

Prepared by: JAC/CHC



# MEMORANDUM

Agenda Item No. 4(N)

(Public Hearing 4-27-99)

**To:** Honorable Chairperson and Members  
Board of County Commissioners

**Date:** April 13, 1999

99-42

**From:** M. R. Stierlein  
County Manager

**Subject:** Ordinance Providing Disposition of  
Compliance Amendments to the  
Comprehensive Development Master  
Plan (CDMP) Pursuant to Settlement  
Agreement with Florida Department  
of Community Affairs

## RECOMMENDATION

It is recommended that the Board adopt the attached ordinance which provides for final action on pending Compliance Amendments to the Comprehensive Development Master Plan (CDMP). These amendments are proposed in a Settlement Agreement with the Florida Department of Community Affairs (DCA) that was approved by the Board of County Commissioners by Resolution No. R-106-99 on February 2, 1999.

## BACKGROUND

The CDMP Compliance Amendments proposed for adoption by this ordinance are recommended to resolve a State administrative challenge to CDMP amendments which were adopted by the Board of County Commissioners on October 10 and 17, 1996, to conclude the "1995 Evaluation and Appraisal Report (EAR)"-based major update of the CDMP (Ordinance Nos. 96-157 and 96-158, respectively). In early 1997, shortly after the EAR-based amendments were adopted by the County Commission, the Florida Department of Community Affairs (DCA) issued a notice finding the updated CDMP to be in compliance with Florida comprehensive planning laws, with the exception of the Transportation Element which it found to be not in compliance. Reasons cited by DCA for the finding related, generally, to inadequate demonstration in the Transportation Element that the various modes of transportation are sufficiently integrated, and inadequate coordination between the land use plan and transportation plan.

During the ensuing period, County staff pursued settlement of this matter by means other than the State administrative hearing process, as provided by Chapter 163, Florida Statutes (F.S.). By letter dated October 1, 1998, the former Secretary of the DCA reported to the County that adoption of CDMP amendments in substantially the form attached would be acceptable to that department to settle the matter. The resulting Settlement Agreement, approved by the Board of County Commissioners on

February 2, 1999 (Resolution No. R-106-99) proposed certain "compliance amendments" to the CDMP that would commit the County to, 1) cooperate with, and participate in, initiatives undertaken by the FDOT or the statewide MPO Advisory Committee to enhance intermodal aspects of transportation plans and planning methods, and to utilize such enhanced methods during the next major update of the County's Long Range Transportation Plan, expected to occur in 2000/2001; 2) require transit-supportive development intensities and design in planned transit-served areas to complement the guidelines for development of Urban Centers that already exist in the CDMP; and 3) in future CDMP projections of level-of-service and administration of the concurrency management program, assume existence of the capacity only of "planned" transportation facilities that are contained in the "cost-feasible" component of the MPO's Long Range Transportation Plan (now termed the "Minimum Revenue Plan"), and stipulate that the additional projects contained only in the MPO's unfunded "Needs Plan" are retained in the CDMP solely as future County priorities for which additional funding will be sought and which will be advanced into the cost-feasible components of transportation plans at the earliest feasible opportunity.

A minimum of seven affirmative votes is required to amend the CDMP, in accordance with Section 2-116.1 of the Miami-Dade County Code.

#### SUBSTANTIAL CONFORMANCE

The Compliance Amendments recommended in the attached Director's Application are identical to those proposed in the Settlement Agreement with the following minor differences:

1. In Land Use Policy Nos. 7B and 7C on page A-9 of the Application, flexibility is added for placement and orientation of primary building entrances in transit-served areas; and
2. In Land Use Policy 8G on page A-11, an incorrect reference to Policy 7E is changed to the correct Policy, 7F.

#### FISCAL IMPACT

This ordinance will not have a direct impact on the County's budget; the public initiatives recommended in the Compliance Amendments are already contained in the CDMP and plans of the MPO or, in the case of sidewalk construction, can be undertaken when roads are reconstructed, private development occurs, or other resources become available.



ECONOMIC IMPACT

1. Economic impact of the ordinance on the County's budget:

This ordinance will amend the Comprehensive Development Master Plan (CDMP) which is the County's official guide for managing countywide growth and development. In this regard, the ordinance may indirectly impact future County budgets by effecting the recommended future development patterns and related services and facility initiatives. Capital and operating cost efficiencies for public facilities and services can be increased through promotion of more compact and mixed land use patterns. This ordinance seeks to ensure that new development and redevelopment around existing and planned transit stations, and along transit corridors is planned and designed to promote pedestrianism and transit use, which should help to increase ridership and the financial viability of transit operations. In addition, the increased emphasis on development of intermodal connection and transfer points, where opportunities arise, will further promote alternatives to personal automobile dependency and highway construction.

2. Economic impact of the ordinance on the private sector:

Approval of the ordinance will not have a significant impact on the private sector. In localized areas, new development and redevelopment around rapid transit stations must be designed to be conducive to pedestrians and transit riders which could slightly increase initial design and development costs. However, these design considerations will result in better functioning communities; the increment of additional cost will be offset by the value of the additional floor area and dwelling units allowed; and business in these areas will benefit from the stream of transit riders. On a Countywide basis, the economic outlook will remain essentially unchanged by enactment of this ordinance.

3. Effect of the ordinance on public or private employment:

Adoption of this ordinance will have no significant impact on projected employment for the County.

4. Costs and benefits, both direct and indirect, of establishing and maintaining the program set forth in the ordinance:

See response to item 1, above.

5. Whether the ordinance is necessary to enable the County to obtain State or federal grants or other financing:

Yes. Chapter 163, F.S., provides that State sanctions could be imposed if the current non-compliant status of the CDMP is not remedied.

6. Whether another ordinance which is already in existence should be repealed or amended:

No.

7. Whether the creation of a new ordinance is the best method of achieving the benefit derived:

Section 2.116.1, Code of Miami-Dade County, and Section 163.3184(15) and (16), Florida Statutes, provide that the CDMP may be amended only by ordinance.

#### HOUSING COST IMPACT

1. Purpose of the proposed action and the anticipated direct and indirect benefits and costs to the parties impacted:

See Economic Impact response nos. 1 and 2, above.

2. Best estimate of the direct or indirect increased cost, if any, on the per unit cost of housing types affected:

The principal recommendation to affect housing in the proposed CDMP amendments is the policy to require new residential development around transit stations to occur at average densities of at least 10 to 15 dwelling units per acre with pedestrian-friendly design to support the financial viability of the premium transit service. This will produce a greater number of dwellings and more multifamily dwellings than would otherwise occur. However, the area affected by this policy is relatively small. While the price of dwelling units throughout the county is highly variable and reflects many factors, the median value of all multifamily dwellings added to the County's housing stock in 1995, as estimated using records of the County Property Appraiser's Office, was approximately \$37,000, while the median value of new condominium units was \$75,000, and the median value of new single-family units was \$107,000. It can be surmised, therefore, that by encouraging slightly higher density multifamily and condominium development around transit stations, the proposed CDMP

amendments can have a moderating affect on the price of housing in the County. However, the particular location and quality of project design will have the most direct influence on the price of the housing units.

3. Effect of the proposed action on public or private employment:

None.

4. Whether the proposed action is necessary to enable the County to obtain state or federal grants or other financing, or is legally mandated:

As noted in Economic Impact response no. 5, above, the Governor and Cabinet acting as the Administration Commission could impose sanctions if the current non-compliant status of the CDMP is not remedied. Sanctions could include the denial of funds to increase the capacity of roads, bridges, water or sewer systems, and denial of eligibility for various State program grants enumerated in Sec. 163.3184(11), F.S.

5. If the proposed action is deemed necessary, what actions could be taken to mitigate the cost increase to the home buyer:

While the subject CDMP amendments will not increase housing cost, such costs could be further mitigated, and greater housing choice would be provided by implementing numerous other adopted CDMP policies such as the policies to require a variety of housing types in new residential developments, and preparation and adoption of an accessory apartment ordinance, and additional overlay zoning regulations for transit station areas, among other proposals.

Attachment

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99-42

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN  
(CDMP); PROVIDING DISPOSITION OF AMENDMENTS TO  
CDMP PURSUANT TO SETTLEMENT AGREEMENT WITH  
FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AD-  
DRESSING NOVEMBER 1995 CYCLE AMENDMENTS TO  
CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM  
THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part 2, Florida Statutes; and

WHEREAS, Staff Application No. II proposing amendments and additions to the transportation-related elements of the CDMP was filed on March 1, 1996, by the Metro-Dade Department of Planning, Development and Regulation as part of the major 1995 Evaluation and Appraisal Report (EAR)-based update of the CDMP and is contained in the document titled "Staff Applications November 1995-96 Cycle Applications to Amend the Comprehensive Development Master Plan" dated March 1, 1996; and

WHEREAS, on May 21, 1996 this Board, by Resolution No. R-522-96 instructed the County Manager to transmit Staff Application No. II and other Staff Applications, in whole or in part, to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184, F.S.; and

WHEREAS, on October 10, 1996 this Board, by Ordinance No. 96-157, adopted Staff Application No. II with changes, and certain other November 1995-96 Cycle Amendments to the CDMP as one of two ordinances adopted to conclude the 1995 EAR-based update to the CDMP (collectively DCA Reference No. 96-2ER) ; and

WHEREAS, the DCA, under cover letter to Mayor Alex Penelas dated February 7, 1997, issued a Statement of Intent and Notice to find Amendment 96-2ER to be In Compliance with the exception of the Transportation Element (Staff Application No. II) which it found Not In Compliance; and

WHEREAS, on February 2, 1999, following an advertised public hearing, the Board of County Commissioners adopted Resolution No. R-106-99 approving a Settlement Agreement with the DCA (hereinafter Settlement Agreement) in which Exhibit B contains proposed Compliance Amendments to the CDMP (hereinafter Compliance Amendments); and

WHEREAS, as stipulated in the Settlement Agreement, if the Compliance Amendments are adopted by the Board of County Commissioners in substantially the form contained in Settlement Exhibit B, the DCA shall issue a cumulative Notice of Intent to find Amendment 96-2ER and the Compliance Amendments to be In Compliance in accordance with Section 163.3184 (16)(e), F.S., and if the Compliance Amendments are not adopted in substantially the form contained in Settlement Exhibit B, the DCA shall issue a Notice of Intent to find Amendment 96-2ER Not In Compliance and shall forward the matter to the Florida Division of Administrative Hearings for review by an administrative law judge in accordance with Section 163.3184(10), F.S.; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds such preexisting zoning or uses

to be inconsistent with the CDMP based upon a planning study or activity addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval, but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, this Board has conducted the advertised public hearing required by the referenced County procedures and Chapter 163, Part 2, F.S., preparatory to enactment of this ordinance;

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the following pending Compliance Amendment as contained in the Settlement Agreement:

**Part A. Transportation Element.**

In the introductory Multimodal Section of the Transportation Element, replace existing Objective 1 with a substantially revised objective and revise the policies thereunder; move existing Traffic Circulation Objective 7 to this section to become Multimodal Objective 2 and add and revise the policies thereunder; and add new Multimodal Objective 3 and associated policies.

**Part B. Land Use Element.**

In the Land Use Element, add new Objective 7 and policies thereunder, move and revise existing Policy 1C to this section to become part of Policy 7A and renumber all subsequent policies under Objective 1 accordingly; renumber existing Objective 7 to become Objective 8 and renumber all policies, thereunder, accordingly; revise, renumber and move existing Policies 7F and 7G; revise the guidelines for Urban Centers; and revise other CDMP text and policies as necessary to reflect these changes.

**Part C. Capital Improvements Element.**

In the Capital Improvements Element (CIE), in the Concurrency Management Program section provisions creating transportation concurrency exceptions, revise paragraph C.4.

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 thereby. If the subject amendment application or any portion of the application, or any affected portion of the CDMP is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remainder of the CDMP shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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, however, the effective date of any plan amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The

effective date of any plan amendment approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

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

PASSED AND ADOPTED: APR 27 1999

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

Prepared by: TW



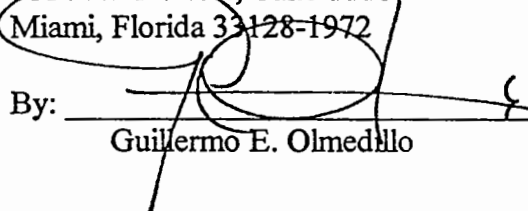
**1999 COMPLIANCE AMENDMENTS**  
**Application Requesting Amendments To The**  
**Comprehensive Development Master Plan**

**1. APPLICANT:**

Miami-Dade County Department of Planning and Zoning  
 111 NW 1 Street, Suite 1110  
 Miami, Florida 33128-1972  
 (305) 375-2840

**2. APPLICANT'S REPRESENTATIVE:**

Guillermo E. Olmedillo, Director  
 Miami-Dade County Department of Planning and Zoning  
 111 NW 1 Street, Suite 1110  
 Miami, Florida 33128-1972

By:  March 11, 1999  
 Guillermo E. Olmedillo

**3. DESCRIPTION OF RECOMMENDEDED CHANGES:**

It is recommended that the CDMP Transportation, Land Use and Capital Improvements Elements be amended as set forth in the Attachment and summarized as follows:

**Part A. Transportation Element**

In the introductory Multimodal Section of the Transportation Element, replace existing Objective 1 with a substantially revised objective and revise the policies thereunder; move existing Traffic Circulation Objective 7 to this section to become Multimodal Objective 2 and add and revise the policies thereunder; and add new Multimodal Objective 3 and associated policies.

**Part B. Land Use Element**

In the Land Use Element, add new Objective 7 and policies thereunder, move and revise existing Policy 1C to this section to become part of Policy 7A and renumber all subsequent policies under Objective 1 accordingly; renumber existing Objective 7 to become Objective 8 and renumber all policies, thereunder, accordingly; revise, renumber and move existing Policies 7F and 7G; revise the guidelines for Urban Centers; and revise other CDMP text and policies as necessary to reflect these changes.

**Part C. Capital Improvements Element.**

In the Capital Improvements Element (CIE), in the Concurrency Management Program section provisions creating transportation concurrency exceptions, revise paragraph C.4.

**4. REASON FOR AMENDMENTS:**

The requested amendments are required by a Settlement Agreement between Miami-Dade County and the Florida Department of Community Affairs (DCA) that was approved by the Board of County Commissioners by Resolution R-106-99 on February 2, 1999. These settlement amendments will resolve a DCA administrative challenge to CDMP amendments adopted by the County in October 1996 to conclude the 1995 Evaluation and Appraisal Report (EAR)-based major update of the CDMP.

**5. ATTACHMENT:**

Recommended Compliance Amendments, March 11, 1999.

**RECOMMENDED COMPLIANCE AMENDMENTS**

for Settlement with

Florida Department of Community Affairs

Docket No. 96-2ER-NOI-1301-(A)-(I)(N)

March 11, 1999

**Part A. Transportation Element Amendments**

In the introductory Multimodal Section of the Transportation Element, replace existing Objective 1 with the following substantially revised objective and revise the policies thereunder as indicated; move existing Traffic Circulation Objective 7 to this section to become Multimodal Objective 2 and add and revise the policies thereunder; and add new Multimodal Objective 3 and associated policies, as follows:\*

**Objective 1**

Miami-Dade County will provide an integrated multimodal transportation system for the circulation of motorized and non-motorized traffic. by enhancing the Comprehensive Development Master Plan and its transportation plans and implementing programs to provide competitive surface transportation mode choice, local surface mode connections at strategic locations, and modal linkages between the airport, seaport, rail and other inter-city and local transportation facilities. These plans and programs shall seek to ensure that, among other objectives, between 1996 and 2002 Miami-Dade Transit Agency boardings will increase at a rate equal to or greater than the rate of resident population growth during this period.

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\* Underlined words are recommended additions to the CDMP as amended by Ordinance Nos. 96-157 and 96-158, adopted on October 10, and October 17, 1996, respectively. Words ~~dashed through~~ are recommended for deletion. All other words exist in the CDMP or were adopted by the referenced ordinances and will remain unchanged.

- 1A. ~~In coordination with~~ As provided in this section and the Mass Transit Subelement, the County shall promote mass transit alternatives to the personal automobile, such as rapid transit (*i.e.* heavy rail, light rail, and express buses), fixed route bus ~~service~~ and paratransit services.
- 1B. Miami-Dade County shall continue to maintain programs for optimal development and expansion of the Port of Miami and the Miami-Dade County aviation system, and shall continue to support viable operation and enhancement of the Port of Miami River. The County shall also accommodate and facilitate provision of inter-city and inter-state commuter rail and bus, high speed intrastate rail, and freight rail services. These activities will be conducted in accordance with the respective subelements of this element and other applicable elements of the CDMP including the Land Use and Capital Improvement Elements.
- 1C. When other transportation facility providers' plans are updated, Miami-Dade County shall seek to ensure that those plans provide high quality intermodal connections at optimal transfer points. These should include, but should not be limited to, the intermodal connections currently planned in the other subelements of the Transportation Element including the Port of Miami tunnel, Miami International Airport west-side cargo area access improvements such as the NW 25 Street viaduct, and the Miami Intermodal Center (MIC).
- 1D. Within the time-frame of the CDMP, Miami-Dade County will actively pursue development of intermodal facilities where opportunities arise, including, but not limited to:
- Miami Intermodal Center (MIC);
  - Golden Glades Interchange Multimodal Facility;
  - Palmetto MetroRail Station;
  - Mount Sinai Intermodal Transportation Center;
  - Downtown Miami Transportation Center;

-Northeast Miami-Dade Terminal;-Douglas Road Transit Center; and  
-Park-and-Ride Lots, where feasible opportunities present themselves along  
bus/rail corridors.

(See Mass Transit Subelement Figures 1 and 2 for planned intermodal/multimodal  
transit center locations).

~~1B F.~~ In coordination with As provided in the Aviation, Port of Miami River, and Port of  
Miami Master Plan Subelements, the County shall promote improved intermodal  
linkages for the movements of passengers and freight. (See Aviation Subelement  
Policies 5A. and 5B; Port of Miami River Subelement Objective 2 and Policy 2A; and  
Port of Miami Master Plan Subelement Policies 8A and 8B.)

1G. Transit-supportive Land Use Element policies including, but not limited to, Urban  
Center guidelines shall be vigorously implemented in association with planned rapid  
transit facilities identified in the Transportation Element.

~~1C. The County shall adopt land use patterns which promote the use of transit and  
alternative transportation modes.~~

~~1D. The County shall provide for a variety of transportation options including bicycle use  
and pedestrian travel.~~

### **Objective ~~7~~ 2**

In furtherance of pedestrianism as a mode of transportation encouraged in the planned  
urban area, by 2002 Miami-Dade County shall enhance its transportation plans, programs  
and development regulations as necessary to accommodate ~~The~~ the safe and convenient  
movement of pedestrians and non-motorized vehicles shall be accommodated in Dade  
County, in addition to automobiles and other motorized vehicles.

72A. The County shall continue to promote and assist in the creation of a Countywide system of interconnected designated bicycle ways, and promote the implementation of the Metro-Dade Bicycle Facilities Plan.

72B. By 1997~~9~~, The County shall develop a comprehensive countywide greenways network providing continuous corridors for travel by pedestrians and non-motorized vehicles incorporating elements of the adopted South Dade Greenway Network Master Plan and the North Dade Greenways Plan.

~~72~~C. In road construction and reconstruction projects, roadway designs shall ~~seek to~~ protect and promote pedestrian comfort, safety and attractiveness in locations where the Land Use Element seeks to promote activity along road frontages, such as in areas having planned for community- or neighborhood-serving businesses and all planned Urban Center and transit station locations. Such measures should include, wherever feasible, on-street parking, wide sidewalks, and abundant landscaping at the street edge. Additionally, boulevard section designs should be utilized where appropriate, including central through lanes and frontage lanes for local traffic and parking, separated from the through lanes by landscaped areas, with frequent opportunities for pedestrians to safely cross the through lanes, and right of way to facilitate these designs should be reserved or acquired where necessary. Roadway pedestrian facility considerations shall also be consistent with the policies addressing pedestrianism contained in the Land Use Element.

2D. Miami-Dade County's top priority for constructing new sidewalks after completion of the "Safe Routes to Schools" program shall be to provide continuous sidewalks along the following: a) the frontages of all existing rapid transit stations and transit centers, b) both sides of all County collector and arterial roadways within 1/4 mile of all existing transit stations and centers, and c) at least one side of County collector and arterial roadways between 1/4 and 1/2 mile of all existing transit stations and centers. All new development and redevelopment in these areas shall be served by

these sidewalks. It is the policy of Miami-Dade County that municipalities in the County establish similar priorities for their jurisdictions, and that FDOT do the same with regard to State roads. In all new construction and reconstruction of collector and arterial roads inside the UDB served by Metrobus, sidewalks should be provided along all portions of such roads between bus stops and any existing or planned intersecting residential or community-serving business streets within, at a minimum, 1/4 mile of the bus stops.

~~7D2E.~~ The County shall require ~~the consideration of incorporating~~ accommodation of bicycle travel and pedestrian needs into the County's all plans for any new future arterial and collector road construction, widening or reconstruction projects where designated by the Bicycle Facilities Plan, wherever feasible.

~~7E2F.~~ The County shall consider the use of utility easements and transit or railroad rights-of-way as locations for bicycle ways linking major urban activity centers.

~~7E2G.~~ The County shall encourage ~~inclusion in, and review, all plans and development proposals for~~ provisions to accommodate safe movement of bicycle and pedestrian traffic, and facilities for securing non-motorized vehicles in all new development and redevelopment and shall address this as a consideration in development and site plan review.

### **Objective 3**

As provided in the policies hereinunder, during 1998 through 2002, Miami-Dade County shall cooperate with the Metropolitan Planning Organization for the Miami Urbanized Area (MPO) to enhance Miami area planning procedures, methodologies and analytical tools to improve analysis of relationships between transportation facility plans and programs, and local land use plans, development standards and implementing programs.

3A. Miami-Dade County shall cooperate with, and participate in, activities and initiatives undertaken by the Florida Department of Transportation (FDOT) and the statewide MPO Advisory Committee (MPOAC) to enhance intermodal and land use aspects of transportation plans and planning methods used by the State and the MPOs throughout the state. Toward this end, it is the policy of Miami-Dade County that during preparation of the next major update of the Long Range Transportation Plan (LRTP) by the Miami Area MPO, currently scheduled to occur in 2000/2001, the County will coordinate and work with the MPO, as the MPO has committed by resolution, to better coordinate transportation and land use planning and enhance intermodal qualities of transportation analyses and plans of the MPOs.

3B. At the same time that the minor update of the LRTP is conducted by the Miami Area MPO during 1998/99, Miami-Dade County, in the manner that financial and technical assistance of the FDOT will enable, shall analyze planned land use patterns and intensities in planned rapid transit station areas and shall identify transportation and land use plan changes needed to improve interrelationships. This analysis shall address, at a minimum, the existing MetroRail corridor, the planned initial segment of the East-West corridor, the planned North corridor, and the South Dade Busway corridor and its planned extension. This analysis shall identify locations where planned transit facilities are not supported by the planned land use or development intensity<sup>1</sup>, with consideration of mitigating benefits of planned transit rider feeders such as major park-and-ride or bus terminal facilities in the corridor. Where such locations are identified, alternative land uses or intensities will be analyzed, and potential land use or transportation plan amendments will be identified. The information produced by this analysis shall be provided to the MPO for its consideration during the 1998 minor update to the LRTP, and to the Board of County Commissioners and the directly affected municipalities having comprehensive planning and zoning jurisdiction in the immediate vicinity of these

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<sup>1</sup> Development intensity thresholds to be used in this analysis shall be 15 dwelling units per acre and 75 employees per acre for Traffic Analysis Zones within 1/2 mile of rail transit stations and for 1/4 mile around exclusive busway stops.



planned transit corridors. Appropriate transportation and/or land development-related applications to amend the CDMP will be filed by County staff for consideration by the Board of County Commissioners during the next scheduled CDMP amendment cycle immediately following the completion of the referenced minor LRTP update. It is the policy of Miami-Dade County that affected municipalities also consider local plan amendments to reflect the findings of this analysis.

3C. It is the policy of Miami-Dade County to develop all the transportation facilities identified in both the MPO's LRTP and the CDMP Transportation Element as soon as feasible, in accordance with the LRTP phasing program. It is the policy of the County that the non-cost-feasible projects listed in the MPO LRTP and the CDMP Transportation Element shall be retained in these plans solely as identified future priorities of the County for which the County shall pursue additional funding, and which shall be advanced into the cost-feasible components of the respective plans at the earliest feasible opportunities. It is, further, the policy of the Board of County Commissioners that, a) non-cost-feasible transportation projects may be advanced into the cost-feasible component of the referenced plans only after demonstration that the project appropriately supports, and is supported by, related services such as transit feeders and/or the type and intensity of planned surrounding land development, and b) the Governing Board of the MPO is urged to support this policy. Only the transportation projects contained in the cost-feasible components of the LRTP and the CDMP shall be considered in the administration of the County's concurrency management program and, after the next update of the CDMP Transportation Element to reflect the next update of the MPO LRTP, the presentations of future levels of service in the CDMP shall reflect only these facility improvements.

In the Mass Transit Subelement, Figure 1, "Future Mass Transit System, 2005-2015, Metrobus Service Area". Revise this figure as follows:

- ♦ Delete the depicted extension of bus service along Quail Roost Drive west of the Urban Development Boundary; and
- ♦ West of Krome Avenue from the vicinity of SW 280 to 296 Streets, realign the depicted potential service area to center on Krome Avenue

#### **Part B. Land Use Element Amendments**

In the Land Use Element, add the following new Objective 7 and policies thereunder; move and revise existing policy 1C to this section to become part of policy 7A and renumber all subsequent policies under Objective 1 accordingly; renumber existing Objective 7 to become Objective 8 and renumber all policies, thereunder, accordingly; revise, renumber and move existing policies 7F and 7G as indicated herein; revise the guidelines for Urban Centers as noted herein; and revise other CDMP text and policies as necessary to reflect these changes.

##### **Objective 7**

By 2003, Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors to be planned and designed to promote pedestrianism and transit use.

4G 7A. Through its various planning, regulatory and development activities, Miami-Dade County shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporally to promote transit operational and financial efficiencies. Land uses that may be approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities, complemented by compatible entertainment, cultural uses

and human services in varying mixes. The particular uses that are approved in a given station area should, a) respect the character of the nearby community, b) strive to serve the needs of the community for housing and services, and, c) promote a balance in the range of existing and planned land uses along the subject transit line. Land in the vicinity of rapid transit stations shall be planned and developed in a manner that is compatible with, and supports the transit system. Uses and designs which promote, and are conducive to, transit usage shall be required. Rapid transit station sites and their vicinity shall be developed as "urban centers" as provided in this plan element under the heading Urban Centers.

7B. It is the policy of Miami-Dade County that both the County and its municipalities shall accommodate new development and redevelopment around rapid transit stations that is well designed, conducive to both pedestrian and transit use, and architecturally attractive. In recognition that many transit riders begin and end their trips as pedestrians, pedestrian accommodations shall include, as appropriate, continuous sidewalks to the transit station, small blocks and closely intersecting streets, buildings oriented to the street or other pedestrian paths, parking lots predominantly to the rear and sides of buildings, primary building entrances as close to the street or transit stop as to the parking lot, shade trees, awnings, and other weather protection for pedestrians.

7C. On all streets served by Metrobus and all arterial or collector streets designated in the Mass Transit Subelement as year 2005 or 2015 potential service areas,  
i) New non-residential buildings and substantial alterations<sup>2</sup> of existing non-residential buildings, and residential buildings wherever practical, shall provide at least one full-time building entrance that is recognizable and accessible from the street and is comparably as close to the street and/or bus stop as it is to the primary parking lot;  
and

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<sup>2</sup> Substantial alteration, as the term is used in this section, shall mean repair, modification, reconstruction, addition to, or other change to a building during any ten-year period which exceeds 50 per cent of the fair market value of the building.

ii) New residential and non-residential developments, subdivisions and replats shall provide for buildings that front the transit street, or provide streets or pedestrian connections that intersect with the transit street in close proximity to bus stops not more than 700 feet apart and, as appropriate, shall provide for new bus stops and/or pullouts.

7D. Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done in a manner that reduces walking distances and is comfortable and attractive to pedestrians.

7E. Land uses that are not conducive to public transit ridership such as car dealerships, car oriented food franchises, and uses that require transporting large objects should not be permitted to locate or expand within 1/4 mile of rail rapid transit stations.

7F. Residential development around rail rapid transit stations should have a density of at least 15 dwelling units per acre (15 du/ac) within 1/4 mile walking distance from the stations and 20 du/ac or higher within 700 feet of the station, and at least 10 du/ac between 1/4 and 1/2 mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within 1/4 mile walking distance from the station, 100 employees per acre within 700 feet, and at least 50 employees per acre between 1/4 and 1/2 mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals. Where services and facilities are currently or projected to be inadequate, or where required by Policy 7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not

impede, future densification and intensification that will conform with this policy. All County, municipal and other service providers should revise their plans and capital programs at the next opportunity, as necessary, to accommodate these densities and intensities by the year 2005 around existing rail transit stations; by 2010 around planned East-West line stations between the Palmetto Expressway and downtown Miami; and in all other planned rapid transit corridors by 2015.

78F. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
- ii) Enhance or impede provision of services at or above adopted LOS Standards;
- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective 7, herein.

78G. The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy 7F.

In the Land Use Element text, revise the guidelines for development of Urban Centers, as follows:

### **Urban Centers**

Diversified urban centers are encouraged to become hubs for future urban development intensification in Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. ...

Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.

Following are Policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development

intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. ~~However, a~~ All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

**Uses and Activities.** Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade; business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential elements uses are encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential components will uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

**Radius.** The area developed as an urban center shall extend to a one mile radius around the core or central transit station of a Regional Urban Center designated on the LUP map. Designated Metropolitan ~~Activity~~ Urban Centers ~~should~~ shall extend not less than one-quarter mile walking distance from the core of the center or central transit stop(s) and may extend up to one-half mile from such core or transit stops along major roads and

pedestrian linkages. Community Centers shall generally have a radius of 700 to 1,000 1,300 feet. ...

**Streets and Public Spaces.** Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. ... Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity, centers and They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, and greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area requirement provided outdoor, at grade will be subtracted from counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.

**Intensity.** Regional and Metropolitan Urban Centers shall be intensively developed. They should be developed at the highest intensities of development in the urbanized area. Floor area ratios (FARs) ~~in the center of~~ Regional Urban Centers designated on the LUP map should average not less than 4.0, including parking structures, in the core of the center and around mass transit stations, and should taper to an average of not less than 2.0 near the edge of the center. Average FARs, including parking structures, for developments ~~near the core of~~ in Metropolitan Urban Centers designated on the LUP map should be not less than 3.0 at the core adjacent to transit station sites and should taper to not less than 0.75 at the edge. Community Centers should average an FAR of 1.5 ~~1.0~~, including parking structures, ~~near~~ at the core adjacent to transit station sites and should taper to an average of approximately 0.5 at the edge. but around rail rapid transit stations they should be developed at densities and intensities no lower than those provided in Policy 7F. Height of



buildings at the edge of Metropolitan Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Centers. However, ~~W~~where the adjacent area is undergoing transition, heights at the edge of the eCenter may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies.

As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use and design requirements of this section and Land Use Policy 7F.

### **Part C. Capital Improvements Element Amendment**

In the Capital Improvements Element (CIE), in the Concurrency Management Program section provisions creating transportation concurrency exceptions, revise paragraph C.4) as follows:

A proposed development will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted Comprehensive Development Master Plan and it meets the following criteria pursuant to Section 163.3180, Florida Statutes: ...

- 4) The proposed development is located inside the UDB, and directly and significantly promotes public transportation by incorporating within the development

a MetroRail, Metromover or TriRail Station, or a Metrobus terminal<sup>3</sup> for multiple Metrobus routes, or is an office, hotel or residential development located within one-quarter mile of a MetroRail, Metromover or TriRail station, or a Metrobus terminal for multiple Metrobus routes.<sup>4</sup>

RU139b

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<sup>3</sup> Metrobus terminals for multiple routes are those non-rail transit centers as mapped in the CDMP Mass Transit Subelement, which contain dedicated parking facilities or significant transit patron structures and amenities.

<sup>4</sup> Planned stations and terminals shall not serve as a basis to grant this concurrency exception if the station, associated rapid transit corridor segment, or terminal is identified in the Transportation Element as "not cost-feasible".



# MEMORANDUM

Agenda Item No. 4(E)

(Public Hearing 4-27-99)

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

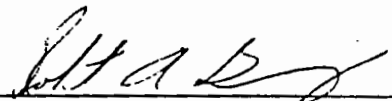
**DATE:** April 13, 1999

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance Amending  
Section 33-284.43(I) of the Code  
Relating to Penetrable Openings  
In Zero Lot Line Dwellings

99 - 39

The accompanying ordinance was prepared and placed on the agenda at the request of Chairperson Gwen Margolis.

  
\_\_\_\_\_  
Robert A. Ginsburg



# MEMORANDUM

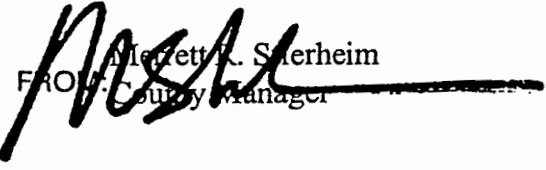
99-39

107.07-17A METRO DADE/GSAMAT MGT

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: April 27, 1999

SUBJECT: Fiscal Impact of proposed  
Ordinance Amending Section  
33-284.43(I) of the Code  
relating to Penetrable  
Openings in Zero Lot Line

FROM:   
County Manager

The proposed ordinance amending Section 33-284.43(I) of the Code relating to penetrable openings in zero lot line dwellings, creates no fiscal impact on Miami-Dade County.

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4 (E)  
4-27-99

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99-39

**ORDINANCE AMENDING SECTION 33-284.43(I) OF THE CODE OF MIAMI-DADE COUNTY RELATING TO PENETRABLE OPENINGS IN ZERO LOT LINE DWELLINGS; 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 33-284.43(I) of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

*Integration of interior/exterior areas through the use of penetrable openings.* The amount of penetrable openings shall be determined by multiplying 0.018 times the interior floor area, excluding garages>>,<< to a maximum of one thousand (1,000) square feet on the ground floor of a dwelling unit. Said penetrable openings shall be provided to exterior patio court areas and shall be totally visual and physically passable. The amount of penetrable openings for units ~~[[greater than]]~~ >>between<< one thousand (1,000) square feet >>and fifteen hundred (1,500) square feet<< shall be calculated on a basis of 0.014 times the square feet of interior floor area on the ground floor. >>No additional penetrable opening shall be required when the ground floor square footage, excluding garage, exceeds fifteen hundred (1,500) square feet.<< In all cases, the final linear dimension of said openings shall be calculated to the nearest even foot.

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

<sup>1</sup> 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.

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 does not contain a sunset provision.

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.

**PASSED AND ADOPTED:**

APR 27-1999

Approved by County Attorney as  
to form and legal sufficiency.

RAG

Prepared by:

TW

Sponsored by Chairperson Gwen Margolis

**MEMORANDUM**

Agenda Item No. 4(C)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** (Public Hearing 4-27-99)  
April 13, 1999

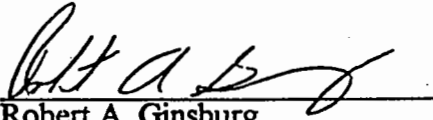
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
graffiti

99-38

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

  
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: April 27, 1999

SUBJECT: Fiscal Impact of Ordinance  
Relating to Graffiti

FROM: M. R. Stiehn  
County Manager

99-38

The proposed ordinance amends the Code of Miami-Dade County by removing references to the use of anti-graffiti paint as an option for walls abutting zoned or dedicated rights of way. This correction is necessary because there is no such product currently available. There is no negative fiscal impact as a result of this ordinance change.

cmo20499



Approved \_\_\_\_\_ Mayor

Agenda Item No. 4(C)  
4-27-99

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99-38

ORDINANCE RELATING TO GRAFFITI AND ZONING AMENDING SECTION 28-14(F)(1) AND CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REMOVING CBS WALLS TREATED WITH ANTI-GRAFFITI PAINT AS AN OPTION FOR WALLS ABUTTING ZONED OR DEDICATED RIGHTS-OF-WAY; 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 28-14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec 28-14. Design Standards.

\* \* \*  
(F) Lots.

(1) The lot depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and on the type of development and use contemplated.

\* \* \*

(c)

\* \* \*

<sup>1</sup> 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.

Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti graffiti paint.]]~~

>>b.<<[[e.]] *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 2. Section 33-202.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-202.3. Uses permitted.

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a townhouse district (RU-TH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

\* \* \*

(2) Townhouses, subject to the following restrictions:

\* \* \*

(r) Site plan review.

\* \* \*

*Procedure.* Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to

the Department of Planning, Development and Regulation and shall include, but not be limited to the following:

\* \* \*

15. Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 3. Section 33-203.8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-203.8.

\* \* \*

(12)

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 4. Section 33-207.2.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-207.2.2.

\* \* \*

(12)

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 5. Section 33-207.5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-207.5. Site plan review criteria.

\* \* \*

(12) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, [[neither anti-graffiti paint nor]] landscaping shall >>not<<be required.

\* \* \*

Section 6. Section 33-208.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-208.2.

\* \* \*

(12) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, [[neither anti-graffiti paint nor]] landscaping shall >>not<<be required.

\* \* \*

Section 7. Section 33-217.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-217.2. Same--Criteria.

\* \* \*

(12) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 8. Section 33-223.5.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-223.5.1. Site plan review.

\* \* \*

(c) Plan review standards. The following criteria shall be utilized in the plan review process:

\* \* \*

(12) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 9. Section 33-223.11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-223.11.

\* \* \*

(c) Plan review standards. The following criteria shall be utilized in the plan review process:

\* \* \*

(13) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 10. Section 33-245.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-245.2. Plan review standards.

\* \* \*

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

\* \* \*

(11) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 11. Section 33-251.5 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec 33-251.5. Plan review standards.

\* \* \*

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

\* \* \*

(11) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is



constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall ~~>>not<<~~be required.

\* \* \*

Section 12. Section 33-253.9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-253.9. Plan review standards.

\* \* \*

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

\* \* \*

(11) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

~~>>b.<<[[e.]] Metal picket fence.~~ Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall ~~>>not<<~~be required.

\* \* \*

Section 13. Section 33-256.8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-256.8. Plan review standards.

\* \* \*

(C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process:

\* \* \*

(11) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 14. Section 33-261.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-261.1. Site plan review.

\* \* \*

(C) Criteria. The following shall be considered in the plan review process:

\* \* \*

(7) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 15. Section 33-263.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-263.2. Site plan review.

\* \* \*

(C) The following shall be considered the plan review process:

\* \* \*

(7) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 16. Section 33-266.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-266.3. Site plan review.

\* \* \*

(C) The following shall be considered in the plan review process:

\* \* \*

(7) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 17. Section 33-278.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-278.2. Site plan review.

\* \* \*

(C) Criteria. The following shall be considered in the plan review process:

\* \* \*

(7) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 18. Section 33-284.9.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-284.9.1. Site plan review.

\* \* \*

(17) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 19. Section 33-284.21 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-284.21. Plan review procedure.

\* \* \*

(16) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti-graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 20. Section 33-284.26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-284.26. Review procedures.

\* \* \*

(B) Total development plan review.

\* \* \*

(13) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 21. Section 33-284.38 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-284.38. Site plan review.

\* \* \*

(C) Plan review standards. The following criteria shall utilized in the plan review process:

\* \* \*

(14) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 22. Section 33-284.44 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec 33-284.44. Site plan review.

\* \* \*

(C) Plan review standards. The following criteria shall utilized in the plan review process:

\* \* \*

(12) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

\* \* \*

~~[[b. Wall with anti graffiti paint. A CBS wall may be placed on the property line and shall be treated with anti-graffiti paint.]]~~

>>b.<<[[e.]] Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, ~~[[neither anti-graffiti paint nor]]~~ landscaping shall >>not<<be required.

\* \* \*

Section 23. 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 24. 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 25. 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 26. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: APR 27 1999

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

JM/RAG

Sponsored by Commissioner Miguel Diaz de la Portilla

**MEMORANDUM**

Substitute  
Agenda Item No. 4(B)

---

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** April 13, 1999

**FROM:** Robert A. Ginsburg  
County Attorney

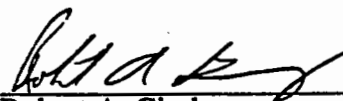
**SUBJECT:** Ordinance relating to  
regulations on adult  
entertainment uses

99-32

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Javier D. Souto.

The substitute differs from the original in that it deletes the requirement that existing adult uses may only relocate to an IU zoned property fronting along a major roadway. The substitute also differs from the original in that it corrects a drafting error and treats existing businesses seeking to relocate the same as new businesses.

  
\_\_\_\_\_  
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: April 13, 1999

FROM:   
M. R. Stierheim  
County Manager

SUBJECT: Fiscal Impact of Ordinance  
Relating to regulations on  
Adult entertainment uses

99-32

The attached ordinance relating to regulations on adult entertainment uses has no fiscal impact on Miami-Dade County.

Attachment

fis04399

Veto \_\_\_\_\_

Override \_\_\_\_\_

99.32

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-255.1, ZONING CODE, PERTAINING TO REGULATIONS ON ADULT ENTERTAINMENT USES; CORRECTING SCRIVENER'S ERRORS; PROVIDING SEVERABILITY; INCLUSION IN THE CODE , AND AN EFFECTIVE DATE

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

Section 1. Section 33-255.1 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

**Section 33-255.1. Additional Uses permitted.**

(a) In the development and enforcement of this ordinance it is recognized that there are uses which because of their very nature are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon the adjacent business and residential areas. It is desirable, therefore, to locate these adult oriented activities away from residential areas and public ~~[[facilitates]]~~ >>facilities<<used frequently by minors such as schools, churches, parks, libraries, and day care centers.

(b) For the purpose of this section the following definitions for terms used herein shall apply:

- \* \* \*
- (5) *Massage Establishment*
- \* \* \*

(b) Nothing in this ordinance shall be construed as applying to State of Florida licensed massage therapists, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants ~~[[of]]~~ >>or<< employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.

\* \* \*

(h) *Nonconforming uses.*

(1) Any adult entertainment use existing as of ~~[[the effective date of this ordinance,]]~~ >>January 26, 1996,<< which conformed to the regulations in effect when such use was established, that becomes nonconforming by the enactment of ~~[[this ordinance,]]~~ >>Ordinance No. 96-12<< shall be removed or discontinued ~~[[within three (3) years]]~~ >>not later than January 26, 2001<< ~~[[of the effective date of this ordinance]]~~; provided, however, that any such nonconforming use which satisfies the spacing requirements set forth at Section 33-255.1(d) shall not be required to discontinue. ~~[[During the aforementioned three (3) year period, upon approval of the Zoning Appeals Board after a public hearing]]~~ >>On or before January 26, 2001<< any such nonconforming use which is not in compliance with Section 33-255.1(d) may be transferred to a site which satisfies the requirements of Section 33-255.1(d) in a BU-3 or IU zoning district. >>Subsequent to January 26, 2001, any new adult entertainment use which desires to locate at a site which satisfies the requirements of Section 33-255.1(d) in an IU zoning district will require a public hearing.<<

\* \* \*

(3) Any lawfully existing business which becomes nonconforming by the enactment of this ordinance may

file an appropriate >>zoning hearing<< application  
[[for a variance]] with the Department of Planning  
[[Development and Regulation]] >>and Zoning<<

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 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:

APR 13 1999

Approved by County Attorney RA6  
as to form and legal sufficiency.

Prepared by: JM

Sponsored by Commissioner Javier D. Souto



## MEMORANDUM

Amended  
Substitute  
Agenda Item No. 5(F)

To: Honorable Chairperson and Members  
Board of County Commissioners

Date: March 18, 1999

From: M.R. Stierheim  
County Manager

Subject: Ordinance Revising CDMP  
Amendment Procedures

O#99-30

This Substitute agenda item differs from the base ordinance only as follows: In Section 5, the effective date of the ordinance is changed from 20 days to 10 days. This is necessary to enable the filing of a special amendment to the Comprehensive Development Master Plan on the schedule provided in a companion resolution which is a related agenda item.

### RECOMMENDATION

It is recommended that the Board adopt the attached ordinance revising the County's procedures for amending the Comprehensive Development Master Plan (CDMP). Two of the three changes to the procedures are required immediately to correct inconsistencies with State Statutes, or to enable the County to timely comply with a recent administrative requirement of the Florida Department of Community Affairs (FDCA) pursuant to Chapter 163, Part 2, Florida Statutes.

### BACKGROUND

The changes recommended to the CDMP amendment procedures are threefold. The first is a substantial revision of the provisions allowing the Board of County Commissioners to initiate applications to amend the CDMP at times other than during the normal April and October CDMP amendment filing periods. This revision will provide the Commission additional flexibility to utilize numerous exceptions to the standard twice-per-year limitation on the frequency of adopting comprehensive plan amendments added to the State comprehensive planning law (Chapter 163, Part 2, Florida Statutes [F.S.]) since these County Code provisions were established. Section 2-116.1 of the Code of Miami-Dade County currently allows the County Commission to initiate applications outside the standard April and October filing periods; however, the Code contains filing limitations which ensure that the previous State limitations on

the frequency of adopting plan amendments would not be exceeded. The State limitations have been revised during recent years. Revisions to the County Code are required immediately because the existing Code limitations preclude the County from filing, transmitting and adopting required amendments to the Intergovernmental Coordination Element (ICE) on a schedule that will comply with a recent administrative requirement of the Florida Department of Community Affairs (FDCA), as authorized by Chapter 163, F.S.

In revising this Code provision, maximum flexibility is provided for the Board of County Commissioners to initiate amendment applications when desired or necessary to address unforeseen contingencies and new requirements of State law where the law provides an exception to the twice-per-year plan amendment limitation, while also retaining the integrity of the standard twice-per-year-schedule for filing private applications and the prohibition on violations of State law limitations on the frequency of adopting comprehensive plan amendments. With the proposed Code revisions, the following exceptions to the twice-per-year limitation on adopting comprehensive plan amendments, as allowed by State law, may be utilized by the County Commission: a) in the case of an emergency as provided in Section 163.318(1)(a), F.S.; b) CDMP amendments adopted concurrently with approval of a Development of Regional Impact (DRI) as provided in Sections 380.06(6), and 163.3187(1)(b), F.S.; c) approval of amendments pursuant to a "compliance agreement" as provided in section 163.3187(1)(d), F.S.; d) amendments necessary to revise the ICE as provided in Section 163.3177(6)(h)4, F.S.; e) amendments to allow for the location of state correctional facilities as provided in Section 163.3187(1)(f), F.S.; f) amendments directly related to proposed redevelopment of brownfields designated under Section 376.80, F.S., as provided in Section 163.3187 (1)(g), F.S.; g) utilization of the optional CDMP amendment procedure to provide for reuse of closed or realigned military bases as provided in Section 288.975, F.S.; and h) any other purpose authorized by State law for comprehensive plan amendments to exceed the twice-per-year limitation on amendment frequency.

The second Code change required at this time is a revision to the procedures for processing CDMP amendments concurrently with DRI requests. The County Code is currently inconsistent with the requirement in Chapter 380.06(6), F.S., that the Board of County Commissioners conduct a public hearing and determine whether or not to "transmit" the proposed comprehensive plan amendment within 60 days after the application has been filed. Code revisions are proposed that will render the Code consistent with Chapter 380, F.S., while retaining sufficient time for publication of staff recommendations, for conducting advertised public hearings and for issuance of recommendations by the affected Community Council and Planning Advisory Board, prior to the County Commission hearing and action.



Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Substitute  
Agenda Item No. 5(F)  
3-18-99

**ORDINANCE NO. 99-30**

ORDINANCE AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) AMENDMENT PROCEDURES; PROVIDING EXEMPTIONS TO THE LIMITATION ON THE FREQUENCY OF FILING PLAN AMENDMENTS; 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 2-116.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

**Sec. 2-116.1. Amendment procedure for Comprehensive Development Master Plan.**

\* \* \*

(2) *Application.* Except as specifically provided below for applications pursuant to an emergency, pursuant to a compliance agreement, >>pursuant to a State statutory requirement<< or pursuant to a concurrently requested development of regional impact (DRI) development order or change to an existing DRI development order, or for applications relating to reuse of military bases pursuant to Chapter 288, F.S., any request for amendments, modifications, additions or changes to the Comprehensive Development Master Plan shall be

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

submitted to the Miami-Dade County Department of Planning and Zoning during the period between April 1 and April 30 inclusive (hereinafter April period), and during the period between October 1 and October 31 inclusive (hereinafter October period), in each year only in accordance with the following provisions:

\* \* \*

- (d) The Miami-Dade County Board of County Commissioners may, by resolution or ordinance, at any time initiate a request to amend, modify, add to or change the Comprehensive Development Master Plan, or may, by resolution or motion, authorize or direct the County Manager to utilize the optional procedure provided in Section 288.975, F.S., and Section 2-116.1(5)(b), herein, to amend the CDMP to enable military base reuse. Except for requests by the Board of County Commissioners to amend the Comprehensive Development Master Plan in the case of an emergency as provided in section 163.3187(1)(a), F.S., in the case of a compliance agreement as provided in Section 163.3187(1)(e), F.S., >>in the case of a State statutory requirement<< in the case of an application necessary to authorize a Development of Regional Impact initiated by the County, in the case of an application for a small-scale amendment pursuant to Section 163.3187(1)(c), F.S., in the case of an application relating to military base reuse, prepared pursuant to Section 288.975, F.S., or unless otherwise provided by said resolution or ordinance, the content, activities, and time periods herein provided, as quantified by number of days, shall be substantially applicable to such a request from the date of the adoption of the resolution or ordinance. Said resolution or ordinance shall direct the County Manager to include the special application for review and action along with April period or October

period applications as provided herein or ~~[[if the next available filing period occurs during an even numbered year,]]~~ instruction may be given that the special application shall take the place of the October period process ~~[[for that]]~~ >>during an even-numbered<< year>>, or<< ~~[[and]]~~that the special application shall be reviewed and action shall be taken on a special schedule prescribed in the resolution or ordinance. >>In no instance shall the<< ~~[[The]]~~filing or authorization of ~~[[special]]~~ applications by the Board of County Commissioners >>for processing on a special schedule<< ~~[[shall not]]~~result in >>adoption of<< more than two (2) Comprehensive Development Master Plan amendments in any calendar year except in the case of an emergency as provided in section 163.3187(1)(a), F.S., concurrent approval of a Development of Regional Impact as provided in Section 163.3187(b), F.S., approval of a small-scale amendment as provided in Section 163.3187(1)(c), F.S., ~~[[or]]~~a compliance agreement as provided in section 163.3187(1)(e), F.S., ~~[[or]]~~ utilization of the optional CDMP amendment procedure for military base reuse as provided in Section 288.975, F.S. >>, or in the case of a State statutory requirement for which an exception to the twice-per-year limitation on the adoption of comprehensive plan amendments is provided in Chapter 163, Part 2, F.S.<<

\* \* \*

Section 2. If any section, subsection, sentence, clause 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 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 does not contain a sunset provision.

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 upon an override by this Board.

PASSED AND ADOPTED:

MAR 18 1999

Approved by County Attorney as  
to form and legal sufficiency.

AK

Prepared by:

RJK

**MEMORANDUM**

Amended  
Alternate No. 2  
Agenda Item No. 5(B)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** March 18, 1999

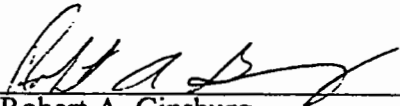
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
residency requirements

O-99-28

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Dr. Barbara M. Carey, Commissioner District 3.

  
Robert A. Ginsburg  
County Attorney

RAG/bw

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Alternate No. 2  
Agenda Item No. 5 (B)  
3-18-99

ORDINANCE NO. 99-28

ORDINANCE RELATING TO RESIDENCY REQUIREMENTS FOR MIAMI-DADE COUNTY EMPLOYEES AMENDING SECTION 2-11.17 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MANAGER TO WAIVE THE REQUIREMENTS UNDER CERTAIN CONDITIONS; 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 2-11.17 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-11.17. Residency condition for new employees.**

1. As of the effective date of this section, no person shall be newly employed by Miami-Dade County or any of its authorities, agencies or instrumentalities unless resident in Miami-Dade County or unless prepared to sign a covenant that he or she will move to Miami-Dade County within six (6) months of employment by the County.
2. All employees of Miami-Dade County hired after the effective date of this ordinance shall maintain their domicile and principal place of residence within the corporate limits of Miami-Dade County during the period of their employment with Miami-Dade County.
3. Any employee of Miami-Dade County hired after the effective date of this ordinance that does not at all times during such employment maintain his or her domicile and principal place of residence in Miami-Dade County may be dismissed from County service.

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<sup>1</sup>Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**MEMORANDUM**

Agenda Item No. 5 (I)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

(Public Hearing 3-4-99)  
**DATE:** December 15, 1998

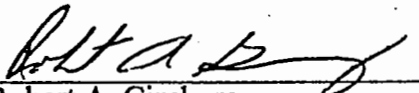
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to Traditional  
Neighborhood Development-  
Town Center Design Criteria

99-26

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

  
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: March 4, 1999

SUBJECT: Ordinance Relating to Traditional  
Neighborhood Development (TNE  
Town Center Design Criteria

FROM:   
County Manager

99-26

This report is provided in connection with a proposed ordinance sponsored by Commissioner Miguel Diaz de la Portilla, which amends the Traditional Neighborhood Development (TND) to provide for a different mix of shop front uses within town centers, compliance with Americans With Disabilities Act, increase in lot coverage for row houses, and a reduction of setback for parking lanes.

These proposed changes to the existing TND regulations will generally provide greater flexibility in design and workability of the overall regulations. These modifications will result in no fiscal impact to the County.

fis02499



Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5 (I)  
3-4-99

ORDINANCE NO. 99.26

ORDINANCE PERTAINING TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT ("TND") ZONING DISTRICT; MODIFYING DESIGN CRITERIA FOR TOWN CENTER; REQUIRING CALCULATION OF MAXIMUM POTENTIAL LOT COVERAGE FOR STORM WATER DRAINAGE; REDUCING SHOPFRONT AND HOUSE USE LOTS MINIMUM WIDTH; DELETING PROVISIONS FOR REAR ACCESS TO ROWHOUSE AND HOUSE USES AND REQUIRING TND UNITS TO COMPLY WITH PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT; INCREASING THE PERCENTAGE OF LOT COVERAGE FOR BUILDINGS AND ROWHOUSES; MODIFYING PARKING LANE DISTANCES FROM INTERSECTION STREETS; PROVIDING THAT WORKSHOP BUFFERING REQUIREMENTS SHALL BE MODIFIED TO MAINTAIN CONSISTENCY WITH COMPREHENSIVE DEVELOPMENT MASTER PLAN; AMENDING SECTIONS 33-284.47, 33-285.50 AND 33-285.51 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. Sections 33-284.47, 33-285.50 and 33-285.51 of the Code of Miami-Dade County, Florida, are hereby amended as follows:<sup>1</sup>

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<sup>1</sup>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.

ARTICLE XXXIIIH. TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) DISTRICT

\* \* \*

Sec. 33-284.47. Design criteria.

\* \* \*

(A) The following design criteria and requirements shall be applicable in the TND District. When there are conflicts between the terms used herein and definitions as provided elsewhere in Chapter 33, the TND ordinance shall take precedence. Terms used throughout this ordinance shall take their commonly accepted meaning unless otherwise defined in Chapter 33 or Chapter 28 of the Code of ~~[[Metropolitan Dade]]~~ >>Miami-Dade<< County. Terms requiring interpretation specific to this ordinance are as follows:

\* \* \*

(37) *Town center:* A town center is an optional and accessory use to the TND providing for larger scale commercial shopfront uses in buildings that front a plaza. A portion of the town center plaza may be used for parking. The town center buildings shall surround the plaza on at least thirty-five (35) percent of its perimeter. The town center shall meet all requirements of said shopfront use category, except as modified below, and all other requirements of the TND, including requirements for parking lots, if any part of the plaza is used for parking.

A maximum of ~~[[fifty (50)]]~~ >>seventy-five (75)<< percent of the TND's allocation for shopfront use lots may be transferred to the town center. Any additional commercial area shall only be permitted where designated on CDMP, land use plan map.

A town center shall only be located where through streets or any street adjacent to the neighborhood proper intersect. There shall be no more than one town center in a TND. Town center plazas shall extend no further than six hundred (600) feet along

the through street from the centerline of the intersection and shall have a maximum area of fourteen hundred (1,400) square feet per TND acre in area to a maximum of two hundred thousand (200,000) square feet. The town center shopfront uses shall be located no further than a six-hundred-foot radius from other shopfront uses located on the mandatory square. There shall be a direct street connection between the mandatory square and the town center plaza. A minimum of thirty-five (35) percent of the gross leasable building area (taken in sum) of the lots fronting the plaza shall be for residential use. A maximum of four lots fronting the town center plaza may be consolidated. Colonnades are required on all shopfront use buildings fronting the town center plaza. At least ten (10.0) percent of the plaza shall be devoid of parking and developed with permanent architectural and/or water features as a focal point for the town center. Said focal point shall be in addition to other landscape requirements as provided in the TND. Town centers may include, in addition to BU-1 uses, one grocery and/or department store use, each not exceeding 40,000 square feet of building area.

\* \* \*

**Sec. 33-284.50. Review procedure.**

The TND review procedures are divided into four (4) steps: (A) preapplication conference; (B) initial TND review (C) intermediate site plan review and (D) final review.

\* \* \*

**(D) Final review.**

- (1) Final review for all or a portion of the TND shall be by the Department in accordance with all plans and documents as approved by the Community Zoning Appeals Board, the Developmental Impact Committee, and as filed with the Department. Said final review shall be completed prior to tentative plat approval. Upon approval by said Department, the applicant may proceed to develop any portion of the TND as approved under final review. The

Department shall issue building permits in accordance with all previously approved plans and documents and in accordance with applicable requirements of the South Florida Building Code and other applicable State and County requirements. The following information shall be submitted to the Department.

- (a) Master plan at a scale of not less than 1"=100' which shall include the following information:

\* \* \*

>> 10. A calculation of maximum potential lot coverage for stormwater drainage engineering purposes.<<

\* \* \*

**Sec. 33-284.51. Land use categories.**

\* \* \*

- (C) *Shopfront use.*

\* \* \*

- (3) *Lots and buildings.*

- (a) Shopfront use lots shall have a maximum width of fifty (50) feet and a minimum width of ~~[[twenty-five (25)]]~~ >>sixteen (16)<< feet.

\* \* \*

- (D) *Rowhouse use.*

\* \* \*

- (3) *Lots and buildings.*

\* \* \*

- (c) Rowhouse use buildings shall be attached (built with no side setback or as a single building) at not less than five-unit segments.

Lots comprising the end of the block adjacent to the street or alley >>or along street curves<< may be attached in segments of two (2) to five (5) units.

- (d) ~~[[Rear access to the finished floor of all rowhouse buildings shall be by means of a ramp a minimum of thirty six (36) inches wide with a slope no greater than one (1) to twelve (12).]]~~ >>All units must comply with Americans With Disabilities Act, 42 U.S.C. § 12101 et seq., requirements regarding handicapped access.<<

\* \* \*

- (i) Buildings on rowhouse use lots shall cover no more than ~~[[forty (40.0)]]~~ >>fifty (50)<< percent of the building lot area. Outbuildings shall not count against lot coverage.

\* \* \*

(4) *Streets and alleys.*

\* \* \*

- (c) At intersections, the curb radius shall be fifteen (15) feet with a clear zone radius of twenty-five (25) feet. Parking lanes shall not be closer than ~~[[thirty five (35)]]~~ >>twenty-five (25)<< feet ~~[[to]]~~ >>from<< the ~~[[nearest intersecting building]]~~ lot line>> adjoining intersecting streets<<.

\* \* \*

(E) *House use.*

\* \* \*

(3) *Lots and buildings.*

\* \* \*

(b) ~~[[Rear access to the finished floor of all rowhouse buildings shall be by means of a ramp a minimum of thirty six (36) inches wide with a slope no greater than one (1) to twelve (12).]]~~ >>All units must comply with Americans With Disabilities Act, 42 U.S.C. § 12101 et seq., requirements regarding handicapped access.<<

\* \* \*

(d) House use building lots shall have a minimum width of ~~[[forty (40)]]~~ >>thirty-six (36)<< feet and a maximum width of seventy-five (75) feet with a minimum average lot size of five thousand (5,000) square feet.

\* \* \*

(4) *Streets and alleys.*

\* \* \*

(c) At intersections, the curb radius shall be fifteen (15) feet with a clear zone radius of twenty-five (25) feet. Parking lanes shall not be closer than ~~[[thirty five (35)]]~~ >>twenty-five (25)<< feet ~~[[to]]~~ >>from<< the ~~[[nearest intersecting building]]~~ lot line>> adjoining intersecting streets<<.

\* \* \*

(F) *Workshop use.*

\* \* \*

(2) *Land allocation.*

\* \* \*

(b) Workshop use lots shall not be within three hundred (300) feet of the geometric center of the neighborhood proper or the mandatory square. When a TND borders land designated in the CDMP as agriculture

or open land, then workshop use lots shall not be permitted within three hundred thirty (330) feet of said TND boundary >> except if necessary to maintain consistency with the Goals, Objectives and Policies of the CDMP including the Guidelines for Urban Form <<.

\* \* \*

(4) *Streets and alleys.*

\* \* \*

(c) At intersections the curb radius shall be fifteen (15) feet with a clear zone radius of twenty-five (25) feet. Parking lanes shall not be closer than ~~[[thirty-five (35)]]~~ >> twenty-five (25) << feet ~~[[to]]~~ >> from << the ~~[[nearest intersecting building]]~~ lot line >> adjoining intersecting streets <<.

\* \* \*

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: MAR 04 1999

Approved by County Attorney as  
to form and legal sufficiency:

RA6

Prepared by:

CAC

Sponsored by Commissioner Miguel Díaz de la Portilla



**MEMORANDUM**

Amended  
Substitute  
Agenda Item No. 5(B)

---

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** March 4, 1999

**FROM:** Robert A. Ginsburg  
County Attorney

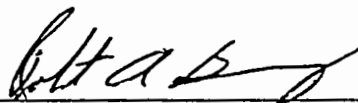
**SUBJECT:** Ordinance relating to  
illegal multi-family  
residences

0-99-22

---

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Javier D. Souto.

The substitute differs from the original proposal in that it clarifies intent.

  
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

99-22

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

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: March 4, 1999

SUBJECT: Fiscal Impact of Ordinance  
Relating to Multi-Family  
Residences

FROM:   
Merrett R. Stierheim  
County Manager

The proposed ordinance places the responsibility on the property owner for proving that a residence, which has been determined by the County as being illegally used to multiple use or as a subdivided single family structure, is not being used for such purpose. The ordinance provides conditions under which a structure will be considered as being used illegally as well as the procedure to be used by the property owner in proving the use of the structure.

There is no negative impact as a result of this ordinance change and the resulting work can be accomplished with existing staff.

fis03299

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Substitute  
Agenda Item No. 5(B)  
3-4-99

ORDINANCE NO. 99-22

ORDINANCE CREATING SECTIONS 33-20.1.1 AND 29-5.1  
OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA,  
DEALING WITH ILLEGAL MULTI-FAMILY RESIDENCES;  
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. Article I of Chapter 33 of the Code of Miami-Dade County, Florida, is  
hereby created to read as follows:<sup>1</sup>

>>Sec. 33-20.1.1. Prima facie evidence of illegal multiple use  
or illegal subdivision of a residence.

(a) It shall be presumed that a multi-family use has been  
established when one or more of the following conditions  
are observed:

- (1) There are two or more electrical, water gas or other  
types of utility meters, or mailboxes on the  
premises.
- (2) There is evidence of a liquid propane (LP) gas tank  
installed in an unauthorized detached structure on  
the premises.

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<sup>1</sup>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.

- (3) There is more than one cooking area in the primary structure.
  - (4) All living areas in the dwelling are not interconnected.
  - (5) Multiple paved numbered parking spaces.
  - (6) An unauthorized detached building with air conditioning, interior cooking areas or utility meters.
  - (7) There is more than one different house address unit number posted on the premises.
  - (8) An advertisement indicating the availability of more than one living unit on the premises.
  - (9) An unpermitted exterior door.
- (b) For duplex or triplex structures, the terms "structure" and "dwelling" as used herein shall apply as to each unit.
- (c) The presumption may be rebutted by the submission of a current floor plan prepared by an engineer or architect, surveying the residence and accessory structures and showing all rooms are interconnected as a single family dwelling accompanied by a notarized affidavit from the property owner attesting that the residence or accessory structure is being maintained for single family occupancy and/or substantiated by an interior inspection of the dwelling by a compliance officer. If the compliance officer is able to enter the interior of the property and verify its use as a single-family dwelling, the property owner is exempt from the above submission.
- (d) Nothing contained in this section shall prevent the enforcement actions authorized by the Code of Miami-Dade County, Florida independent of this section.<<

Section 2. Art. I of Chapter 29 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:



**MEMORANDUM**

Substitute No. 3  
Agenda Item No. (5A)

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** March 4, 1999

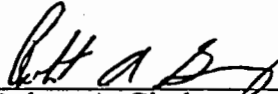
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
conduct of County  
business

99-21

The accompanying ordinance was prepared and placed on the agenda at the request of Chairperson Gwen Margolis and Dr. Barbara M. Carey, Commissioner District 3.

Please note that if the attached proposed ordinance is enacted by the board, there will still be only one kit delivered four working days prior to the Tuesday portion of the meeting and, therefore, the four-day rule will apply to any item not included within that kit.

  
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/bw




**MEMORANDUM**

99-21

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

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** March 4, 1999

**FROM:**   
M. R. Stierheim  
County Manager

**SUBJECT:** Fiscal Impact of Ordinance  
Relating to conduct of  
County business

The attached ordinance relating to conduct of County business has no fiscal impact on Miami-Dade County.

Attachment

fis04499

Approved \_\_\_\_\_ Mayor

Substitute No. 3

Veto \_\_\_\_\_

Agenda Item No. 5(A)

Override \_\_\_\_\_

3-4-99

ORDINANCE NO. 99.21

ORDINANCE RELATING TO COUNTY COMMISSION MEETINGS AND ORDER OF BUSINESS; AMENDING RULES 3.01 AND 5.05 OF SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ADDITIONAL COUNTY COMMISSION MEETINGS; PROVIDING A TIME CERTAIN TO END MEETINGS; PROVIDING FOR CERTAIN ITEMS TO BE SCHEDULED ON THURSDAYS OF EACH MONTH; 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 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION.

\* \* \*

Rule 3.01. REGULAR MEETINGS.

- (a) The commission shall hold regular meetings on the first and third Tuesday >>and Thursday<< 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 >>and shall end no later than 6:30 p.m. each day.<<

<sup>1</sup>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.



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 meetings shall be held in the commission chambers, Stephen P. Clark Center, 111 NW 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.

\* \* \*

Rule 5.05. AGENDA.

(a) ORDER OF BUSINESS.

- (1) There shall be an official agenda for every meeting of the commission which shall determine the order of business conducted at the meeting. The order of business >>for Tuesday meetings<< shall be as follows: (1) ~~[[special presentations which shall be scheduled for 8:30 a.m.,]]~~ invocation, pledge of allegiance, roll call, reports of official county boards, citizen's presentations; (2) mayoral vetoes; (3) consent agenda; (4) public hearings, which shall be scheduled for 9:30 a.m.; ~~(5) policy matters for discussion by the board;~~ >>(5)<< ~~[[6]]~~ time sensitive items, ~~[[which shall include contracts and other matters which the county manager determines to be time sensitive;]]~~ >>(6)<< ~~[[7]]~~ resolutions; >>(7)<< ~~[[8]]~~ reports >>(8)<< ~~[[9]]~~ ordinances submitted for first reading; >>(9)<< ~~[[10]]~~ board appointments. Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda. The section of the official agenda of the board of county commissioners entitled "Special Presentations" shall be scheduled for 8:30 a.m. >>on Thursday<<. ~~[[during regularly scheduled commission meetings with the presiding officer making presentations in the absence of the sponsor.]]~~ The commission shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless two-thirds (2/3) of the entire commission shall have first consented to the presentation thereof for consideration and action. No ordinance, resolution or other matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless a majority of the entire commission shall vote in favor

of such deferral. The commission shall not take action upon any matter when it is first presented to the commission in a report or reports made by the county commissioners.

>>(2) At Thursday meetings the following items of business shall be conducted in the following order: (1) special presentations and proclamations; (2) policy matters for discussion by the board; (3) zoning; (4) metropolitan planning organization (MPO); (5) workshops.<<

\* \* \*

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; provided, however, that any item for public hearing which was scheduled prior to the effective date of this ordinance shall be heard on the date for which it was originally scheduled.

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

PASSED AND ADOPTED: MAR 04 1999

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:

Sponsored by Chairperson Gwen Margolis, Dr. Barbara M. Carey.

**MEMORANDUM**

Substitute  
Agenda Item No. 5(E)

---

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** February 2, 1999

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
parking of commercial  
vehicles

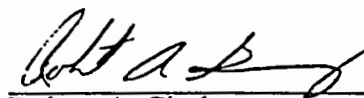
99-16

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Javier D. Souto.

The substitute differs from the original in the following respects:

1. It does not delete Section 30-388.31 of the Code of Miami-Dade County.
2. It expressly provides for the assistance of the Miami-Dade Police Department and penalties for obstructing enforcement of this section.
3. It makes other non-substantive changes to clarify legislative intent.



Robert A. Ginsburg  
County Attorney

RAG/bw




# MEMORANDUM

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

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: February 2, 1999

FROM:   
Merrett R. Stierheim  
County Manager

SUBJECT: Fiscal Impact of Ordinance  
Relating to Parking of  
Commercial Vehicles

99-16

The proposed ordinance amends the Code of Miami-Dade County by removing a clause allowing for exceptions to the limits on the parking of commercial vehicles in residential areas. There is no negative fiscal impact as a result of this ordinance change and the resulting work can be accomplished with existing staff.

fis03199

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Substitute  
Agenda Item No. 5 (E)  
2-2-99

ORDINANCE NO. 99-16

ORDINANCE DEALING WITH PARKING OF COMMERCIAL VEHICLES; CREATING SECTION 33-124.1; AMENDING SECTION 33-20.1 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 33-20.1 is hereby amended as follows:

**Sec. 33-20.1. Prohibition on keeping tow trucks in a residential district.**

In addition to any other limits on the parking of commercial vehicles in residential districts, ~~[[and except as may otherwise be permitted by this chapter,]]~~ it shall be unlawful for any person to park, store >>or<< ~~[[and]]~~ otherwise keep towing vehicles and equipment in a residential zoning district unless:

- (1) Such vehicles or equipment are on the property or on the public right-of-way abutting the property for the purpose of delivery or retrieval of a vehicle owned or leased by the occupant-owner or occupant-lessee of the site concerned, or owned or leased by a bona fide house guest of the occupant-owner or occupant-lessee of the site concerned; or
- (2) Such vehicles or equipment have been abandoned ~~[[or parked]]~~ on the property or on the public right-of-way abutting the property, by persons other than, and without the consent of, the occupant-owner or occupant-lessee of the site concerned or by a bona fide house guest of the occupant-owner or occupant-lessee of the site concerned.

Section 2. Section 33-124.1 is hereby created to read as follows:

**Sec. 33-124.1. Parking of commercial vehicles in residential or agricultural zones.**

- (a) The following are hereby defined as commercial vehicles for the purpose of this section:

Category 1. A vehicle under 10,000 gross vehicle weight rating that is a taxicab, a limousine under 20 feet in length or any vehicle marked with a sign, letters, identification numbers, or emblem advertising or associating it in any way with a commercial enterprise other than those which identify the vehicle maker or dealer.

Category 2. A vehicle under 10,000 gross vehicle weight rating in which the indications of a commercial activity are visible including but not limited to food vending equipment, ladders, paint cans, lawn care equipment or fixtures and brackets necessary to carry such items.

Category 3. A vehicle, other than a recreational vehicle as defined in § 33-20(f), exceeding 10,000 gross vehicle weight rating.

- (b) Parking of certain commercial vehicles is allowed in residential zones as follows:
1. In agriculturally zoned area (AU), parking commercial vehicles used for agricultural purposes or in the transport of agricultural products is allowed as otherwise provided in this chapter.
  2. Only two Category 1 vehicles may be openly parked at a residence in a residential zoned district.
  3. Only one Category 2 vehicle only in an enclosed garage or behind the front building line within a completely enclosed, opaque fence, screening wall or landscaping 6 feet in height at least 10 feet from the rear property line. If a Category 2 vehicle is so parked, only one Category 1 vehicle may also be parked at such residence.
  4. For residential properties of four or more units, the parking allowances provided for herein shall be applied as to each unit.

5. Category 3 vehicles are prohibited.
- (c) Parking of certain commercial vehicles is prohibited in residential zones as follows:

1. In areas zoned residential districts, it shall be unlawful for Category 1, 2, 3, vehicles as herein defined to be otherwise parked, whether on private property or on the public right of way, unless engaged in the loading or unloading of materials or persons or engaged in providing a commercial service. Examples of providing commercial services include, but are not limited to, presence at a construction site, delivery of goods, repair of household appliances and cleaning of household furniture.

(d) Violations of these provisions are punishable as follows:

1. Any violation of this section is punishable by a civil fine of five-hundred dollars (\$500.00). Upon a repeat violation, in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage or immobilization, such vehicle may be disposed of pursuant to the provisions contained in § 713.585, Florida Statutes. Any enforcement officer is hereby authorized to secure the assistance of the Miami-Dade Police Department to effect enforcement of these provisions.
2. Whoever opposes, obstructs or resists an enforcement officer in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

Section 3. Section 8CC of the Code of Miami-Dade County is amended to reflect the penalties provide herein.

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

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may



be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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

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

PASSED AND ADOPTED: FEB 02 1999

Approved by County Attorney as  
to form and legal sufficiency:

RA6

Prepared by:

AM

Sponsored by Commissioner Javier D. Souto

**MEMORANDUM**

Agenda Item No. 5(C)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** (Public Hearing 2-2-99)  
January 21, 1999

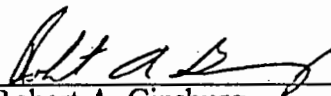
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
Order of Business at  
County Commission  
Meetings

99-15

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

  
Robert A. Ginsburg  
County Attorney

RAG/bw

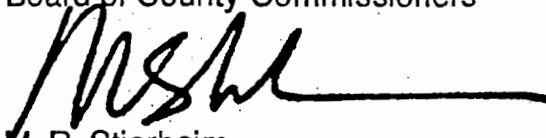
# MEMORANDUM

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

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: February 2, 1999

SUBJECT: Fiscal Impact of Ordinance  
Relating to Order of Business at  
County Commission Meetings

FROM:   
M. R. Stierheim  
County Manager

99-15

The attached ordinance relating to order of business at County Commission meetings; amending Rule 5.05 of Section 2-1 of the Code of Miami-Dade County, Florida will have no fiscal impact on Miami-Dade County, Florida.

Attachment

fs03499

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5 (C)  
2-2-99

99-15

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ORDER OF BUSINESS AT COUNTY COMMISSION MEETINGS; AMENDING RULE 5.05 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. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION.

\* \* \*

Rule 5.05. AGENDA.

- (a) ORDER OF BUSINESS. There shall be an official agenda for every meeting of the commission which shall determine the order of business conducted at the meeting. The order of business shall be as follows: (1) special presentations which shall be scheduled for 8:30 a.m., invocation, pledge of allegiance, roll call, reports of official county boards, citizen's presentations; (2) mayoral vetoes; (3) consent agenda; (4) public hearings, which shall be scheduled for 9:30 a.m.; >>(5) policy matters for discussion by the board;<< [[(5)]] (6) time sensitive items, which shall include contracts and other matters which the county manager determines to be time sensitive; [[(6)]] >>(7)<< resolutions; [[(7)]] >>(8)<< reports; [[(8) ~~policy matters for discussion by the board;~~]] (9) ordinances submitted

<sup>1</sup>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.

for first reading; (10) board appointments. Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda. The section of the official agenda of the board of county commissioners entitled "Special Presentations" shall be scheduled for 8:30 a.m. during regularly scheduled commission meetings with the presiding officer making presentations in the absence of the sponsor. The commission shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless two-thirds (2/3) of the entire commission shall have first consented to the presentation thereof for consideration and action. No ordinance, resolution or other matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless a majority of the entire commission shall vote in favor of such deferral. The commission shall not take action upon any matter when it is first presented to the commission in a report or reports made by the county commissioners.

\* \* \*

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.

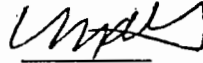
PASSED AND ADOPTED:

FEB 02 1999

Approved by County Attorney as  
to form and legal sufficiency:

RA6

Prepared by:



Sponsored by Commissioner Miguel Diaz de la Portilla.

# MEMORANDUM

Agenda Item No. 5(0)

107.07-17A, MIAMI-DADE COUNTY, FLORIDA

(Public Hearing 1-21-99)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: December 15, 1998

SUBJECT: Proposed Ordinance  
Requiring a Housing  
Cost Impact Analysis

FROM: Merrett R. Stierheim  
County Manager



99.09

## RECOMMENDATION

It is recommended that the Board adopt the attached ordinance requiring a housing cost impact analysis for any policy, ordinance, regulation, or plan provision to be enacted by the Board of County Commissioners (BCC) or administrative action lawfully applied by County departments. There are times when administrative type actions have implicit costs associated with these action. This housing cost impact analysis is intended to determine estimated housing costs inclusive of, but not limited to, construction hard and soft costs, planning, and/or land as a result of a policy, procedure, ordinance, or regulation established by the County.

## BACKGROUND

The Legislature of the State of Florida has established Section 420.907 et seq., Florida Statutes for the State Housing Initiatives Partnership (SHIP) Program, for the purpose of providing funds to counties as an incentive for the creation of local housing partnerships to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing and to increase housing related employment.

The Legislature has set forth certain requirements which must be met by counties or municipalities in order to participate in the SHIP Program. One of these requirements is to implement an ongoing process for review of local policies, ordinances, regulations, and plan provisions that may increase the cost of housing prior to their adoption.

Many policies, ordinances, regulations, or plans enacted by the BCC and administrative actions taken by County Departments may have significant cost impacts on housing to developers and families who purchase these housing units, especially affordable housing in Miami-Dade County. These policies, ordinances, regulations, or plans will be targeted for the housing cost impact analysis.

Honorable Chairperson and Members  
Board of County Commissioners  
Page Two

Prior to any policy, ordinance, regulation, or plan provision being enacted or administrative action taken, the BCC should be made aware of the direct and indirect cost impact on housing of such action.

Staff anticipates that this process will assure the successful participation in the SHIP Program and will ultimately benefit the citizens of Miami-Dade County.

The financial impact created by this proposed ordinance to determine the requirement of a housing cost impact analysis will be dependent on the hourly salary of the staff person(s) reviewing the policy, ordinance, regulation, or plan provision. This review and analysis are expected to involve no more than a few hours a month.



Approved \_\_\_\_\_ Mayor

Agenda Item No. 5(0)  
1-21-99

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 99.09

ORDINANCE REQUIRING A HOUSING COST IMPACT ANALYSIS FOR ANY POLICY, ORDINANCE, REGULATION, OR PLAN PROVISION TO BE ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OR ADMINISTRATIVE ACTION LAWFULLY APPLIED BY COUNTY DEPARTMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, many policies, ordinances, regulations, or plans enacted by this Board and administrative actions taken by County Departments may have significant cost impacts on housing to developers and families who purchase these housing units, especially affordable housing in Miami-Dade County; and

WHEREAS, prior to any policy, ordinance, regulation, or plan provision being enacted or administrative action taken, this Board should be made aware of the direct and indirect cost impact on housing of such action; and

WHEREAS, the Legislature of the State of Florida has established Section 420.907 et seq., Florida Statutes for the State Housing Initiatives Partnership (SHIP) Program for the purpose of providing funds to counties as an incentive for the creation of local housing partnerships to expand production of and preserve affordable housing, to further the housing element

of the local government comprehensive plan specific to affordable housing and to increase housing related employment; and

WHEREAS, the Legislature has set forth certain requirements which must be met by counties or municipalities in order to participate in the SHIP Program; and

WHEREAS, one of these requirements is to implement an ongoing process for review of local policies, ordinances, regulations, and plan provisions that may increase the cost of housing prior to their adoption; and

WHEREAS, this Board believes that adopting such a process will assure the successful participation by the County in the SHIP Program and will benefit the citizens of Miami-Dade County,

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

Section 1. Prior to the adoption of any ordinance, policy, regulation, or plan provision that will or is likely to affect the cost of housing, the County Manager shall prepare an impact analysis in the form of a written report setting forth the following information concerning the proposed ordinance, policy, regulation, or plan provision;

a. the purpose of the proposed action and the anticipated direct and indirect benefits and costs to the parties impacted;

b. the best estimate of the direct or indirect increased cost, if any, on the per unit cost of housing types affected;

c. the effect of the proposed action on public or private employment;

d. whether the proposed action is necessary to enable the County to obtain state or federal grants or other financing, or is legally mandated;

e. whether another action could serve the same purpose at less cost to housing; and

f. if the proposed action is deemed necessary, what actions could be taken to mitigate the cost increase to the home buyer.

Section 2. The County Manager, with input from the Director of the Miami-Dade Housing Agency, shall establish an appropriate mechanism to assess the impact of any proposed ordinance, policy, regulation or plan provision as well as establish an appropriate mechanism for determining how to best mitigate any related cost increases to home buyers.

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 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 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 21 1999

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by:

RAG  
KMC

**MEMORANDUM**

Agenda Item No 5(I)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** December 15, 1998  
(Public Hearing 1-21-99)

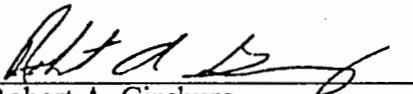
**FROM:** Robert A. Ginsburg  
County Attorney

99-06

**SUBJECT:** Ordinance relating to  
Modifying Right of Way Plan

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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-DADE/GSA-MAT MGT

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: January 21, 1999

SUBJECT: Fiscal Impact of Proposed  
Ordinance relating to  
Modifying Right-of-Way Plan

FROM:   
M. P. Stierlein  
County Manager

99-06

The proposed ordinance relating to modifying right-of-way plan for inclusion of a portion of N.W. 87 Avenue, creates no fiscal impact on Miami-Dade County.

fis02299

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5 (I)  
1-21-99

ORDINANCE NO. 99-06

ORDINANCE PERTAINING TO ZONING; MODIFYING  
RIGHT OF WAY PLAN AND MINIMUM WIDTH; AMENDING  
SECTION 33-133, CODE OF MIAMI-DADE COUNTY;  
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 33-133 of the Code of Miami-Dade County, Florida, is hereby  
amended as follows:<sup>1</sup>

Sec. 33-133. **Right-of-way plan and minimum width of streets  
and ways.**

The minimum right-of-way widths for streets, roads and  
public ways for the unincorporated area of the County shall be as  
follows:

\* \* \*

(C) On all section lines, eighty (80) feet shall be the minimum  
right-of-way width, and on all other half-section (also  
known as quarter-section) lines, seventy (70) feet shall be  
the minimum official right-of-way width. The provisions of  
this subsection shall not apply to those properties described  
in Section 33B-13(a) herein with the exceptions of S.W.  
136 Street from S.W. 187 Avenue to S.W. 209 Avenue;  
S.W. 168 Street from Levee L-31N to S.W. 237 Avenue;  
S.W. 237 Avenue from S.W. 168 Street to S.W. 160 Street;  
[[and]] Ingraham Highway (formerly S.R. 27)>>; and that  
portion of N.W. 87 Avenue from N.W. 197 Terrace north

<sup>1</sup>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.

to the north County line<<. Furthermore the provisions of this subsection shall not apply to that portion of S.W. 122 Avenue which lies within the S.E. 1/4 of the S.W. 1/4 of Section 36, Township 54, Range 39.

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: JAN 21 1999

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

CAC

Sponsored by Dr. Miriam Alonso






# MEMORANDUM

Amended  
Substitute  
Agenda Item No. 5(E)

TO: Honorable Chair and Members  
Board of County Commissioners

DATE: January 21, 1999

FROM:   
Robert A. Ginsburg  
County Attorney

SUBJECT: Ordinance relating  
to domestic violence

O#99-5

This substitute ordinance has been placed on the agenda at the request of Commissioner Natacha Seijas Millan. It differs from the early ordinance in the following ways.

First, the definition of employee in Section 11A-60(4) has been changed to require employment for ninety days rather than twelve months.

Second, the definition of domestic violence has been expanded throughout the ordinance to include "domestic or repeat violence."

Third, the reasons for domestic leave listed in Section 11A-61(1) have been amended to include dental assistance and seeking medical, dental, counseling or support services for dependent children. It eliminates leave for relocation. Also, the substitute ordinance clarifies that an employee must exhaust paid vacation and other personal leave before requesting domestic leave in 11A-61(4). And it provides an employer the ability to transfer the employee temporarily to a more appropriate position if the employee requests intermittent leave in Section 11A-61(2).

Fourth, the types of persons who can certify the need for domestic leave was expanded to include law enforcement, clergy and attorneys of record in Section 11A-62.

Fifth, under 11A-65(5), an employer can recover the premium paid for health care coverage provided during domestic leave if the employee does not return to work for reasons unrelated to the domestic or repeat violence.

Finally, the Clerk of the Court shall only report convictions for domestic violence crimes to employers of record, but not plea agreements or protective orders as required in the original ordinance.



# MEMORANDUM

99-05

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

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: January 21, 1999

SUBJECT: Fiscal Impact of Substitute  
Domestic Violence Ordinance

FROM: M. F. Stierheim  
County Manager

Implementation of the attached substitute ordinance will have a net fiscal impact of approximately \$90,000 on Miami-Dade County. The impacted departments would include the Clerk of Courts and the Equal Opportunity Board, a division within the Department of Human Services (DHS). The Equal Opportunity Board will be required to investigate complaints against employers and the Clerk will be required to notify all employers of domestic violence-related court actions concerning their employees.

The fiscal impact on the DHS will depend on the number of complaints filed with the Equal Opportunity Board. There is no comparable data available from other jurisdictions because no similar law can be found. However, based upon the experience of the Equal Opportunity Board handling complaints concerning employer compliance with the Family and Medical Leave Act, an increase in the number of complaints filed against employers can be expected. Due to the time sensitive nature of domestic violence cases, it would be prudent to expedite these types of complaints. This would increase case volumes on individual compliance officers beyond current levels and increase the backlog for existing cases. The annualized cost of hiring an additional compliance officer to handle these specific complaints would be approximately \$60,000, which includes salary, fringe benefits, and the associated operating expenses (fleet cost, computer, office supplies) to support the investigative functions for this type of position.

The fiscal impact on the Clerk of Courts will be dependent on the number of convictions related to domestic violence. Based upon data provided through the Criminal Justice Information System, there were over 6,000 arrests for domestic violence incidents in 1996 and over 7,000 protective orders issued in fiscal year 1997-98. Implementation of the revised notification provisions mandated in the proposed substitute ordinance would require additional clerical support with an estimated cost of \$30,000. This amount would be sufficient for the salary and fringe benefits for one position and the associated postage and office supplies required to notify employers.

Attachment

Approved *Osage* Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Substitute  
Agenda Item No. 5(E)  
1-21-99

ORDINANCE NO. 99-5

ORDINANCE CREATING ARTICLE VIII OF CHAPTER 11A OF THE MIAMI-DADE COUNTY CODE REQUIRING EMPLOYERS TO ALLOW UNPAID LEAVE FOR EMPLOYEES EXPERIENCING DOMESTIC VIOLENCE AND REQUIRING NOTIFICATION TO EMPLOYERS WHEN EMPLOYEE IS A PERPETRATOR OF DOMESTIC VIOLENCE; PROVIDING FOR FILING COMPLAINTS, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

WHEREAS, this Board of County Commissioners finds that domestic violence is of grave concern to this County and its residents; and

WHEREAS, domestic violence affects many persons without regard to age, race, educational level, socioeconomic status, religion or occupation; and

WHEREAS, domestic violence is a crime that has a devastating effects on families, communities and the workplace; and

WHEREAS, there were 131,152 cases of domestic violence reported in Florida in 1995; and

WHEREAS, one person is killed by a spouse or ex-spouse approximately every three days in Florida; and

WHEREAS, perpetrators of domestic violence must be held accountable for their crimes; and

WHEREAS, employees who commit acts of domestic violence at or from the workplace should be disciplined in the same manner as employees who commit other acts of violence or harassment from the workplace; and

WHEREAS, in 1996, the Governor of the State of Florida and his Cabinet made similar findings regarding the impact of domestic violence,

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

Section 1. Article VIII of Chapter 11A of the Code of Miami-Dade County, Florida is hereby enacted as follows:

**ARTICLE VIII  
DOMESTIC LEAVE AND REPORTING**

Sec. 11A-60. Definitions.

As used in this article:

- (1) "Board" shall mean the Miami-Dade County Equal Opportunity Board.
- (2) "Director" shall mean the Director of Miami-Dade County Equal Opportunity Board.

11A-61. Entitlement to Domestic Leave.

- (1) Employees, as defined in this article, shall be entitled to a total of thirty (30) work days of unpaid domestic leave during any twelve (12) month period for one or more of the following:
  - (a) To obtain and receive medical and/or dental assistance for a medical and/or dental problem resulting from domestic or repeat violence, including obtaining such services for the employee's dependent children;
  - (b) To obtain and receive legal assistance relating to domestic or repeat violence, including but not limited to criminal prosecution, a protective order, divorce, custody of children, and child support;
  - (c) To attend court appearances relating to domestic or repeat violence, including but not limited to criminal prosecution, protective order, divorce, custody of children and child support;
  - (d) To attend counseling or support services, including counseling or support services for dependent children;

domestic violence advocacy agency, domestic violence center, or domestic violence shelter. The certification shall be sufficient if it indicates that the employee is being subjected to domestic or repeat violence and needs time off to attend to one of the matters described in 11A-61(a) through (e).

(b) To the extent allowed by law, employers shall maintain the confidentiality of any employee requesting domestic leave under this ordinance.

11A-63. Employment and Benefits Protection.

(1) Any eligible employee who takes domestic leave, shall on return from leave, be entitled to:

(a) Restoration by the employer to the position of employment held by the employee when leave commenced; or

(b) Restoration to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

(2) The taking of leave shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.

(3) Nothing in this article shall be construed to entitle any restored employee to:

- (a) the employee fails to return from leave after the period of leave to which the employee is entitled has expired; and
- (b) the employees fails to return to work for a reason other than continuance or recurrence of domestic or repeat violence or other circumstances beyond the control of the employee.

11A-64. Prohibited Acts.

- (1) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under this article.
- (2) It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful under this section.

11A-65. Procedures For Domestic Leave Complaint.

The procedures for a domestic leave complaint shall be the same as the procedures outlined in Section 11A-28.

11A-66. Domestic Leave for County and Public Health Trust Employees.

The Miami-Dade County employee leave manual and the Public Health Trust employee leave manual shall include provisions consistent with the requirements of this ordinance for domestic leave.

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 the Board.

Section 5. This ordinance shall contain a sunset provision as to Section 11A-67 only. Section 11A-67 shall stand repealed one (1) year from its effective date. However, at least thirty (30) days prior to its repeal, the County Manager shall report to the Board of County Commissioners on the effect of the notification requirement in Section 11A-67, including the number of final convictions and the number of employers notified.

PASSED AND ADOPTED: JAN 21 1999

Approved by County Attorney  
as to form and legal sufficiency

RAG  
KMC

Prepared by:

Sponsored by Commissioner Natacha Seijas Millan,  
Commissioner Bruno A. Barreiro, Dr. Barbara M. Carey, Commissioner Miguel Diaz de la Portilla, Commissioner Betty T. Ferguson, Chairperson Gwen Margolis, Commissioner Jimmy L. Morales, Commissioner Dennis C. Moss, Commissioner Pedro Reborado, Commissioner Dorrin D. Rolle, Commissioner Katy Sorenson and Commissioner Javier D. Souto



MEMORANDUM

Agenda Item No. 5(D)

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**To:** Hon. Chairperson and Members,  
Board of County Commissioners

**Date:** (Public Hearing 1-21-99)  
December 15, 1998

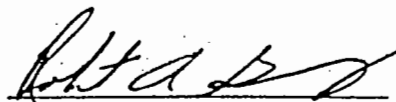
**Subject:** Ordinance relating to  
the expiration of the  
terms of county board  
members

**From:** Robert A. Ginsburg  
County Attorney

99-04

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The attached ordinance was prepared and placed on the agenda at the request of Commissioner Javier D. Souto.



Robert A. Ginsburg  
County Attorney

RAG/rk  
Attachment

MEMORANDUM

99.04

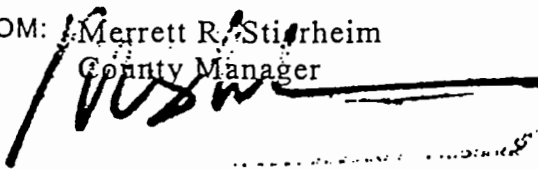
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TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: January 21, 1999

SUBJECT: Fiscal Impact of  
Ordinance (No. 983480)  
relating to the expiration  
of the terms of county  
board members

FROM: Merrett R. Stirheim  
County Manager



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The Ordinance (No. 983480) relating to the expiration of the terms of County board members; amending section 2-11.38.2(C) of the Code of Miami-Dade County, Florida, presents no fiscal impact to the County.

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5 (D)  
1-21-99

ORDINANCE NO. 99.04

ORDINANCE RELATING TO THE EXPIRATION OF THE TERMS OF COUNTY BOARD MEMBERS; AMENDING SECTION 2-11.38.2(c) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT BOARD MEMBERS' TERMS EXPIRE WITH THE EXPIRATION OF THE NOMINATING COUNTY COMMISSIONER'S TERM OF OFFICE; PROVIDING RETROACTIVITY; 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 2-11.38.2(c) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec 2-11.38.2. Term of office.

\* \* \*

(c) ~~[[Additionally, when the Commissioner who appointed a board member leaves office, the term of his or her appointees to County boards shall expire.]]~~  
>>Additionally, notwithstanding any other provision of the Code or of any resolution, the term of every board member nominated by a Commissioner shall automatically expire when: (1) the nominating Commissioner leaves office, or (2) the nominating Commissioner's term of office expires. The provisions of this subsection shall be applicable to the terms of County Commissioners which expired in October 1998, and thereafter.<<

<sup>1</sup>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, 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: JAN 21 1999

Approved by County Attorney as  
to form and legal sufficiency: RA6

Sponsored by Commissioner Javier D. Souto



MEMORANDUM

Amended  
Substitute  
Agenda Item No. 5(C)

107.07-17A METRO DADE GSA MA\* MG\*

TO: Hon. Chairperson and Members  
Board of County Commissioners

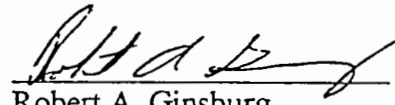
DATE: January 21, 1999

FROM: Robert A. Ginsburg  
County Attorney

SUBJECT: Substitute  
Ordinance relating  
to District  
Boundary  
Changes

O#99-3

The accompanying substitute ordinance was prepared and placed on the agenda at the request of Commissioner Natacha Seijas Millan. This substitute ordinance differs from the original proposal by requiring Developments of Regional Impact (DRIs) to obtain site plan approval at public hearing prior to obtaining plat approval or issuance of a building permit.



Robert A. Ginsburg  
County Attorney

RAG/fp  
Attachment

# MEMORANDUM

99-03

107 07-17A METRO BACKLINA DKT. MST

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: January 21, 1999

SUBJECT: Ordinance Relating to  
District Boundary Changes  
In Connection with a DRI

FROM: M. B. Stierheim  
County Manager

This report is provided in connection with a proposed ordinance sponsored by Commissioner Natacha Seijas Millan, which amends the Zoning Code to provide that development of regional impact (DRIs) are exempt from site plan review at the time of district boundary change approval. Site plan approval will now be required at a public hearing by the appropriate Community Zoning Appeals Board prior to building permit issuance or plat approval.

Since the zoning process is supported by fees, the requirement for an additional public hearing will not result in a fiscal impact to the County.

fis02899

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Amended  
Substitute  
Agenda Item No. 5(C)  
1-21-99

ORDINANCE NO. 99-3

ORDINANCE RELATING TO ZONING; EXEMPTING APPLICATIONS FOR DISTRICT BOUNDARY CHANGES IN CONNECTION WITH DEVELOPMENTS OF REGIONAL IMPACT FROM REQUIREMENT OF SIMULTANEOUS SITE PLAN APPROVAL; AMENDING SECTION 33-314, 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 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

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

\* \* \*

(F) In granting any application for district boundary change, the Board shall consider the same subject to a special exception for site plan approval, to be approved simultaneously at the public hearing at which the request for district boundary change and site plan approval are considered. Such plan shall include among other things but shall not be limited to the location of buildings and structures, types, sizes and location of signs, light standards, parking areas, exits and entrances, drainage,

<sup>1</sup>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.

walls, fences, landscaping and sprinkler systems. It is provided, however, that the requirements of this subsection shall not apply to applications in which: (1) the subject property is three (3) acres or less and the proposed rezoning is to a residential zoning district, or (2) approval of a development of regional impact (DRI), as defined in 380.06, F.S., is sought; provided however, no building permit shall be issued nor platting of any type approved on the property that is the subject of a DRI, or any portion thereof, unless a site plan has been approved after public hearing by the County Commission after hearing and recommendation by the appropriate Community Zoning Appeals Board. It is further provided that the requirements of this subsection shall not apply to applications of the Director or Zoning Official.

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: JAN 21 1999

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

CAH

Sponsored by Commissioner Natacha Seijas Millan

MEMORANDUM

Amended  
Alternate  
Agenda Item No. 5(B)

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**To:** Hon. Chairperson and Members,  
Board of County Commissioners

**Date:** January 21, 1999

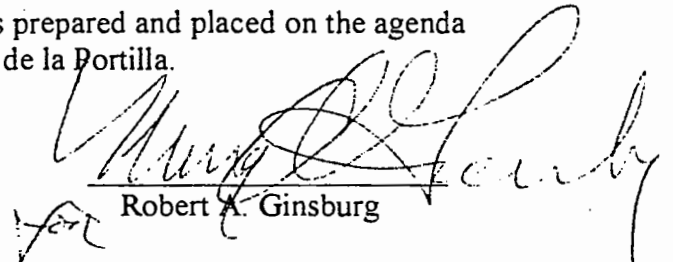
**Subject:** Proposed ordinance  
restricting lobbying  
activity of county  
employees after  
leaving county service

**From:** Robert A. Ginsburg  
County Attorney

O#99-2

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The attached alternate ordinance was prepared and placed on the agenda  
at the request of Commissioner Miguel Diaz de la Portilla.

  
Robert A. Ginsburg

RAG/rk  
Attachment

 MEMORANDUM

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: January 21, 1999

FROM: M. R. Steinhilber  
County Manager

SUBJECT: Alternate ordinance  
restricting lobbying of  
County employees after  
they leave County service

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The attached alternate ordinance restricting lobbying activities of County employees after they leave County service has no fiscal impact on Miami-Dade County.

Attachment

fis02799

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Alternate  
Agenda Item No. 5(B)  
1-21-99

ORDINANCE NO.      99-2

ORDINANCE RESTRICTING LOBBYING ACTIVITIES OF COUNTY EMPLOYEES AFTER THEY LEAVE COUNTY SERVICE; AMENDING SECTION 2-11.1(q) 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 2-11.1(q) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec 2-11.1.    Conflict of Interest and Code of Ethics Ordinance.**

\*      \*      \*

(q)    *Continuing application ~~[[for two (2) years]]~~ after county service.*

>>(1)<< No person ~~[[included in the terms defined in subsection (b)(1), (5) and (6) [commissioners, departmental personnel and employees] ]]~~ >>who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee<< shall, for a period of two (2) years after his >>or her<< county service or employment has ceased, ~~[[aet as agent or attorney for anyone other than Dade County]]~~ >>lobby any county officer, departmental personnel or

<sup>1</sup>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.

employee<< in connection with any judicial or other proceeding, application, >>RFP, RFQ, bid, << request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular >>subject<< matter in which >>Miami-<< Dade County or one (1) of its agencies >>or instrumentalities<< is a party or has [[a ~~direct and substantial interest; and in which he participated personally and substantially as an official, officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed in county service.~~]]>>any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member shall, for a period of two (2) years after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a county department or agency during the two-year period after his or her county service has ceased.<<

>>(2) The provisions of this subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501(c)(3) non-profit entities or educational institutions or entities, and who lobby on behalf of such entities in their official capacities.

(3) The provisions of this ordinance shall apply to all individuals as described in subsection (q)(1) who leave the county after the effective date of this ordinance.

(4) Any former county officer, departmental personnel or employee who has left the county within two years prior to the effective date of this ordinance and has entered into a lobbying contract prior to the effective date of this

ordinance shall, for a period of two (2) years after his or her county service or employment has ceased, comply with subsection (q) as it existed prior to the effective date of this ordinance and as modified by this subsection (q)(4) when lobbying pursuant to said contract. No former county officer, departmental personnel or employee who has left the county within two years prior to the effective date of this ordinance shall for a period of two years after his or her county service or employment has ceased enter into a lobbying contract to lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has a direct and substantial interest; and in which he or she participated directly or indirectly as an officer, departmental personnel or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, during his or her county service or employment. As used herein, a person participated "directly" where he or she was substantially involved in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, during his or her county service or employment. As used herein, a person participated "indirectly" where he or she knowingly participated in any way in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of legal advice, investigation or otherwise, during his or her county service or employment. Former county officers, departmental personnel and employees who have left the county within two years prior to the effective date of this ordinance shall execute an affidavit on a form prepared by the Office of the Inspector General prior to lobbying any county officer, departmental personnel or employee stating that the requirements of this ordinance do not preclude said person from lobbying any officer, departmental personnel or employee of the county. The Inspector General shall verify the accuracy of each affidavit executed by former county officers, departmental personnel or employees.

(5) Any individual who is found to be in violation of this subsection (q) shall be subject to the penalties provided in either subsection (u)(1) or subsection (u)(2).<<

\* \* \*

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: JAN 21 1999

Approved by County Attorney as to form and legal sufficiency: EMALL

Prepared by: GHS

Sponsored by Commissioner Miguel Diaz de la Portilla.