

MEMORANDUM

Agenda Item No. 4(C)

---

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

(Public Hearing 12-7-00)  
**DATE:** November 14, 2000

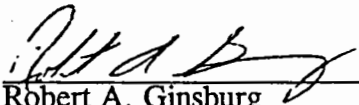
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance Amending Section  
33-284.1 of the Code, Amending  
the Definition of AU Agricultural  
Land

00-162

---

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

  
Robert A. Ginsburg  
County Attorney

RAG/jls



# MEMORANDUM

107.07-17A METRO-DADE-GSA MAT MGT

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: December 7, 2000

SUBJECT: Ordinance Amending the  
Definition of AU Agricultural  
Land

FROM:   
N. F. Stierheim  
County Manager

00-162

The proposed ordinance amending the definition of AU agricultural land will have no fiscal impact on Miami-Dade County.

Fiscal/01301



# MEMORANDUM

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: December 7, 2000

SUBJECT: Agenda Item No. 4(C)

FROM: Robert A. Ginsburg  
County Attorney

00-162

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

Agenda Item No. 4 (C)  
12-7-00

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 00-162

ORDINANCE AMENDING SECTION 33-284.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING THE DEFINITION OF AU AGRICULTURAL LAND FOR WHICH A DISCLOSURE STATEMENT IS REQUIRED FOR REAL PROPERTY TRANSACTIONS; 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 33-284.1(a)(1) of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

Sec. 33-284.1. ~~[[AU]]~~>>Agricultural<< ~~[[land]]~~ disclosure

(a) *Definitions*

(1) ~~[[AU]]~~>>Affected << land for the purpose of this section means: ~~[[land zoned agricultural (AU)]]~~

>>a. Any parcel of land that is located outside of the Urban Development Boundary (UDB) delineated on the Comprehensive Development Master Plan Land Use Plan Map and either designated Agriculture, zoned AU, << or ~~[[land]]~~zoned interim (GU) and determined by the director to be subject to an agricultural (AU) trend of development pursuant to Section 33-196, Code of ~~[[Metropolitan]]~~>>Miami-<<Dade County, Florida; >>or

<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 shall remain unchanged.

b. Any parcel of land that is located inside the UDB and designated Agriculture, or zoned AU, or abutting any AU zoned parcel.<<

\* \* \*

(b) *Disclosure statement for real property transactions involving [[AU]]>>Affected<< land.* The seller shall provide the purchaser with the following statement, which shall be set forth on a separate sheet of paper and shall be signed by the prospective purchaser prior to the execution of any other instrument committing the purchaser to acquire title to such real property or any other interest in any [[AU]]>>Affected<< land, as follows:

(1) For all [[AU]]>>Affected<< land, the statement shall include the following language:

LAND INVOLVED IN THIS TRANSACTION IS ZONED AGRICULTURAL (AU), >>OR LIES ADJACENT TO LAND THAT IS ZONED AU, OR IS DESIGNATED FOR AGRICULTURAL USE BY THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP),<< OR IS SUBJECT TO AU REGULATIONS. AGRICULTURAL ACTIVITIES WHICH MAY BE LAWFULLY CONDUCTED WITHIN THIS AREA INCLUDE BUT MAY NOT BE LIMITED TO CULTIVATION AND HARVESTING OF CROPS; PROCESSING AND PACKING OF FRUIT AND VEGETABLES; BREEDING OF LIVESTOCK AND POULTRY; OPERATION OF IRRIGATION PUMPS AND OTHER MACHINERY; GROUND OR AERIAL SEEDING OR SPRAYING; APPLICATION OF CHEMICAL FERTILIZERS, CONDITIONERS, PESTICIDES AND HERBICIDES; GENERATION OF TRACTOR AND TRUCK TRAFFIC AND OF NOISE, ODORS, DUST AND FUMES ASSOCIATED WITH THE CONDUCT OF THE FOREGOING ACTIVITIES; AND THE EMPLOYMENT AND USE OF AGRICULTURAL LABOR. SUCH AGRICULTURAL ACTIVITIES MAY BE PROTECTED FROM NUISANCE SUITS BY THE "FLORIDA RIGHT TO FARM ACT," SECTION 823.14, FLORIDA STATUTES [[4991]].

\* \* \*

(c) *Acknowledgment of agricultural [[district]] disclosure statement on instrument of conveyance.* It shall be the seller's responsibility that the following statement shall appear in a prominent location on the face of any instrument conveying title to or any other interest in [[AU]] >>Affected<< land as defined herein.>>The seller shall record the notarized statement with the Clerk of the Court<<:

I HEREBY CERTIFY THAT I HAVE READ, UNDERSTAND AND HAVE SIGNED THE AGRICULTURAL [[DISTRICT]] DISCLOSURE STATEMENT FOR THE SALE OF OR OTHER TRANSACTION INVOLVING THIS PARCEL OF [[AU]] >>AFFECTED<< LAND AS REQUIRED BY SECTION 33-284.1, CODE OF MIAMI-DADE COUNTY, FLORIDA.

_____	_____
Signature of Purchaser	Date
. *	* *

(d) *Penalties.* Any seller who violates any provision of this section, or fails to comply therewith, or with any lawful rule, regulation or written order promulgated under this section, shall be subject to the penalties, civil liability, attorney's fees and enforcement proceedings set forth in Sections 33-39 through 33.39.3, Code of Miami-Dade County, Florida, and to such other penalties, sanctions and proceedings as may be provided by law. >>Miami-Dade County shall not be held liable for any damages or claims resulting from the seller's failure to comply with provisions of this section.<<

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. This ordinance does not contain a sunset provision.

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 upon an override by this Board.

PASSED AND ADOPTED: DEC 07 2000

Approved by County Attorney as  
to form and legal sufficiency: RA6

Prepared By: JM

Sponsored by Commissioner Katy Sorenson



# MEMORANDUM

Substitute  
Agenda Item No. 4(R)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: November 28, 2000

FROM:   
M.R. Stiefel  
County Manager

SUBJECT: Proposed Substitute Ordinance  
Amending Section 301.5 of the  
South Florida Building Code  
(Amnesty Ordinance)

00-160

**This substitute item differs from the original in that it extends the Amnesty Ordinance to include new construction of all occupancies that are only lacking final inspection approvals. In addition it deletes the effective period since this will be a permanent part of the South Florida Building Code.**

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending Subsection 301.5 of the South Florida Building Code (SFBC), which establishes procedures to bring additions or repairs that have not received permits or certificates of completion into compliance with the SFBC.

## BACKGROUND

On July 8, 1997, Ordinance 97-107 (Amnesty Ordinance) was enacted and created Subsection 301.5 of the SFBC. Prior to the enactment of that ordinance, governing bodies did not have a mechanism available to issue building permits to bring additions or repairs into compliance which have not received permits or certificates of completion, other than require full compliance with present code requirements. Ordinance 97-107 allows the completion of the structures, under Group I (single family and duplex) and J (accessory uses) Occupancies, using the requirements of the SFBC current at the time the structure was built or permitted, but maintaining the specific life-safety requirements of the present code. Governing bodies are required to enact legislation adopting the amnesty procedures to allow the issuance of building permits under the new provisions of Subsection 301.5. These provisions have been very useful to close compliance cases for the benefit of the community. The County's Building Department and those of other jurisdictions that have adopted them have requested an extension of the effective term of the amnesty provisions, which will expire on December 31, 2000.

This proposed amendment extends the effective term of Section 301.5 for Group I Occupancy to June 30, 2001 or the date of adoption of the Florida Building Code, whichever is later and provides identical relief to Group H (multi-family and hotel) Occupancy. Additionally, this proposed ordinance provides the same amnesty relief to repairs and additions to Group A (large assemblies), B (assembly of less than 1000 occupants), C (schools), D (institutional uses), E (hazardous uses), F (storage and industrial), G (retail and office) and J Occupancies, built under permits issued during the period commencing October 29, 1957 and ending July 8, 1997, that have expired without Certificates of Completion or Occupancy. These buildings will still have to comply with present life-safety requirements of the current code as specified in the Ordinance.



Honorable Chairperson and Members  
Board of County Commissioners  
Page Two

00-160

**FISCAL IMPACT**

The implementation of this ordinance will not have any fiscal impact to the County and municipal building departments.



# MEMORANDUM

Hon. Chairperson and Members  
Board of County Commissioners

DATE: November 28, 2000  
Substitute  
SUBJECT: Agenda Item No. 4(R)

FROM: Robert A. Ginsburg  
County Attorney

00-160

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

Substitute  
Agenda Item No 4 (R)  
11-28-00

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 00-160

ORDINANCE AMENDING SECTION 301.5 OF THE SOUTH FLORIDA BUILDING CODE; EXTENDING THROUGH THE LATER OF JUNE 30, 2000 OR THE EFFECTIVE DATE OF THE FLORIDA BUILDING CODE, CERTAIN OF THE PROVISIONS OF THE AMNESTY ORDINANCE; EXTENDING THE AMNESTY ORDINANCE TO ALL OTHER GROUP OCCUPANCIES BUILT UNDER PERMITS WHICH EXPIRED WITHOUT A CERTIFICATE OF COMPLETION OR OCCUPANCY; PROVIDING TIME LIMITATION; PROVIDING SEVERABILITY, INCLUSION IN THE SOUTH FLORIDA BUILDING CODE, AND AN EFFECTIVE DATE

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

Section 1. The South Florida Building Code, adopted by ordinance 57-22, as amended, is hereby further amended to read as follows:<sup>1</sup>

\* \* \*

301.5 Notwithstanding the above, or any contrary provision of this Code, the Building Official shall be entitled, pursuant to resolution of the Appointing Authority to declare a special period for compliance with the South Florida Building Code to be governed by the provisions of this Subsection 301.5

(a) Applicability. This Section shall apply to repairs and additions to Group I and Group ~~[[F]]~~~~>>H<<~~ Occupancies and ~~>>to all<<~~ accessory structures thereto, built without proper permits or permits which had expired without Certificates of Completion having been issued during the period commencing October 29, 1957 and ending July, 1997. >>This section shall also apply to repairs and additions to Group A, B, C, D, E, F, G, & J Occupancies, built under permits which had expired without Certificates of Completion or Occupancy having been issued during the period commencing October 29, 1957 and ending July 1997 and new construction of Group A, B, C, D, E, F, G, H, I and J Occupancies only lacking final inspection approvals.<<

<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 shall remain unchanged. 4

\* \* \*

~~[(i) — Effective period. The following shall be the periods during which the structures may be brought into conformance with the requirements of the South Florida Building Code by operation of this Section:~~

~~(1) For all structures, during the period commencing July 1997 and expiring December 1998. This period may be extended by the Building Official pursuant to resolution of the Appointing Authority for an additional period not to exceed 24 months in duration as required to address the number of structures which have not received a final Certificate of Completion pursuant to this Section.~~

~~(2) The provisions of this ordinance shall also be applicable for the period of 12 months following the good faith purchase of any structure, reasonably demonstrated to the Building Official, which structure has received notice of an expired permit in the manner set forth in Subsection (g) above.~~

~~Following the expiration of the periods set forth above, the provisions of this subsection shall be of no further force or effect.\*]]~~

\* \* \*

---

~~[[ \*Footnote:~~

~~The provisions of Subsection 301.5 will sunset on February 8, 1999. This sunshine period will be extended to coincide with any period of extension adopted by resolution of an appointing authority pursuant to subparagraph 301.5(i)91).]]~~

**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 South Florida Building Code. 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) after its adoption, 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: NOV 28 2000

Approved by County Attorney as  
to form and legal sufficiency: RA6

Prepared by: lrb



## MEMORANDUM

Agenda Item No. 4(P)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: October 3, 2000

(Public Hearing 11-28-00)

FROM:

  
Mr. Stierheim  
County Manager

SUBJECT: Proposed Ordinance Amending  
Section 106 of the South Florida  
Building Code

00-159

### RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending Subsection 106 of the South Florida Building Code, which refers to amendments to the South Florida Building Code (SFBC).

### BACKGROUND

On March 18, 1997 Ordinance 97-20 was approved and modified with the adoption process for amendments to the SFBC. Prior to the enactment of Ordinance 97-20, the South Florida Building Code had been amended approximately fifty (50) times from September 4, 1992 to March 18, 1997. A substantial number of these changes were proposed in response to the need to strengthen the Code. However, this volume of amendments created problems in the education of industry, enforcement agencies and the general public. This ordinance provided for the initiation, evaluation and consideration of amendments to the South Florida Building Code in three (3) year cycles to allow an orderly adoption process and facilitate the dissemination of Code information. Amendments to the SFBC could be proposed outside of the prescribed cycle only under certain conditions.

With the enactment by the Florida Legislature of the Florida Building Code, Miami-Dade County will be adopting the Florida Building Code effective July 1, 2001. At present, there are some administrative provisions of the current SFBC that need to be amended. Since future SFBC code cycles will not be available, it is necessary at this time to amend Section 106 of the South Florida Building Code to allow for these important administrative changes.

### FISCAL IMPACT

The implementation of this ordinance will not have any fiscal impact to the County and municipal building departments.



# MEMORANDUM

Hon. Chairperson and Members  
Board of County Commissioners

DATE: November 28, 2000

SUBJECT: Agenda Item No. 4(P)

ROM:

Robert A. Ginsburg  
County Attorney

00-159

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

Agenda Item No. 4(P)

Veto \_\_\_\_\_

11-28-00

Override \_\_\_\_\_

00-159

ORDINANCE NO.

ORDINANCE AMENDING SECTION 106 OF THE SOUTH FLORIDA BUILDING CODE; DELETING CYCLE FOR AMENDMENTS TO THE SOUTH FLORIDA BUILDING CODE; DELETING THE PERIOD DURING WHICH BUILDING CODE AMENDMENTS WILL BE CONSIDERED FOR ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS AND REVIEWED BY ADVISORY COMMITTEES; PROVIDING SEVERABILITY, INCLUSION IN THE SOUTH FLORIDA BUILDING CODE, AND AN EFFECTIVE DATE

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

Section 1. The South Florida Building Code, adopted by ordinance 57-22, as amended, is hereby further amended to read as follows:<sup>1</sup>

\* \* \*

106 AMENDMENTS

The Board of County Commissioners of Miami-Dade County may amend this Code by ordinance at a public hearing held at least six (6) weeks after a first public hearing of the amendment in accordance with terms of this Section. ~~[[Amendments to this Code shall be effective only on January 1, 2000, and on the first day of January every three years thereafter. Such amendments shall only be initiated, evaluated, considered for adoption, and adopted by the Board of County Commissioners, or any Committee of the Board of County Commissioners, or recommended by any advisory committee, including the Building Code and Product Review Committee, during the twelve-month period commencing eighteen months immediately preceding the effective dates set forth above provided, however, that no such amendments may be initiated, evaluated, considered, recommended to or adopted by the Board of County Commissioners in the six-month period preceding the effective dates above. The above time limitations shall not apply to any amendment certified by the County Manager to be required: (a) to address a valid public emergency; (b) to correct a scrivener's or technical error in the text; or (c) to address any changes in state or federal law or the requirements of any court order]].~~

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.



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 South Florida Building Code. 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:

NOV 28 2000

Approved by County Attorney as  
to form and legal sufficiency:

RA6

Prepared by:

HS/



# MEMORANDUM

Agenda Item No. 4(H)

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

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: (Public Hearing 11-14-00)

October 3, 2000

SUBJECT: Ordinance Pertaining to  
Installation of  
Temporary Storm Panels

FROM: M. R. Stierheim  
County Manager

00-141

## RECOMMENDATION

It is recommended that the Board adopt the attached ordinance pertaining to the installation of building code approved temporary storm panels on townhouse and cluster residential units.

## BACKGROUND

The Zoning Code of Miami-Dade County (Chapter 33) currently requires that an applicant seeking building permit approval to install temporary storm panels on a townhouse or cluster residential unit, first obtain written approval from the official, authorized body designated in the townhouse or cluster community to approve such architectural changes to the residential structure. When such architectural changes are permanent in nature, the requirement for the written authorization continues to be reasonable to insure the compatibility of the proposed change with the existing development and character of the community. The installation of temporary storm panels however, should not be subject to the requirement of written authorization, as these installations do not permanently alter the architectural appearance of the residential unit. Further, the adoption of this ordinance will provide for a more expedient issuance of these types of permits as the requirement for review by the zoning plans processor is eliminated.

## FISCAL IMPACT

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

Attachment



# MEMORANDUM

TO:

Hon. Chairperson and Members  
Board of County Commissioners

DATE: November 14, 2000

SUBJECT: Agenda Item No. 4(H)

FROM: Robert A. Ginsburg  
County Attorney

00-141

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

Agenda' Item No. 4(H)  
11-14-00

Veto \_\_\_\_\_

Override \_\_\_\_\_

00.141

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

ORDINANCE AMENDING THE ZONING CODE TO ALLOW FOR THE INSTALLATION OF TEMPORARY STORM PANELS APPROVED UNDER THE BUILDING CODE WITHOUT THE APPROVAL OF ADJACENT DWELLING OWNERS OR HOMEOWNER ASSOCIATIONS; AMENDING SECTIONS 33-202.3 AND 33-284.9 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 33-202.3 (2)(t) of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

Sec. 33-202.3 (2) (t). *Site plan changes.*

\* \* \*

2. That written approval of the immediate adjacent townhouse owners is secured. ~~[[;provided, however, that adjacent unit owner approval shall not be required for the installation of hurricane shutters or panels approved by the South Florida Building Code. ]]~~ If the applicant is unable to contact an adjacent property owner for such approval, the applicant may present proof that he has mailed the request for approval to each adjacent unit owner, by certified mail, return receipt requested, at each adjacent property owner's mailing address as listed in the most current Miami-Dade County tax roll, and that the notice has been returned undeliver~~[[ed]]~~ > > able < <; and

\* \* \*

<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.

>> 4. Exceptions. The installation of temporary storm panels approved under Chapter 35, South Florida Building Code shall be permitted as a matter of right and shall not be subject to homeowners' association approval, nor shall such installation be subject to adjacent townhouse owners' approval. However, homeowners' association approval shall be required for the installation of permanent storm shutters. For the purposes of this subsection, temporary storm panels shall be defined as detachable protection devices that are installed temporarily over building openings in the event of an approaching hurricane or tropical storm.<<

\* \* \*

Section 2. Section 33-284.9 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-284.9. General requirements.**

\* \* \*

(N) Additions. Additions and/or changes to single-family dwellings, to accessory uses in connection therewith and/or to the structures for common usage such as utility rooms, swimming pools, greenhouses, open terraces or patios roofed and/or screened but not enclosed, new facade treatments, trellis and other similar garden amenities, and sun control devices such as awnings may be authorized provided:

\* \* \*

(4) That such proposed additions and/or changes are approved in writing from an official authorized body designated by the cluster development to approve architectural changes in the cluster community and providing further that written approval of the immediate adjacent cluster unit owners is secured [~~]; provided, however, that adjacent unit owner approval shall not be required for the installation of hurricane shutters or panels approved by the South Florida Building Code~~]. If the applicant is unable to contact an adjacent property owner for such approval, the applicant may present proof that he has mailed the request for approval to each adjacent unit owner, by certified mail, return receipt requested, at each adjacent property owner's mailing address as listed in the most current >>Miami-<< Dade County tax roll, and that the notice has been returned undeliver[ d ] <<able<<.

>> (5) Exceptions. The installation of temporary storm panels approved under Chapter 35, South Florida Building Code shall be permitted as a matter

of right and shall not be subject to homeowners' association approval, nor shall such installation be subject to adjacent single family dwelling owners' approval. However, homeowners' association approval shall be required for the installation of permanent storm shutters. For the purposes of this subsection, temporary storm panels shall be defined as detachable protection devices that are installed temporarily over building openings in the event of an approaching hurricane or tropical storm.<<

**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 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 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: NOV 14 2000

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

Prepared by: JTS

**MEMORANDUM**

Amended  
Agenda Item No. 4(D)

---

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

**DATE:** (Public Hearing 5-9-00)  
April 11, 2000

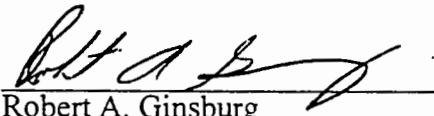
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
County's lobbyists

**O#00-64**

---

The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Barbara M. Carey-Shuler, Commissioner District 3, Commissioner Katy Sorenson and Commissioner Javier D. Souto

  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

TO:

Hon. Chairperson and Members  
Board of County Commissioners

DATE: May 9, 2000

SUBJECT: Agenda Item No. 4(D)

FROM:

Robert A. Ginsburg  
County Attorney

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



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: MAY 09 2000

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

RDG  
CMC

Sponsored by Dr. Barbara M. Carey-Shuler,  
Commissioner Katy Sorenson and  
Commissioner Javier D. Souto

**MEMORANDUM**

Agenda Item No. 4 (J)

(Public Hearing 5-9-00)

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

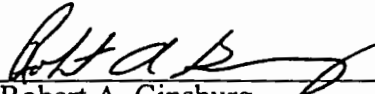
**DATE:** April 11, 2000

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

**SUBJECT:** Ordinance amending Section  
33-151.14 to provide standards  
for locating satellite classroom  
facilities

00.55

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

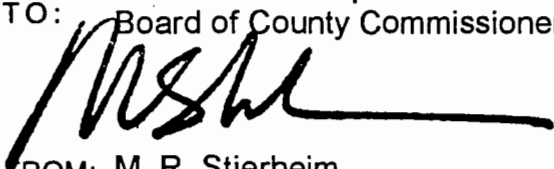
00-55

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

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: May 9, 2000

SUBJECT: Ordinance amending  
Section 33-151.14 to  
provide standards for  
locating satellite  
classroom facilities

  
FROM: M. R. Stierheim  
County Manager

The proposed ordinance amending Section 33-151.14 to provide standards for locating satellite classroom facilities will have no fiscal impact on Miami-Dade County.

fis/06500



MEMORANDUM

00.55

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: May 9, 2000

SUBJECT: Agenda Item No. 4(J)

FROM: Robert A. Ginsburg  
County Attorney

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 \_\_\_\_\_

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

**ORDINANCE AMENDING SECTION 33-151.14 OF THE CODE OF MIAMI-DADE COUNTY, PROVIDING STANDARDS FOR THE LOCATING OF SATELLITE CLASSROOM FACILITIES OF PRIVATE COLLEGES AND UNIVERSITIES IN CERTAIN BU-ZONED DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE**

WHEREAS, Miami-Dade County wants to encourage an increase of college and university satellite classroom facilities to meet the educational needs of the County's growing population; and

WHEREAS, the proposed ordinance would allow greater access to educational opportunity for the citizenry of Miami-Dade County by permitting the location of satellite classroom facilities in a shopping center in a BU-2 or more liberal BU district; and

WHEREAS, Miami-Dade County seeks to encourage a concentration of mixed uses on properties designated and zoned for commercial usage in order to reduce the number of total traffic trips and traffic mileage on area roads; and

WHEREAS, the location of satellite classroom facilities in a shopping center in a BU-2 or more liberal BU district would allow a concentration of compatible uses heretofore not previously allowed under Section 33-151.14; and

WHEREAS, the combination of educational and retail uses on properties designated and zoned for commercial usage would cultivate a sense of community in

certain areas of the County by allowing a shopping center located in a BU-2 or more liberal BU district to effectively operate as a town center for the surrounding area,

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

Section 1. Section 33-151.14 of the Code of Miami-Dade County, Florida, is hereby amended as follows<sup>1</sup>:

**Section 33-151.14. Private Colleges and Universities:**

>>(A) Main Campus Requirements.<<

Private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established herein for high school facilities. Above thirty (30) acres, in addition to said minimum standards, said facilities shall be subject to intensive review by the Department and the County Commission utilizing the study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Dade County," adopted pursuant to Resolution No. R-633.77.

>>(B) Exception for Satellite Classroom Facilities.

The requirements set forth in subsection (a) above or any other section of this Article shall not apply to satellite facilities either owned or leased by private colleges or universities located in a shopping center in a BU-2 or more liberal BU district, where the shopping center is not less than twenty-five (25) acres under one (1) ownership of title, unity of title, or a declaration in lieu of unity of title, with an approved plan showing at least 200,000 square feet of building area with facilities for parking for not less than three hundred (300) vehicles. A satellite classroom facility is a permitted use within such a shopping center, provided that it satisfies the following requirements: (a) the total cumulative square footage of all satellite classroom facilities located in a shopping center shall be less than fifty percent (50%) of the square footage of the shopping center; (b) the satellite classroom facility shall be located at least five (5) miles away from the main campus of the private college or university; and (c) the total cumulative square footage of the satellite classroom facilities located in a shopping center shall not exceed ten percent (10%) of the total cumulative classroom square footage located at the main campus of the private college or university. For the purposes of this subsection (B), distance shall be measured by following a straight line from the front door of the proposed satellite classroom facility to the nearest point of the main campus grounds. All satellite classroom facilities must comply with the parking requirements set forth in Section 33-

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

5

124(1)(3). Applicants for satellite classroom facilities shall submit to the Department an affidavit setting forth the total cumulative classroom square footage located at the main campus of the private college or university. A school bookstore selling both new and used books shall be permitted to operate as an ancillary use in connection with satellite classroom facilities provided that the square footage of such bookstore does not exceed ten percent (10%) of the total cumulative classroom square footage located at the shopping center. The square footage of such a bookstore shall be included in the total cumulative classroom square footage at the shopping center for the purposes of this subsection (B).<<

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:**

Approved by County Attorney as  
To form and legal sufficiency:

Prepared by:

RA 6  
*JWW*

Sponsored by Chairperson Gwen Margolis

**MEMORANDUM**

Agenda Item No. 4(I)

07.07-17A METRO/DADE/GSA-MAT MGT

TO: Honorable Chairperson and Members  
Board of County Commissioners

(Public Hearing 4-11-00)  
DATE: March 21, 2000

FROM: M. R. Stiehm  
County Manager 

SUBJECT: Ordinance Amending  
Sections 33-311 and 33-314  
of the Code to Provide  
Authority on Modification/  
Elimination of Provisions of  
Covenants

00-51

RECOMMENDATION

It is recommended that the Board amend Chapter 33 of the Code of Miami-Dade County, Florida, to provide for the Community Zoning Appeals Boards and the Board of County Commissioners authority on modification and elimination of provisions of covenants accepted pursuant to public (zoning) hearing.

BACKGROUND

Applications for zoning hearings are frequently filed to modify or eliminate condition(s) of covenants affecting land development that were accepted during the course of preceding zoning hearings. In many cases these covenants contain conditions and limitations on types of development, density of development, monetary contributions to various county agencies to mitigate impacts of the development, etc. Certain covenants previously accepted by the Commission contained language which allowed solely for Commission consideration of future requests for modification and elimination of such provisions.

In 1996 the Board of County Commissioners implemented the Community Zoning Appeals Board concept, thereby transferring certain zoning responsibilities that had previously been under the jurisdiction of the Commission, to the Community Zoning Appeals Boards.

It is of concern that while the current zoning code allows for these types of zoning applications to be considered by the Community Zoning Appeals Boards, such consideration may be more appropriately the jurisdiction of the Commission as requested modifications and elimination of provisions may have impacts of County-wide concern.

FISCAL IMPACT

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

HOUSING IMPACT

This ordinance has no impact on the cost of housing.





MEMORANDUM

00-51

TO:

Hon. Chairperson and Members  
Board of County Commissioners

DATE: April 11, 2000

SUBJECT: Agenda Item No. 4(I)

FROM: Robert A. Ginsburg  
County Attorney

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(I)  
4-11-00

00-51

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

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-311 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO DELINEATE RESPONSIBILITY AND AUTHORITY OF THE COMMUNITY ZONING APPEALS BOARDS AND THE BOARD OF COUNTY COMMISSIONERS RELATING TO THE MODIFICATION AND THE ELIMINATION OF PROVISIONS WITHIN RESTRICTIVE COVENANTS ACCEPTED AT ZONING HEARINGS; 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 33-311 of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

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

\* \* \*

- (7) Hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution[[:]] >>, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3);<< provided, that the appropriate board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding 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.

people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

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

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

- (A) The County Commission shall directly hear applications for approval of Developments of Regional Impact modification thereof >> including applications for modifications to restrictive covenants related thereto, << after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the entire Development of Regional Impact. Where an application for development approval of a Development of Regional Impact also contains a request for any action under this chapter requiring a public hearing or where there is pending on any property an application of or development approval for a Development of Regional Impact and an application for any other action under this chapter requiring a public hearing (related requests) all such applications shall be heard in their entirety by the Board of County Commissioners after hearing and recommendation of the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the application or applications. Where practicable, all such items shall be acted upon at the same public hearing. Hearings pursuant to this subsection shall be noticed in the same manner as applications filed before the Community Zoning Appeals Boards. The procedural requirements of Section 33-311(F) and 33-0311(G) shall apply to hearings held pursuant to this section.

\* \* \*

- (C) The County Commission shall have jurisdiction to directly hear other applications as follows:

- (1) Upon application for, hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Development Impact Committee Executive Council or its Chairman in the discharge of its duties as defined in Sections 2-114.1, 2-114.2, 2-114.3, 2-114.4 and Chapters 28, 33E, (Section) 33G-6, 33H, 33I and 33J and 33K of the Code. The Board of County Commissioners shall also hear and decide appeals or other matters as provided by Sections 2-114.2, 2-114.3, and 2-114.4 of the Code.
- (2) Applications for developmental resolutions for which the applicant or the executive council of the DIC has invoked the administrative remedy set forth in Section 2-114.1, Code of Miami-Dade County, Florida and to which the procedure of Section 33-311(E)(1) applies.
- >>(3) Applications to modify or eliminate any provision of restrictive covenants, or part thereof, accepted at public hearing, where the covenant provides that only the Board of County Commissioners may modify or eliminate the provisions of such covenant.<<

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

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

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

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

PASSED AND ADOPTED:

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

RAK  
CAC



# MEMORANDUM

Amended  
Agenda Item No. 4(H)

(Public Hearing 4-11-00)

To: Honorable Chairperson and Members  
Board of County Commissioners

Date: March 21, 2000

From:   
County Manager

Subject: Ordinance Amending  
Section 2-116.1(e) of the  
Code of Miami-Dade County,  
Excluding Capital Improvements  
Element Amendments from  
Community Council Public  
Hearing

0#00-50

## RECOMMENDATION

It is recommended that the Board amend Section 2-116.1(e) of the Code of Miami-Dade County to provide that Community Councils shall not hold a public hearing on the annual application to amend the Capital Improvement Element (CIE) of the Comprehensive Development Master Plan (CDMP).

## BACKGROUND

As part of their optional responsibilities, Community Councils may hold public hearings on applications to amend the Comprehensive Development Master Plan that directly affect the Council's area. Such hearings are routinely scheduled for land use or policy text applications that fall within any Council's boundaries. Staff has also scheduled hearings on the annual application to amend the Capital Improvement Element. This amendment reflects additions, deletions and other changes that are made to various capital activities as a result of the budget programming process. Many of the projects contained in the element cover the entire unincorporated area so hearings have been scheduled for all of the Councils. Due to the timing of the budget process and the CDMP amendment cycle, however, the CIE amendment schedule lags months behind the actual adoption of the budget and few, if any, changes to the CDMP Capital Improvements application can realistically be made after the annual budget is adopted.

To enable more meaningful Council input into the capital budgeting process, each Council will be provided with two other earlier opportunities to participate in the capital budgeting process. The Office of Management and Budget currently meets with each Council in February and March to elicit their five highest budget priorities. This process is mostly focused on operating needs, but starting in FY 2001/2002 the Councils will be asked to identify their highest five operating and two capital budget priorities for the following fiscal year. In August, the Office of Management and

Budget holds a series of public hearings at which each Council is updated as to funding recommendations for their budget priorities and as to both the proposed operating and capital budgets.

In order to eliminate the confusion and additional meetings to address CDMP Capital Improvement updates after the annual budget has been adopted, this ordinance would exclude amendments to the CIE from the purview of the Community Councils. This is recommended with a commitment from staff to continue to provide all current CDMP CIE information to the Councils to assist them in making timely recommendations during the formulation of the capital budget.

FISCAL IMPACT

The proposed modification to the Code of Miami-Dade County would have a small positive fiscal impact by reducing the number of council meetings and advertisements.



MEMORANDUM

TO:

Hon. Chairperson and Members  
Board of County Commissioners

DATE:

April 11, 2000  
Amended

SUBJECT:

Agenda Item No. 4(H)

FROM:

Robert A. Ginsburg  
County Attorney

00-50

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 \_\_\_\_\_

Amended  
Agenda Item No. 4 (H)  
4-11-00

ORDINANCE NO.      00-50

ORDINANCE REGARDING COMMUNITY COUNCILS;  
MODIFYING OPTION TO CONDUCT A PUBLIC HEARING  
TO EXCLUDE AMENDMENTS TO THE CAPITAL  
IMPROVEMENT ELEMENT OF THE COMPREHENSIVE  
DEVELOPMENT MASTER PLAN (CDMP); AMENDING  
SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY;  
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,  
AND AN EFFECTIVE DATE

**WHEREAS**, Community Councils have the option to make recommendations on proposed amendments to the Comprehensive Development Master Plan (CDMP); and

**WHEREAS**, the Capital Improvement Element (CIE) of the CDMP lags months behind the actual adoption of the budget and few if any changes to the CIE can be made after the annual budget is adopted; and

**WHEREAS**, Community Councils have the opportunity to participate in the budget process at an earlier stage and thus address capital improvements which may later be reflected in the CIE;

**NOW, THEREFORE, 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 to read as follows:<sup>1</sup>

---

<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.

**Sec. 2-116.1. Amendment procedure for Comprehensive Development Master Plan.**

\* \* \*

(3) *Procedure upon application; Director of Planning and Zoning, Community Councils, Planning Advisory Board (PAB), and Board of County Commissioners; applications pursuant to an emergency or a compliance agreement.*

\* \* \*

(e) Each Community Council may at its option conduct one (1) public hearing per amendment cycle to address proposed CDMP amendment applications, or portions thereof, that would directly impact the Council's area as determined by the Director of the Department of Planning and Zoning. >>There shall be no Community Council hearings on proposed amendments to the Capital Improvement Element; provided, however, that input from the Community Council shall be solicited in capital projects as part of the budgetary process.<< ....

\* \* \*

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: APR 11 2000

Approved by County Attorney as  
to form and legal sufficiency:

RA 6

Prepared by:

JM/CHC

**MEMORANDUM**

Amended  
Substitute  
Agenda Item No. 4(F)

---

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

**DATE:** April 11, 2000

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

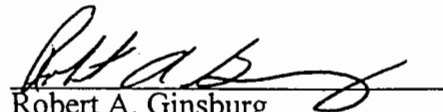
**SUBJECT:** Ordinance relating to  
Service Concurrency Management  
Program

**O#00-48**

---

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

The substitute differs from the original in that the substitute allows extension of capacity reservation for plats located within the North Trail Wetlands or Bird Drive Wetlands Basins. The original allowed extension of capacity reservation when in conformity with requirements of certain fill encroachment and water management criteria. The substitute also makes the extension applicable to all current, valid plats, rather than the previous restriction to only plats approved after December 31, 1998.

  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

107.07-17A MIAMI-DADE COUNTY MGT

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: April 11, 2000

SUBJECT: Ordinance relating to  
Service Concurrency  
Management Program

FROM: M. R. Stierheim  
County Manager

00-48

The proposed ordinance pertaining to Service Concurrency Management creates no fiscal impact on Miami-Dade County.

Fis/04600



# MEMORANDUM

TO:

Hon. Chairperson and Members  
Board of County Commissioners

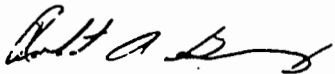
DATE:

April 11, 2000

SUBJECT:

Substitute  
Agenda Item No. 4(F)

FROM:

  
Robert A. Ginsburg  
County Attorney

00-48

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 \_\_\_\_\_

ORDINANCE NO. 00-48

ORDINANCE RELATING TO SERVICE CONCURRENCY  
MANAGEMENT PROGRAM; PROVIDING RESERVATION  
OF AVAILABLE CAPACITY FOR EIGHTEEN (18) MONTHS  
FROM DATE OF APPROVAL FOR CERTAIN TENTATIVE  
PLATS; AMENDING SECTION 33G-5(6)(B)(3), 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 33G-5(6)(b)(3), Code of Miami-Dade County, Florida, is hereby  
amended to read as follows:<sup>1</sup>

**Sec. 33G-5. PROCEDURES.**

\* \* \*

3. A concurrency statement issued in association with the intermediate development order and based upon conditions enumerated in the development order pursuant to Section 33G-5(b)(b)2, requires reservation of that portion of the available capacity necessary to accommodate the impact of the development until the final plat is approved or for twelve (12) months from the date of the earliest tentative plat approval, whichever occurs first, provided that the tentative plat remains valid. >>Where any tentative plat approved after December 31, 1998, includes one or more lakes required to be excavated in conformity with the requirements of either the North Trail Basin Fill Encroachment and Water Management Criteria or the Bird Drive Everglades Basin

---

<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.

Fill Encroachment and Water Management Criteria the reservation of that portion of the available capacity necessary to accommodate the impact of the development may be extended for an additional six (6) months from the date of the earliest tentative plat approval, provided that application for such extension is made prior to the expiration of the first twelve months and provided further that the tentative plat remains valid thereafter. Notwithstanding any other provision of this section, the actual period of lake excavation shall not exceed twelve (12) months.<< Such statement may also serve as the concurrency statement required for issuance of final development orders for the subject development provided that: (a) all the conditions for ensuring the availability of adequate infrastructure to serve the proposed development as required in Section 33G-5(6)(c) and as specified in the intermediate development order are satisfied at the time the intermediate development order is issued; (b) the tentative plat has remained valid; (c) the development proposal for which the final development order is requested remains substantially unchanged; and (d) the application for the final development order is approved within twelve (12) months of the date of the original tentative plat approval>> or within eighteen (18) months of the date of the original tentative plat approval of any tentative plat approved after December 31, 1998, which includes one or more lakes to be excavated in conformity with the requirements of either the North Trail Basin Fill Encroachment and Water Management Criteria or the Bird Drive Everglades Basin Fill Encroachment and Water Management Basin Criteria<<. Notwithstanding other provisions of this chapter, if the foregoing provisions of this paragraph have been met, a final development order will be issued, without any further concurrency review. Upon such issuance, the two-year period specified in Section 33G-5(6)(c)4, shall commence as of the date of the approval of the final plat by the Board of 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: APR 11 2000

Approved by County Attorney as  
to form and legal sufficiency:

RA6

Prepared by:

JM/CHC

Sponsored by Commissioner Bruno A. Barreiro



## MEMORANDUM

---

To: Honorable Chairperson and Members  
Board of County Commissioners

Date: April 11, 2000

From: M. R. Sterheim  
County Manager

Subject: Ordinance Amending Chapter 33G  
(Service Concurrency Management  
Program)

00-48

---

The proposed substitute ordinance amending Chapter 33G (Service Concurrency Management Program) of the Code of Miami-Dade County provides for an eighteen-month capacity reservation for tentative plats that include excavation of lakes and are located in the North Trail Wetlands Basin or the Bird Drive Everglades Wetlands Basin. This will provide the additional time needed for completion of the excavation of lakes in these areas.

Currently, Chapter 33G of the Code of Miami-Dade County provides for a twelve-month reservation of available capacity for tentative plats. During the reservation period, the applicant is required to obtain all necessary approvals and complete the construction of the lake excavations. An eighteen-month reservation of available capacity is an appropriate reservation period for tentative plats located within the North Trial Wetlands Basin or the Bird Drive Everglades Wetlands Basin that require the excavation of lakes.

Once a tentative plat requiring a lake excavation permit is approved by the County, the applicant applies for a lake excavation permit with the Department of Planning and Zoning. Section 33-16 of the Code of Miami-Dade County outlines the process for obtaining a lake excavation permit. Some of the steps involved in obtaining a lake excavation permit at the tentative plat stage include review of the completed application by the Department of Environmental Resources Management (DERM), the Public Works Department and the Department of Planning and Zoning. This process usually requires four to six

weeks to complete. If it is determined that a Class I or IV Permit is required, a public hearing may be required. The public hearing process alone can take three to four months. The Department of Planning and Zoning establishes a bond estimate and the applicant posts the bond. Upon completion of construction of the lake excavation, a final as-built survey is submitted for review to DERM, Public Works and the Department of Planning and Zoning. If approved, all documents are then submitted for final plat approval to the Board. This entire process, including Board approval, must occur within twelve months; otherwise, the capacity reservation is lost.

Chapter 13 of the Code of Miami-Dade County establishes the permit application process for blasting within the Urban Development Boundary. New blasting permit applications within this area require approval by the Board of County Commissioners. Section 13.7 of the Code of Miami-Dade County outlines the conditions, limitations and restrictions to be considered by the Board in making its decision on blasting permit applications. Excavations may be approved administratively within this area in those instances where explosives will not be used.

An analysis of the current level of service within these two basin areas reveals that with the exception of roadways, all other concurrency services are operating at an acceptable level of service. Within the two basins, there are twenty-three (23) roadway segments that are measured for roadway concurrency capacity purposes. Two of these segments are presently operating at an unacceptable level of service (S.W. 127 Avenue from S.W. 6 Street to S.W. 8 Street and S.W. 8 Street from S.W. 122 Avenue to S.W. 127 Avenue.) In addition, two other segments are operating within five percent of the adopted standard (S.W. 147 Avenue from S.W. 42 Street to S.W. 56 Street and S.W. 72 Street from S.W. 147 Avenue to S.W. 152 Avenue.)

#### **FISCAL IMPACT**

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

**MEMORANDUM**

Amended  
Substitute  
Agenda Item No. 4(D)

---

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

**DATE:** April 11, 2000

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

**SUBJECT:** Ordinance relating to  
litter containers

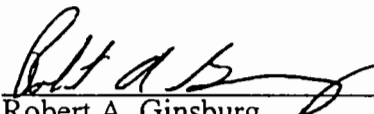
**0#00-47**

---

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

This substitute differs from the original in the following ways:

1. It specifies that the placement and securing of litter containers shall abide by ADA guidelines; and
2. It makes non-substantive stylistic changes such as replacing litter "cans" with "litter containers."

  
Robert A. Ginsburg  
County Attorney

RAG/bw

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

Veto \_\_\_\_\_

Override \_\_\_\_\_

Amended

Substitute

Agenda Item No. 4(D)

4-11-00

ORDINANCE NO. 00-47

ORDINANCE CREATING SECTION 33-122.4 AND AMENDING SECTION 8CC OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR LITTER CONTAINERS AT CERTAIN LOCATIONS; PROVIDING A PENALTY; 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 33-122.4 of the Code of Miami-Dade County, Florida, is hereby created as follows:

**Sec. 33-122.4. Litter containers.**

- (1) All shopping centers, strip malls, grocery stores, restaurants or commercial establishments that sell takeout beverages or food must provide a litter container near every entrance and at every 100 feet along any established pedestrian walkway within the footprint of such property.
- (2) Litter containers shall be well designed and secured in a manner that will cause them to remain stationary where placed. They shall be maintained free of graffiti and overflow trash.
- (3) Containers shall not interfere with access for the general pedestrian public or for people with disabilities. The definitions contained in the Americans with Disabilities Act Accessibility Guidelines shall control the placement of the containers.

Section 2. Chapter 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to incorporate a \$100 civil penalty for a violation of this ordinance.

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

\* \* \*

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
>>33-122.4<<	>>Failure to provide and maintain litter cans for establishments that sell takeout beverages or food.<<	>>\$100.00<<

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 six (6) months 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: APR 11 2000

Approved by County Attorney as  
to form and legal sufficiency:

RAE  
AEW

Prepared by:

Sponsored by Commissioner Javier D. Souto

5

# MEMORANDUM

Substitute  
Agenda Item No. 4(L)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: March 21, 2000

FROM:   
M. E. Sherham  
County Manager

SUBJECT: Ordinance Amending  
Chapter 33C of the Code to  
Provide for County  
Government Offices as  
Permitted Uses in a Rapid  
Transit Zone and Provide for  
Review and Approval by an  
Affected Municipality

00-38

This substitute differs from the original in that it limits the revised approval process for a County office building development to that portion of the Rapid Transit Zone surrounding the Douglas Road Metrorail Station.

## RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached ordinance amending Chapter 33C-2 of the Miami-Dade County Code, Fixed-Guideway Rapid Transit System - Development Zone, to permit County government offices in the portion of the Rapid Transit Zone surrounding the Douglas Road Metrorail Station, and to provide for a review and approval process by the municipality in which the development is proposed and by this Board.

## BACKGROUND

Chapter 33C of the Code of Miami-Dade County provides for uniform land development regulations for the Rapid Transit Zone in the incorporated and unincorporated areas of the County. The Rapid Transit Zone consists of the Metrorail stations, as well as parking, landscaped areas, and certain other abutting properties. Many of these properties have a high potential for re-development, including as sites for delivery of Countywide services.

Section 33C-2 provides several permitted uses, including commercial, office and residential development. In order to develop any property in the Metrorail stations in the unincorporated areas for commercial, office, and residential uses, the Board of County Commissioners must approve development standards and subsequently approve the site plan as a special exception at a zoning public hearing. In the incorporated areas, commercial, office and residential uses require the adoption of master plan development standards, which are subsequently used in the site plan review process. The affected

municipal government reviews and adopts the proposed master plan development standards, and the Board of County Commissioners subsequently approves the development's site plan based on the development standards approved by the municipality. The County maintains at all times building and zoning authority, and all appurtenant power over the Rapid Transit Zone, including those located in the incorporated areas. This authority requires approval by the County for building permits and certificates of use and occupancy.

This proposed amendment to Chapter 33C provides for an abbreviated process for review and approval of development standards and site plans for County administrative government offices at the Douglas Road Metrorail Station site, in a process similar to our government facilities public hearing process. The amendment also establishes a process by which the municipality can review proposed development standards for the construction of these offices. The process provides for a 60-day window for the municipality to act upon the recommended development standards, unless extended by the County Manager, for municipal approval or rejection of development standards without modification thereto; and the override of municipal rejection on matters of Countywide significance.

As the County attempts to bring essential services closer to the communities it serves, County staff believes that the Douglas Road Metrorail station can provide the ideal location for supplying government services for two reasons: (1) the location of the offices would facilitate the movement of County employees among different offices and those offices and the Stephen P. Clark Government Center; and (2) it would allow all residents of Miami-Dade County to enjoy affordable, reliable access to these government offices similar to the access currently available to the Government Center.

This amendment specifically addresses the new Miami-Dade Water and Sewer Department (MDWASD) building, which is currently in the design phase. By recognizing government offices as a permitted use in the Rapid Transit Zone surrounding the Douglas Road Metrorail Station, the County will ensure that MDWASD will have a building ready to occupy by September 1, 2001, the date on which MDWASD has contractually agreed to vacate its current offices at 4200 Salzedo Street.





**MEMORANDUM** Substitute  
Agenda Item No. 4(L)

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

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: March 21, 2000

SUBJECT: Fiscal Impact of Ordinance  
Amending Chapter 33C

FROM: M. F. Sturheim  
County Manager

00-38

The attached proposed ordinance, which provides for an abbreviated process to approve governmental facilities within the Fixed-Guideway Rapid Transit System – Development Zone, would have no negative fiscal impact upon Miami-Dade County.

fis/04300



# MEMORANDUM

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: March 21, 2000  
Substitute  
SUBJECT: Agenda Item No. 4(L)

FROM: Robert A. Ginsburg  
County Attorney

00-38

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 \_\_\_\_\_

Substitute  
Agenda Item No. 4(L)  
3-21-00

00-38

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

ORDINANCE PERTAINING TO PERMITTED LAND USES IN THE METRORAIL RAPID TRANSIT ZONE; PROVIDING FOR APPROVAL OF COUNTY GOVERNMENT OFFICES IN THE RAPID TRANSIT ZONE WITHIN MUNICIPALITIES; MODIFYING PROCESS FOR DEVELOPMENT AND APPROVAL OF DEVELOPMENT STANDARDS AND SITE PLAN FOR COUNTY GOVERNMENT OFFICES; PROVIDING CRITERIA FOR DEVELOPMENT STANDARDS; AMENDING SECTION 33C-2(D) 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 33C-2(D) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33C-2(D). Permitted land uses.**

The following land uses are permitted within the Rapid Transit Zone and no others:

\* \* \*

>>(10) County government office development in the Rapid Transit Zone within municipalities. Whenever County office development is proposed for that portion of the Rapid Transit Zone surrounding the Douglas Road Metrorail Station, the directors of the Departments of Planning and Zoning, the Miami-Dade Transit Agency and the department proposing the

<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.

development shall develop proposed master plan development standards for such proposed uses. The standards shall contain, at a minimum: (a) maximum height of the building; (b) maximum floor area ratio; (c) maximum parking provided; (d) minimum open space; (e) minimum setbacks from property lines; (f) gross and net land area; (g) criteria for pedestrian and vehicular circulation systems; (h) signage criteria; (i) criteria for parking layouts and drives; and (j) features demonstrating conformity with the guidelines for development of urban centers contained in the Comprehensive Development Master Plan, conformity with the Miami-Dade County Urban Design Manual, and consistency with the Metrorail Compendium of Design Criteria. Upon the consent of the county manager, the proposed standards shall be submitted to the affected municipality's governing board for review and approval.

In reviewing the standards, the municipality shall consider the type of function involved, the public need therefor, the existing land use pattern in the area and the nature of the impact of the facility on the surrounding property. The municipal governing board shall have the power to approve or reject the standards, but shall not modify the standards as submitted. Unless extended by agreement with the County Manager, failure of the municipal governing board to reach a final decision on the proposed development standards within 60 days after receipt of the standards may be deemed by the County to be a lack of objection to the standards as proposed. If the municipal governing board rejects the proposed development standards, the proposed County office development shall not be permitted at the site unless the Board of County Commissioners determines after duly noticed public hearing that the proposed development is of County-wide necessity and significance, and upon such determination approves the development standards in accordance with the criteria applicable to the municipal governing board.

After approval of the development standards, a site plan consistent with the approved development standards shall be submitted to the Director of the Department of Planning and Zoning. After review by the Directors of the Departments of Planning and Zoning, the Miami-Dade Transit Agency and the department seeking development approval, the County Manager may submit the site plan to the Board of County Commissioners with a recommendation for approval.

The Board of County Commissioners may authorize the development and approve the site plan by resolution following public hearing. The public hearing shall be held upon 15 days' notice of the time and place of the hearing published in a newspaper of general circulation in Miami-Dade County, which publication shall include the time and place of hearing before the Board of County Commissioners. A courtesy notice containing general information as to the date, time and place of the hearing, the property location and general nature of the proposed development may be mailed to the property owners of record within a radius of three hundred (300) feet of the property described in the application, or such greater distance as the County Manager may provide; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property may be posted by a sign or signs indicating the action desired and the time and place of public hearing thereon. Failure to post the property shall not affect any action taken hereunder. At the public hearing, the Board shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the development on the surrounding property.

This process shall apply only to that portion of the Rapid Transit Zone surrounding the Douglas Road Metrorail Station.<<

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 21 2000

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

JM



# MEMORANDUM

Amended "  
Agenda Item No. 4(K)

To: Honorable Chairperson and Members  
Board of County Commissioners

Date: March 21, 2000

From: M. B. Stierheim  
County Manager

Subject: Citizens' Oversight Committee for  
South Miami-Dade Watershed Plan

O#00-37

This substitute item differs from the original ordinance in that paragraphs (2)(a) and (2)(b) are revised to clarify that the Chairperson of the Citizens' Oversight Committee appointed by the County Manager shall represent the community at large and shall be a full member of the Committee. In addition, one named member of the Citizen's Oversight Committee is changed from Homestead Air Base Development, Inc. to Homestead Air Base developer.

## RECOMMENDATION

It is recommended that the Board of County Commissioners approve the accompanying ordinance establishing the Citizens' Oversight Committee for the South Miami-Dade Watershed Plan.

## BACKGROUND

The attached Ordinance establishes the Citizens' Oversight Committee required by a Funding Agreement between Miami-Dade County and the Florida Department of Environmental Protection. Resolution R-1249-99, adopted by the Board on December 7, 1999, authorized the County Manager to execute an Agreement with the Florida Department of Environmental Protection for formulation of the South Miami-Dade Watershed Plan. Establishment of the Citizens' Oversight Committee is one of the first tasks listed in the Agreement, which will enable the initiation of this planning activity required by Land Use Policy 3E of Miami-Dade County's Comprehensive Development Master Plan (CDMP). Policy 3E requires the preparation of an integrated land use and water management plan for southeastern Miami-Dade County (the Watershed Plan). As required by the CDMP, the watershed planning activity includes a comprehensive study that describes and analyzes surface and groundwater and corresponding land uses. The overall goal of the plan will be to optimize the economic, social, and environmental values in the study area. The plan will have two time horizons: a short-term component extending through the year 2015, and a long-term component extending through the year 2050. The plan will include mechanisms for integration with the U.S. Army Corps of Engineers' Central and Southern Florida Project Comprehensive Review Study (the Restudy) currently underway. The Citizens' Oversight Committee established by the proposed ordinance will assist in finalizing the detailed Scope of Work that was initiated by the previous South Biscayne Bay area Working Group, and in selecting consultants to conduct the necessary studies and prepare the Watershed Plan.



**MEMORANDUM**

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: March 21, 2000

SUBJECT: Citizens' Oversight  
Committee for South  
Miami-Dade Watershed  
Plan

FROM: M. R. Stierheim  
County Manager

00-37

The ordinance creating the Citizens' Oversight Committee for South Miami-Dade Watershed Plan is expected to have a fiscal impact to Miami-Dade County of approximately \$10,000 per year, or \$30,000 over the three-year anticipated life of the project. This amount includes direct costs associated with project meetings, such as rental space, advertising, and postage. Miami-Dade County will be reimbursed for approximately 50 percent of it's share of the project cost, from the existing state appropriation allocated for this project by the 1998-99 Florida Legislature.

fis/03700





# MEMORANDUM

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: March 21, 2000

SUBJECT: Agenda Item No. 4(K)

FROM: Robert A. Ginsburg  
County Attorney

00-37

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 \_\_\_\_\_

Amended  
Agenda Item No. 4(K)  
3-21-00

ORDINANCE NO. 00-37

ORDINANCE ESTABLISHING THE CITIZENS' OVERSIGHT COMMITTEE FOR THE SOUTH DADE WATERSHED PLAN; CREATING SECTION 2-115.12 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING FOR INTENT AND PURPOSE, ESTABLISHMENT, MEMBERSHIP, QUALIFICATIONS, APPOINTMENT, TERM, DUTIES, STAFF SUPPORT; 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 2-115.12 of the Code of Miami-Dade County is hereby created to read as follows:<sup>1</sup>

>> Sec. 2-115.12 Advisory Committee for the South Miami-Dade Watershed Plan;

(1) Legislative intent and purpose.

(a) It is the intent of the Board of County Commissioners of Miami-Dade County to establish a broad-based Advisory Committee (the Committee) to participate in the formulation of the South Dade Watershed Plan (the Watershed Plan) to be prepared pursuant to policy established in the Comprehensive Development Master Plan (CDMP). The purposes of the Committee and duties of its members shall be as follows:

---

<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.

(i) To serve as a conduit of information between project supervisors, consultants retained to prepare the Watershed Plan, and community interests represented by the Committee members;

(ii) To advise the consultants and assigned County, South Florida Water Management District, and Regional Planning Council staff as to the views of the Committee members and represented community interests;

(iii) To inform the membership of represented interest organizations as to the purpose of the watershed planning project, status of planning activities, findings and proposals, and bases thereof;

(iv) To suggest information sources to the consultants; and

(v) To review and comment on the proposed scope of work and subsequent consultant drafts and deliverables;

(2) South Miami-Dade Watershed Plan Advisory Committee:

(a) There is hereby established an advisory committee to be known as the South Miami-Dade Watershed Plan Advisory Committee. The Committee shall be comprised of representatives of the following organizations: the Miami-Dade Agri-Council, the Miami-Dade County Agricultural Practices Study Advisory Board, the Miami-Dade County Farm Bureau, the Potato Grower Exchange, the Miami-Dade County Chapter of the Florida Nurserymen and Grower's Association, the Florida Lime & Avocado Committee, the Tropical Everglades Visitor Association, the Homestead-Florida City Chamber of Commerce, Chamber South, the Florida Engineering Society, Homestead Air Base Development, Inc., the Redland Citizens' Association, the South Dade Community Council, the Princeton-Naranja Lakes Homeowners' Association, the National Audubon Society, the Tropical Audubon Society, the Sierra Club Miami Group, Biscayne National Park, Everglades National Park, the cities of

Homestead and Florida City, the Miami-Dade County Departments of Planning & Zoning and Environmental Resources Management as non-voting members, the South Florida Water Management District, the South Florida Regional Planning Council, and one member from the community at large appointed by the County Manager to serve as Chairperson.

(b) Each member shall be appointed by the County Manager and approved by the Board of County Commissioners to serve until the Board of County Commissioners takes final action on the proposed Watershed Plan, or until replaced by the County Manager with the approval of the Board of County Commissioners. Appointments and activities of the Committee shall otherwise comply with the requirements of Sections 2-11.36 through 2-11.40 of the Code of Miami-Dade County, Florida. The County Manager shall appoint the Chair. It is the Chair's responsibility to chair all meetings and to issue an annual report to the Board of County Commissioners in accordance with Section 2-11.37(a), Code of Miami-Dade County. A simple majority of the Committee members shall constitute a quorum, and a simple majority of a quorum of the Committee shall be required for the passage of any motion. The Committee may establish other procedures and protocols regarding attendance, alternate attendees, and voting. The Committee shall automatically sunset upon adoption of the Plan.

(c) The County Manager shall assign appropriate staff to assist the Committee in accomplishing its purpose, including the following: prepare necessary meeting materials and notices; arrange meeting locations; prepare meeting summaries; and transmit communications between the Committee, project consultants, and participating agencies.<<

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 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. The COC shall be sunsetted upon adoption of the South Miami-Dade Watershed Plan by the Board of County Commissioners.

PASSED AND ADOPTED: MAR 21 2000

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

Prepared by: JM



## MEMORANDUM

To: Honorable Chairperson and Members  
Board of County Commissioners

Date: March 21, 2000

From: M. R. Stierheim  
County Manager

Subject: Report on Proposed Citizens'  
Oversight Committee for South  
Miami-Dade Watershed Plan

00-37

This report was prepared pursuant to Section 2-11.37 of the Code of Miami-Dade County, which requires that the following information be submitted to the Board of County Commissioners after first reading of an ordinance creating a new board and prior to the public hearing.

- (1) Whether the establishment of the board will create sufficient betterment to the community to justify the Board of County Commissioners delegation of a portion of its authority.

This board will be advisory in nature, and will neither assume the responsibilities nor supercede the authority of the Board of County Commissioners (BCC). The board will advise the staff of Miami-Dade County, the South Florida Water Management District, and the South Florida Regional Planning Council regarding the Scope of Work for preparation of the South Miami-Dade Watershed Plan, may ultimately issue recommendations to the BCC addressing final proposals contained in the plan, and will serve as a conduit of information between project management and represented community interests. Preparation of the Watershed Plan is required by Land Use Policy 3E of Miami-Dade County's Comprehensive Development Master Plan (CDMP), as well as plans for reuse of Homestead Air Force Base as a civilian airport.

- (2) Whether another board or agency, either public or private, which is already in existence could serve the same purpose.

The required composition of this board is generally outlined in CDMP Land Use Policy 3E. More specifically, it is set forth in a policy adopted in the "Chapter 288" amendments to the CDMP, under recommendations of state and federal participants involved in the Chapter 288 planning process. There is no board or agency currently in existence that has the required composition or could adequately serve the same purpose. The Biscayne National Park Buffer Development Review Committee, an interim committee established via Land Use Policy 3E, has a narrowly defined physical and legislative scope. This committee is limited to addressing potential impacts of requested development approvals in the area east of U.S. 1 and outside of the Urban Development Boundary on Biscayne National Park, and consistency with relevant portions of the CDMP. The Planning Advisory Board, as currently constituted, would not be sufficiently representative of the required community interests.

**MEMORANDUM**

Agenda Item No. 4(G)

~~(Public Hearing 3-21-00)~~

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

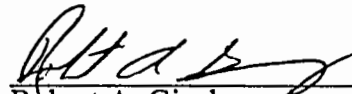
**DATE:** March 9, 2000

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

**SUBJECT:** Ordinance relating to  
community council; terms

00-35

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/bw

**MEMORANDUM** Agenda Item No. 4(G)

107.07-17A METRO-DADE/GSA MAT MGT

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: March 21, 2000

SUBJECT: Ordinance relating to  
Community Council; terms

FROM:   
M. R. Stierheim  
County Manager

00-35

The proposed ordinance pertaining to Community Councils will create no fiscal impact on Miami-Dade County.

Fis/04900





# MEMORANDUM

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: March 21, 2000

SUBJECT: Agenda Item No. 4(G)

FROM: Robert A. Ginsburg  
County Attorney

00-35

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(G)  
3-21-00

ORDINANCE NO. 00-35

ORDINANCE RELATING TO COMMUNITY COUNCILS; PROVIDING A TWO-YEAR EXTENSION OF TERM OF OFFICE FOR THREE COMMUNITY COUNCIL MEMBERS FOR COMMUNITY COUNCILS CONSISTING OF ONE SUBAREA; PROVIDING FOR DETERMINATION EITHER BY VOLUNTEERS AMONG COMMUNITY COUNCIL MEMBERS OR BY LOT OF WHICH SEATS SHALL HAVE EXTENDED TERMS OF OFFICE; AMENDING SECTION 20-43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Code of Miami-Dade County provides for staggered terms for Community Councils containing multiple subareas but not in Community Councils having one subarea; and

WHEREAS, it is the desire of the Board of County Commissioners to provide staggered terms in Community Council, having one subarea, in order to maintain continuity of experience on such councils,

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

Section 1. Section 20-43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec 20-43. Community Councils; membership.**

<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.

Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

(A) *Elected Council Members.*

\* \* \*

(2) ~~[[In the initial election, Council Members representing odd numbered subareas shall be elected for two year terms and those representing even numbered subareas as well as at large positions shall be for four year terms; in all elections thereafter all]]~~ >>The<< term[[s]] of [[0]]>>o<<ffice of >>Community<< Council [[M]]>>m<<embers shall be for four (4) years. >>It is provided, however, that in a Community Council consisting of one subarea, the term of office of three (3) members holding office as of the effective date of this provision shall be extended for an additional two years so as to create staggered terms for such Community Council. The determination of which three (3) members' terms shall be extended an additional two (2) years shall be decided either by volunteers among Community Council Members or, if there are an insufficient number, by lot no later than one hundred eighty (180) days prior to the date the Community Council members' terms would have expired.<<

\* \* \*

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.

5

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 21 2000

Approved by County Attorney as  
to form and legal sufficiency:

RAG  
CAK

Prepared by:

Sponsored by Dr. Miriam Alonso

**MEMORANDUM**

Amended  
Agenda Item No. 4(C)

---

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

**DATE:** (Public Hearing 3-9-00)  
February 8, 2000

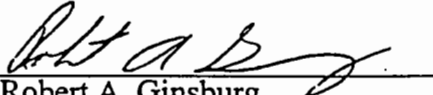
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
zoning, allowing certain  
limited commercial signs  
on expressway rights-of-way

O#00-32

---

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

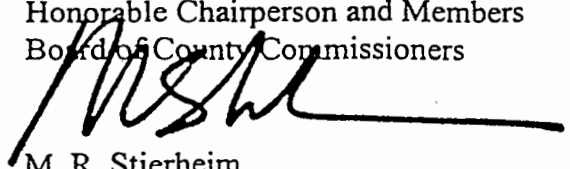
RAG/bw

# MEMORANDUM

107 07-17A MEMORANDUM

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: March 9, 2000

FROM:   
M. R. Stierheim  
County Manager

SUBJECT: Fiscal Impact of Proposed  
Ordinance amending Section  
33-121.10 of the Code of  
Miami-Dade County

00-32

The proposed ordinance allowing certain limited commercial signs on Expressway rights-of-way creates no fiscal impact on Miami-Dade County.



MEMORANDUM

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: March 9, 2000  
Amended  
SUBJECT: Agenda Item No. 4(C)

FROM: Robert A. Ginsburg  
County Attorney

00-32

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 \_\_\_\_\_

Amended  
Agenda Item No. 4 (C)  
3-9-00

ORDINANCE NO. 00-32

ORDINANCE RELATING TO ZONING; ALLOWING CERTAIN LIMITED COMMERCIAL SIGNS ON EXPRESSWAY RIGHTS-OF-WAY; AMENDING SECTION 33-121.10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO DEFINITION OF PROTECTED AREAS ADJACENT TO EXPRESSWAYS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, large scale regional malls which are approved as Developments of Regional Impact are typically located near or adjacent to expressway facilities; and

**WHEREAS**, due to their size and scale such Developments of Regional Impact require appropriate signage to ensure public safety and convenience; and

**WHEREAS**, the Development of Regional Impact review process contains unique opportunities to review proposed signage for large scale regional malls and to mitigate any adverse impacts; and

**WHEREAS**, in addition to Development of Regional Impact review, the provisions of the Code of Miami-Dade County regulating signs generally provide an appropriate framework for review and approval of signs relating to large scale regional malls which are located in or near expressway rights-of-way,



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

Section 1. Section 33-121.10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec 33-121.10.

Definitions.

\*

\*

\*

(c) "Protected areas" shall mean all property in Miami-Dade County within six hundred (600) feet of the right-of-way of any expressway right of way >>provided that directional signs and semaphore signs may be located on any portion of a shopping center which is approved as a development of regional impact pursuant to section 380.06, Florida Statutes, or which has received a binding letter of vested rights from the State of Florida issued prior to January 1, 1980, exempting it from development of regional impact review. Any such signs shall be subject to the requirements of Article VI of this Chapter, but the provisions of section 33-121.15 shall not apply.<<

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.

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

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

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

EC

Sponsored by Dr. Miriam Alonso

**MEMORANDUM**

Supplement to  
Agenda Item No. 4 (C)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: March 9, 2000

SUBJECT: Supplement to Agenda  
Item No. 4 (C)

FROM: M. R. Stierheim  
County Manager



00-32

At the Commissioners' Aides briefing of March 6, 2000, additional information and clarification pertaining to Agenda Item No. 4 (C) were requested. The Department of Planning and Zoning has informed me that if the proposed amendment is approved, the sign restrictions within the "Protected areas" (all property in Miami-Dade County within 600 feet of an expressway right-of-way) will no longer be applicable to any portion of a shopping center which is approved as a Development of Regional Impact (DRI) pursuant to Section 380.06, Florida Statutes, in both the incorporated and unincorporated areas of Miami-Dade County. The restrictions shown on the right side column of the table below would cease to apply with the adoption of the ordinance, but those on the left side column would continue to apply to all shopping centers, including those approved pursuant to a DRI. In general, the table below shows the current sign regulations typically applicable to commercial signs in shopping centers approved as a DRI.

Sign Regulations for Shopping Centers (DRI) not in the "Protected areas"	Sign Regulations for Shopping Centers (DRI) in "Protected areas"
<p><u>DETACHED SIGN</u> Size: One (1) 300 sq. ft. sign or Two (2) 200 sq. ft. signs Corner sites: an additional 40 sq. ft. sign  Height: 30 feet</p> <p><u>WALL SIGN</u> Size: 10% of the wall area plus bonus square footage depending on building height  Number: Two (2) per tenant</p>	<p><u>DETACHED SIGN</u> Size: One (1) 300 sq. ft. (must be located on principal street frontage) Corner sites: an additional 40 sq. ft. sign (must be located on a frontage other than the frontage served by the 300 sq. ft. sign)  Height: 25 feet</p> <p><u>WALL SIGN</u> Size: 10% of the wall area (1 wall sign must be at the principal entrance of the business; a 2nd wall sign may be placed on one other wall and limited to 10% of the wall area); no bonus square footage is provided regardless of the height of the building  Number: Two (2) per tenant</p>

**EXHIBIT 4(c) Sup.**  
3/9/2000  
1

Honorable Chairperson and Members  
Board of County Commissioners  
Page 2

The following are examples of shopping centers in the unincorporated areas of Miami-Dade County which have been approved as a DRI and which contain portions of the shopping center site within the "Protected areas" of an expressway rights-of-way:

Dadeland Mall

Miami International Mall

Kendall Town and Country Mall

Dolphin Mall



# MEMORANDUM

Amended  
Agenda Item No. 4(P)

To: Honorable Chairperson and Members  
Board of County Commissioners

(Public Hearing 2-24-00)

Date: November 16, 1999

From: *M. R. Stierlein*  
County Manager

Subject: Ordinance relating to Development of  
Regional Impact (DRI) Applications

O#00-31

## RECOMMENDATION

It is recommended that the Board adopt the attached Ordinance establishing and clarifying procedures for Development of Regional Impact (DRI) applications, including DRI modifications, essentially built out determinations and substantial deviation determinations.

## BACKGROUND

Chapter 380 Florida Statutes establishes requirements for applications pertaining to DRIs, including modification of existing DRIs and for determining whether a request constitutes a substantial deviation. The statute also provides for a determination of whether a DRI is essentially built out. If appropriate findings are made, Section 380.06 (15)(g), Florida Statutes authorizes an agreement between the developer, the state land planning agency and the local government formalizing the determination.

The purpose of this ordinance is to clarify existing procedures for DRI applications, including DRI modifications, substantial deviation determinations, and to establish procedures for determination of whether a DRI is essentially built out.

## FISCAL IMPACT

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

Attachment



# MEMORANDUM

TO: Hon. Chairperson and Members  
Board of County Commissioners

DATE: February 24, 2000

SUBJECT: Agenda Item No. 4(P)

FROM: Robert A. Ginsburg  
County Attorney

00.31

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 \_\_\_\_\_

Amended  
Agenda Item No. 4(P)  
2-24-00

ORDINANCE NO. 00-31

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 2-105, 33-303.1, 33-304, 33-310, 33-311, 33-313 AND 33-314, CODE OF MIAMI-DADE COUNTY, FLORIDA; CLARIFYING AND ESTABLISHING PROCEDURES FOR DEVELOPMENTS OF REGIONAL IMPACT ("DRIs") DRI APPLICATIONS, INCLUDING DRI MODIFICATIONS, ESSENTIALLY BUILT OUT AND SUBSTANTIAL DEVIATION DETERMINATIONS; AUTHORIZING DEVELOPMENTAL IMPACT COMMITTEE TO MAKE ESSENTIALLY BUILT OUT DETERMINATIONS AND AUTHORIZING PLANNING AND ZONING DIRECTOR TO ENTER INTO ESSENTIALLY BUILT OUT AGREEMENTS; PROVIDING DEFINITIONS; PROVIDING ADDITIONAL REFERENCE TO COUNTY COMMISSION DIRECT JURISDICTION OVER CERTAIN ZONING APPLICATION; 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. Article XV of the Code of Miami-Dade County, Florida, establishing the Department of Planning and Zoning, is hereby amended to read as follows:<sup>1</sup>

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

\* \* \*

>>(k) To enter into an "essentially built out" agreement with a developer and the state land planning agency where it has been finally determined that a development of

<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.

regional impact ("DRI") is "essentially built out", in accordance with the procedures set forth in §33-303.1, Code of Miami-Dade County, as amended, and §380.06 (15)(g)(3), Fla. Stat, as amended. <<

Section 2. Article XXXVI of the Code of Miami-Dade County, Florida, providing zoning procedure, is hereby amended to read as follows:

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

\* \* \*

(D) Duties of the Developmental Impact Committee.  
The Developmental Impact Committee shall perform the following duties:

\* \* \*

>>(3) Upon application, determine whether a development of regional impact ("DRI") is essentially built out and issue an appropriate order.

(a) As used in this subsection "essentially built out" shall mean:

(i) the development is in compliance with all applicable terms and conditions of the development order except the build out date; and

(ii) either (A) the amount of the development that remains to be built is less than the substantial deviation threshold specified in §380.06 (19)(b), Fla. Stat., as amended, for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land used as a percentage of the applicable substantial deviation threshold is equal to or less than 100%; or

(B) The Developmental Impact Committee has determined,



after the state land planning agency has previously agreed in writing, that the amount of the development to be built does not create the likelihood of any additional regional impact not previously reviewed.

(b) Hearings before the Executive Council of the DIC pursuant to this subsection shall be noticed in the same manner as applications filed before the Community Zoning Appeals Boards pursuant to Section 33-310 for modifications of DRIs.

(c) The DIC determination that a DRI is essentially built out may be appealed, within fourteen (14) days to the Board of County Commissioners pursuant to the provisions of §33-314, Code of Miami-Dade County. The fourteen (14) day appeal period provided herein shall commence on the fourteenth day after transmittal of an order of the Executive Council to the Director. Where the fourteenth day falls on a weekend or legal holiday, the appeal period shall be deemed to extend to the next business day. If the DIC determination is not appealed, the determination shall become final<<

(>>4<<[[3]]) Review and make recommendations upon, pursuant to the criteria stated in (D)(1), those applications for zoning action or "development" as defined in Section 33-302 which do not constitute developments of County impact but which, if granted, could result in developments having a significant impact on the natural and human environment of Miami-Dade County, Florida. Such developments shall include but not be limited to those listed in Section 33-303.1(D)(6)(a)1 through 8.

(>>5<<[[4]]) Identify and develop guidelines, and propose rules and regulations concerning the preparation of recommendations to the Board of County

Commissioners required by (D)(1), (3) and (6)(c); provided, however, that, as a minimum standard, all recommendations shall fully specify the basis for the conclusions reached as to each item listed in Section 33-303.1(D)(1), (3) and (6)(c). Where a development would have only a neutral impact in terms of the aforesaid items, the recommendation shall so specify.

(>>6<<[[5]]) Upon request, assist the Director and the Zoning Official in the preparation of written recommendations to the Board of County Commissioners as required by Chapter 33 of the Code of Miami-Dade County. The nature and extent of such assistance shall be established by the Executive Council, after consultation with the Director and the Zoning Official, and shall be specified and adopted as part of the committee's rules and regulations, as herein prescribed.

(>>7<<[[6]]) Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:

- (a) Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:
  1. Residential developments involving in excess of two hundred fifty (250) dwelling units.
  2. Business uses involving in excess of ten (10) acres or one hundred thousand (100,000) square feet of retail floor area, or one thousand (1,000) vehicle off-street parking space capacity.

3. Recreational, cultural, or entertainment facilities involving in excess of one thousand (1,000) vehicle off-street parking space capacity for single performance or twenty (20) acres.
4. Office buildings or office complexes involving in excess of one hundred twenty-five thousand (125,000) square feet of floor space, or one thousand (1,000) vehicle off-street parking space capacity.
5. Industrial, processing or manufacturing activity involving fifty (50) acres, or five hundred (500) vehicle off-street parking space capacity.
6. Hotel and/or motel developments involving in excess of two hundred fifty (250) units.
7. All planned area developments.
8. Mixed-use developments with two (2) or more of the land use types specified in 1. through 6. above where none of the individual land uses in the development meet or exceed the thresholds listed in 1. through 6. above and where the sum of the percentages of the appropriate thresholds listed in 1. through 6. above for each applicable land use in the development is greater than one hundred thirty (130) percent. Where a development addresses more than one (1) threshold within a particular land use type listed in 1. through 6. above, then the threshold in that land use type which generates the highest percentage shall be utilized in the calculation of the total mixed-use

percentage for the subject development.

- (b) Required by the regulations to be taken after public hearing, which zoning action would change in any respect an existing resolution pertaining to an application reviewed by the Developmental Impact Committee, and is presumed to constitute a substantial deviation. All such applications for change shall be presumed to request substantial deviation, unless the requested action neither equals, exceeds, or conflicts with either of the following limitations and standards:
1. An increase in the number of dwelling units of twenty (20) percent or one hundred (100) units, whichever is less.
  2. An increase in the floor area for nonresidential uses of twenty (20) percent or thirty thousand (30,000) square feet, whichever is less;

The foregoing presumption of substantial deviation shall not apply whenever the Executive Council determines that the requested modification would not constitute a potential negative impact under the guidelines of Section 33-301.1(D)(1). The determination by the Executive Council shall be final and not subject to administrative appeal. There shall be no right of judicial review until after final action on the application by the Board of County Commissioners.

- (c) The Committee shall recommend to the applicable Board whether, and to the extent to which, the development permitted by the approval of zoning action referred to in (6)(a) and (b) above will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other

necessary public facilities or public transportation facilities, including roads, streets and highways, which have been constructed or planned and budgeted for construction in the area, and whether the proposed development will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida.

(d) No public hearing shall be held by any board on any application for zoning action approval subject to review by the Developmental Impact Committee until the Committee has made its recommendations with regard thereto.

(e) The Committee shall promulgate rules and regulations establishing guidelines, criteria and procedures for the expeditious review of all said zoning actions involving site or plot use plans. In establishing such criteria, the Committee is instructed to encourage originality, increase residential amenities, enhance the appearance of the neighborhood, and, where possible, to preserve the natural features and encourage the best utilization of the land for the benefit, use, and enjoyment of future residents and owners of the property consistent with the overall good of the community.

(>>8<<[[7]]) Issue letters of interpretation as to whether an application would permit a "development of County impact."

(>>9<<[[8]]) Assist the Director in the preparation of a development manual prescribing uniform standards of, and procedures for, development in Miami-Dade County.

(>>10<<[[9]]) Establish, and from time to time amend, rules and regulations relating to the preparation of site plans, and other matters, which will assist the general public in complying with the provisions of

this section, or such other ordinances relating hereto as may be enacted; provided, however, that such rules and regulations, and amendments thereto, shall only become effective when approved by the Board of County Commissioners following public hearing thereon and filed with the Clerk of the County Commission.

(>>11<<[[10]]) Serve, in their individual capacities as Committee members, as liaison to the respective County departments or agencies on all matters herein prescribed.

(>>12<<[[11]]) Render preliminary opinions, following preapplication conferences, if requested, on development impacts of zoning applications as established by rule and regulation.

(>>13<<[[12]]) Assist in the preparation and updating of a capital improvement program for Miami-Dade County.

(>>14<<[[13]]) Encourage in any manner deemed appropriate by the Developmental Impact Committee responsible citizen contributions to its deliberative processes prior to making final recommendations to the Board of County Commissioners.

(>>15<<[[14]]) Perform such other functions as prescribed by the County Manager.

(>>16<<[[15]]) Recommend a reasonable review fee to be established by administrative order. No such administrative order shall be effective until approved at a public hearing before the Miami-Dade County Board of County Commissioners.

(>>17<<[[16]]) Serve as the Land Development Regulation Commission as provided for in Section 163.3164, Florida Statutes, and develop, recommend and review land development regulations, or amendments thereto, and make recommendations to the Board of County Commissioners as to the consistency of the proposal with the Comprehensive Development Master Plan.

(>>18<<[[17]]) Review and make recommendations to the Board of County Commissioners concerning all development agreements as defined in Section 33G-8 as required by Section 33G-8((a) and (b)) of the Code of Miami-Dade County

**Sec. 33-304. Applications**

(a) All requests for a district boundary change, changes in the zoning regulations, appeals of administrative decisions, special exceptions or unusual uses, new uses, ~~[[and]]~~ variances, >>approvals of or modifications to developments of regional impact ("DRI"), including substantial deviation determinations, and determinations that a DRI is essentially built out,<< shall be made by filing an application therefor with the Director on application forms prescribed by the Director or by rule and regulation of the Developmental Impact Committee.

\* \* \*

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

\* \* \*

(d) Mailed notice shall be accomplished by placing in the United States Mail a written notice to all property owners of record, as reflected on the >>Miami-<<Dade County Property Appraiser's tax roll as undated, within the following radius of the property described in the application, or such greater distance as the Director may prescribe:

(1) ~~[[For]]~~>>Approvals of or modifications to<< Developments of Regional Impact >>("DRI"), including substantial deviation determinations<<, one (1) mile;

\* \* \*

**Sec. 33-311 Community Zoning Appeals Boards—Authority and Duties**

\* \* \*

(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director and the Zoning Official, or Developmental Impact Committee. Provided, however, no such action shall be taken until written notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

\* \* \*

(9) Hear and make recommendations to the Board of County Commissioners on applications for developments of regional impact and related requests including requests for modifications thereof and substantial deviation determinations pursuant to Section 380.06 (19), Fla. Stat., as amended as provided by Section 33-314.

**Sec. 33-313 Appeals to Board of County Commissioners**



Any appealable decision of the Community Zoning Appeals Board may be appealed by an applicant, governing body of any municipality, if affected, or any aggrieved party, including neighborhood, community and civic associations, whose name appears in the record of the appropriate Community Zoning Appeals Board by filing with the Department a petition in a form prescribed by the Director and a written statement specifying in brief, concise language the grounds and reasons for reversal of the ruling made by the Community Zoning Appeals Board, together with a fee for the processing of the appeal, as provided by Administrative Order No. 4-40, as amended from time to time, within the fourteen (14) days provided by Section-312 hereof, whereupon, the Director shall transmit to the County Commission the appeal papers, and the decision and record of the Community Zoning Appeals Board. If the ground for reversal is a failure to provide notice as required by Section 33-310, the name of the appellant need not appear in the record. If the decision of the Community Zoning Appeals Board is for approval and has not been appealed within the fourteen-day period, the Director may appeal such decision within four (4) additional days in the manner aforesaid, except that a fee will not be required. Upon the taking of an appeal, the County Commission shall conduct a de novo hearing and shall consider why the decision of the Community Zoning Appeals Board should or should not be sustained or modified. By resolution, the Board shall either affirm, modify or reverse the Community Zoning Appeals Board's decision and such action of the County Commission shall be by a majority vote of all members present except that a two-thirds (2/3) vote of all members then in office shall be required to reverse any Community Zoning Appeals Board decision denying a request for zoning action, to approve any Development of Regional Impact >>or modifications thereof, substantial deviation determination<<or related request pursuant to Section 33-314 where a Community Zoning Appeals Board recommendation is for denial.>>No appeal shall be heard or considered until notice has been provided in accordance with the provision of Section 33-310(c), (d), (e) and (f).<<

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

(A) >>The County Commission shall have jurisdiction to directly hear the following applications:<<

>>(1)<< ~~[[The County Commission shall directly hear a]]>>A<<pplications for development approval of~~

00-31

Developments of Regional Impact >> (“DRI”).<< ~~[[or]]~~  
>>modification thereof or substantial deviation determination<< or modification thereof after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the entire Development of Regional Impact. Where an application >>substantial deviation determination or<<for development approval of a ~~[[Development of Regional Impact]]~~ >>DRI, modification thereof or substantial deviation determination<< also contains a request for any >>other<<action under this chapter requiring a public hearing or where there is pending on any property an application of or development approval for a ~~[[Development or Regional Impact]]~~ and an application for any other action under this chapter requiring a public hearing (related requests)>>, except applications for essentially built out determinations,<< all such applications shall be heard in their entirety by the Board of County Commissioners after hearing and recommendation of the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the application or applications. Where practicable, all such items shall be acted upon at the same public hearing.

>>(2) Any application encompassing property located in more than one Community Zoning Appeals Board as set forth in Section 33-309.<<

Hearings pursuant to this subsection shall be noticed in the same manner as applications filed before the Community Zoning Appeals Boards. The procedural requirements of Section 33-311(F) and 33-311(G) shall apply to hearings held pursuant to this section.

\* \* \*

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

(1) Upon application for, hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Development Impact Committee Executive Council or its Chairman in the discharge of its duties as defined in Sections 2-114.1, 2-114.2, 2-114.3, 2-114.4 and Chapters

28, >>33-303.1(D)(3)<< 33E, [Section] 33G-6, 33H, 33I and 33J and 33K of the Code. The Board of County Commissioners shall also hear and decide appeals or other matters as provided by Sections 2-114.2, 2-114.3, and 2-114.4 of the Code.

\* \* \*

(E) If an application is before the Board of County Commissioners pursuant to this article, be it by way of appeal, recommendation or otherwise, the Board shall have authority to consider and take final action upon any and all matters and requests contained in the application, any other provisions in this article notwithstanding. In making any final decisions, the Commission shall be guided by the standards and guides applicable to the Community Zoning Appeals Boards or as otherwise specified in this chapter. It shall consider all relevant and material evidence properly offered to show the impact of the development upon Miami-Dade County. >>The procedural requirements of Section 33-311(F) and 33-311(G) shall apply to hearings held pursuant to this section.<<

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: FEB 24 2000

Approved by County Attorney as  
to form and legal sufficiency:

RA6

Prepared by:

JM



MEMORANDUM  
OFFICE OF THE MANAGER

Agenda Item No. 4(Q)  
(Public Hearing 2-8-00)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: January 13, 2000

FROM:   
M.R. Steinheim  
County Manager

SUBJECT: Proposed Ordinance Amending  
Section 2-11.1(s)  
Of the Code of Miami-Dade County

00-19

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending Section 2-11.1 (s)(6)(Lobbyist Disclosure) of the Code of Miami-Dade County. The proposed ordinance will change the current lobbyist disclosure form and require lobbyists to disclose expenditures by principal, matter and category. The proposed ordinance imposes a fifty-dollar per day fine on lobbyists who fail to file the required disclosure form by July First of each year and provides for appeals to the Commission on Ethics and Public Trust.

BACKGROUND

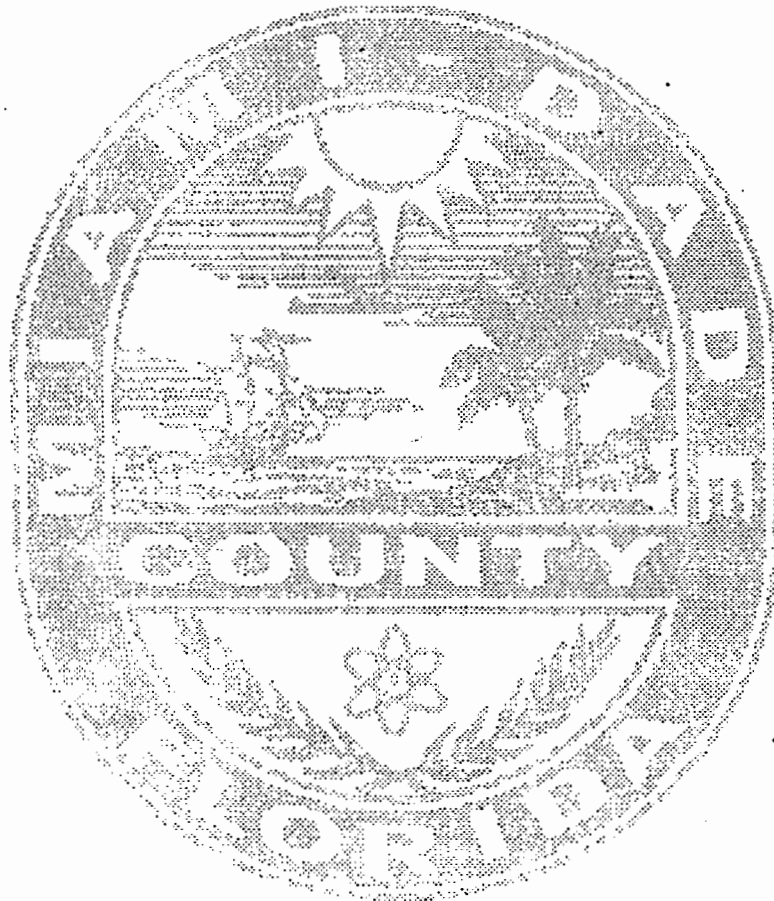
In November of 1998, the Office of Inspector General conducted a review of the lobbyist reporting and disclosure process. During the review, the Office of Inspector General reviewed lobbyist registration forms and lobbyist disclosure forms filed with the Clerk of the Board of County Commissioners.

The Inspector General discovered that of the ninety-seven lobbyists registered on various issues during the third quarter of 1998, forty-eight failed to file the disclosure forms that were due on July 1, 1998. Moreover, the expenditure forms that were filed were inconsistently prepared. Some reports listed expenditures in detail while other reports only listed total amount of expenditures during the prior year.

Based on the results of his review, the Inspector General recommended changes to the lobbyist disclosure process to provide for greater compliance and accountability. Among the Inspector General's recommendations was a requirement that lobbyists file detailed expenditure forms listing expenditures in each category and naming the principal on whose behalf the expenditure was made. On December 15, 1998, the report was forwarded to the Board of County Commissioners after presentation to the Ethics Commission.

On December 15, 1998, the Mayor issued a memorandum directing the County Manager to review the findings and recommendations of the Inspector General's report. Subsequently, the Inspector General, the Clerk of the Court, the Mayor's staff and the County Manager's Staff met to discuss legislative action to address the problems detected by the Office of Inspector General during the review. Following those meetings, in May of 1999, a commission workshop was held to discuss the issue of lobbying reform and ways to increase accountability and compliance with the lobbyist disclosure ordinance. In June of 1999, the Inspector General also met with lobbyists to review existing disclosure requirements and to discuss the proposed reforms.

The proposed ordinance is a result of the collaborative effort between all of the affected parties to provide greater compliance, consistency and accountability in the lobbyist registration and disclosure process. The ordinance requires lobbyists to file an authorization form from the principal prior to conducting any lobbying, requires lobbyists to disclose expenditures by specific categories and principals and provides for the automatic imposition of a fifty (\$50) dollar per day late fee for lobbyists who fail to file the disclosure form on a timely basis. The Commission on Ethics and Public Trust will be responsible for enforcement and handle appeals of fines.




# MEMORANDUM

107.07-17A METRO-DADE-GSA MAT MGT

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: February 8, 2000

FROM:   
M. B. Stephen  
County Manager

SUBJECT: Fiscal Impact of Proposed  
Ordinance Amending  
Section 2-11.1(s) of the  
Code of Miami-Dade  
County

00-19

This ordinance change, amending Section 2-11.1(s)(6) -- Lobbyist Disclosure will change the current lobbyist disclosure form and require lobbyists to disclose expenditures by principal, matter and category. The proposed ordinance imposes a fifty-dollar per day fine on lobbyists who fail to file the required disclosure form by July 1<sup>st</sup> of each year and provides for appeals to the Commission on Ethics and Public Trust.

At this time, it is impossible to estimate how many of the registered lobbyists will not comply with this ordinance and therefore, the impact of this ordinance on the Inspector General is difficult to estimate. Additionally, the investigative resources available to the Inspector General are limited by their approved budget. It is also unclear as to the amount of fines that will be collected as a result of the fifty-dollar per day penalty.

fis/03300



# MEMORANDUM

Hon. Chairperson and Members  
Board of County Commissioners

DATE: February 8, 2000

SUBJECT: Agenda Item No. 4(Q)

FROM: Robert A. Ginsburg  
County Attorney

00-19

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 (Q)  
2-8-00

ORDINANCE NO. 00-19

ORDINANCE AMENDING CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE RELATING TO LOBBYING; AMENDING SECTION 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING LOBBYISTS TO FILE FORM DISCLOSING TYPES OF EXPENDITURES AND PRINCIPALS TO FILE AUTHORIZATION FORM; PROVIDING FOR FINE IF LOBBYIST FAILS TO FILE DISCLOSURE FORM BY SPECIFIED TIME; PROVIDING FOR CLERK OF BOARD OF COUNTY COMMISSIONERS TO NOTIFY LOBBYISTS WHO FAIL TO FILE DISCLOSURE FORM; PROVIDING FOR APPEAL TO COMMISSION ON ETHICS AND PUBLIC TRUST; AUTHORIZING ETHICS COMMISSION TO ADOPT RULES OF APPELLATE PROCEDURE; 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(s) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Section 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

\* \* \*

(s) *Lobbying*

\* \* \*

(2) All lobbyists shall, before engaging in any lobbying activities, register with the Clerk of the Board 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.

County Commissioners. Every person required to so register shall>><<

- (a) Register on forms prepared by the Clerk;
- (b) Pay a registration fee of one hundred twenty-five dollars (\$125.00); ~~[[and]]~~
- (c) State under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership or trust. Separate registration shall be required for each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description (where applicable) of a pending request for proposal, invitation to bid, public hearing number, etc. The Clerk of the Board of County Commissioners shall reject any registration statement which does not provide a description of the specific issue on which such lobbyist has been employed to lobby. Registration of all lobbyists shall be required prior to October 1 of every even-numbered year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for biennial registration shall be five hundred dollars (\$500.00). Initially, all lobbyists shall register on or before June 1, 1991. In addition, every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees

required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal. The Board of County Commissioners, may, in its discretion, waive the registration fee upon a finding of financial hardship[[-:]]>>; and<<

>>(d) Prior to conducting any lobbying, all lobbyists must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal.<<

\* \* \*

(6) >>(a)<<Commencing July 1, 1986 and on July 1 of each year thereafter, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath >>, as provided herein,<< listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. A statement shall be filed even if there has been no expenditures during the reporting period. >>The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.<<

>>(b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(8), a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. Where a fine

of fifty dollars (\$50) per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (u).<<

>>(c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist to file a report and/or pay the assessed fines after notification.<<

>>(d) A lobbyist may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.<<

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

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 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 0 8 2000

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

GKS

<b>LOBBYIST AUTHORIZATION FORM</b>	
<b>PRINCIPAL'S NAME</b>	
<b>PRINCIPAL'S CONTACT PERSON</b>	
<b>PRINCIPAL'S TRADE NAME</b>	
<b>MAILING ADDRESS</b>	
<b>TELEPHONE NUMBER</b>	
<b>NAME OF LOBBYIST(S)</b>	
<b>LOBBYIST'S ADDRESS</b>	
<b>TELEPHONE NUMBER</b>	
<b>DATE EMPLOYED</b>	
If lobbyist is employed for a specific issue, please check here <input type="checkbox"/>	
<b>SPECIFIC ISSUE</b>	
I swear under penalty of perjury that the information on this form is true and accurate.	
<b>PRINCIPAL'S SIGNATURE:</b>	<b>DATE:</b>
Pursuant to 2-11.1(s)(8), misrepresentation on this form may subject a person to reprimand, censure, suspension or prohibition from lobbying before the County Commission or any committee, board or county personnel for a period not to exceed two years.	