

MEMORANDUM

Alternate
Agenda Item No. 4(G)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 18, 2001

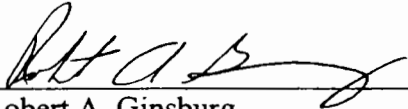
FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Adult entertainment
ordinance

01-227

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

The alternate differs from the original ordinance in that it increases the spacing requirement that an adult use may locate from residential districts from 660 feet to 750 feet, increases the spacing between adult uses from 1000 feet to 1200 feet, deletes river, canal, or lake as an exemption to the spacing requirements, and increases from 5 lanes to 6 lanes the exemption to the spacing requirements for a county or state road.



Robert A. Ginsburg
County Attorney

RAG/bw




MEMORANDUM

107.07-17A

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 18, 2001

SUBJECT: Ordinance Pertaining to
Zoning and Adult
Entertainment Uses

FROM: 
Steve Shives
County Manager

01-227

The proposed ordinance repealing, amending, and creating ordinances relating to zoning and adult entertainment uses will have no fiscal impact on Miami-Dade County.

Fiscal/02602



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: December 18, 2001
Alternate

SUBJECT: Agenda Item No. 4(G)

FROM:

Robert A. Ginsburg
County Attorney

01-227

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 _____

Alternate
Agenda Item No. 4(G)
12-18-01

ORDINANCE NO. 01-227

ORDINANCE REPEALING MIAMI-DADE COUNTY ORDINANCE 91-112, ORDINANCE 92-122, ORDINANCE 96-12 AND ORDINANCE 99-32, PERTAINING TO ZONING AND ADULT ENTERTAINMENT USES; REPEALING AND CREATING NEW SECTION 33-255.1, CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO ZONING, AND PERMITTING ADULT ENTERTAINMENT USES IN BU-3 ZONING DISTRICTS; AMENDING SECTION 33-259, PERMITTING ADULT ENTERTAINMENT USES IN IU-1 ZONING DISTRICTS; AMENDING SECTION 33-262, PERTAINING TO IU-2 ZONING DISTRICTS; AMENDING SECTION 33-264 PERTAINING TO IU-3 ZONING DISTRICTS; AMENDING SECTION 33-268 PERTAINING TO IU-C ZONING DISTRICTS; AMENDING SECTION 33-314, PROVIDING DIRECT BOARD OF COUNTY COMMISSION JURISDICTION TO HEAR CERTAIN APPLICATIONS FOR VARIANCES AS REQUIRED BY STATE LAW; PROVIDING DEFINITIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, on October 1, 1991, the Miami-Dade County Board of County Commissioners (the "Board") enacted Ordinance 91-112, related to adult entertainment establishments in unincorporated areas of Miami-Dade County (the "County"). Ordinance 91-112, created and codified in § 33-255.1 of the Code of Miami-Dade County, Florida (the "Code"), pertained to new adult bookstores, adult theaters, adult nightclubs, adult video stores, and massage establishments. Ordinance 91-112 was the first County ordinance to regulate adult entertainment facilities, and restricted such uses:

(i) to BU-3 (liberal business district) zones; (ii) within 1,000 feet of a private or public school, church; or another adult use; and (iii) within 500 feet of residentially zoned districts. All legally existing adult uses which did not comply with Ordinance 91-112, became legally existing nonconforming uses; and

WHEREAS, on October 13, 1992, the Board enacted Ordinance 92-122, which amended § 33.255.1 of the Code, and changed all references to the term "Adult 'Night' Club" to "Adult 'Entertainment' Club"; and

WHEREAS, on January 16, 1996, the Board enacted Ordinance 96-12 and Ordinance 96-13 relating to adult entertainment; and

WHEREAS, Ordinance 96-13 prohibited sexual activity at adult bookstores and adult video stores to stem the spread of acquired immune deficiency syndrome ("AIDS"), human immunodeficiency virus ("HIV"), and other sexually transmitted diseases, and imposed criminal and civil sanctions for violations; and

WHEREAS, Ordinance 96-12, also codified in § 33-255.1 of the Code, complemented and promoted the purpose of Ordinance 96-13 by limiting the unincorporated areas within the County where adult bookstores, , adult theaters, adult night clubs, adult video stores, massage establishments that do not employ State of Florida licensed massage therapists, modeling establishments, and encounter studios may operate.¹ Ordinance 96-12 was intended to eliminate the deleterious effects that may

¹ The following entities were exempt from § 33-255.1 of the Code: (i) accredited universities, colleges, or other educational institutions, (ii) museums, and art exhibits; (iii) arts and cultural performance theaters, and playhouses; and (iv) commercial professional photography and portrait studios.

occur at adjacent residential areas and specified locations frequented by children, by shielding and buffering areas such as schools, churches, libraries, day care centers, and parks, from the concomitant harmful or serious consequences of adult businesses; and

WHEREAS, Ordinance 96-12 required adult establishments: (i) to be at least 1,000 feet away from private and public schools, churches, public parks, public libraries, day care centers; or another adult businesses; and (ii) prohibited the establishment from locating within 660 feet of any RU or EU residential zoning districts. These distance requirements were exempted if the adult business is separated from these locations by a county or state road consisting of at least five lanes, an expressway, or a river or lake. A legally operated adult establishment that became non-conforming by the amendment to § 33-255.1 of the Code was to be removed or discontinued by January 26, 1999. The amortization period allowed such existing adult businesses to comply, by either relocating to a BU-3 or any IU (industrial) zoning district, or applying for a variance with the Department of Planning and Zoning or a special exception with the Community Zoning Appeals Board; and

WHEREAS, on April 13, 1999, the Board enacted Ordinance 99-32, codified in § 33-255.1 of the Code, which *inter alia*, removed the public hearing requirement for nonconforming adult entertainment uses to relocate to either a BU-3 or IU zone, and extended the amortization period for such legal adult uses to either relocate or discontinue until January 26, 2001; and

WHEREAS, on January 26, 2001, the United States District Court for the Southern District of Florida held that § 33-255.1 of the Code of Miami-Dade County,

Florida violated the First and Fourteenth Amendments to the United States Constitution, and permanently enjoined the County from enforcing the provisions of § 33-255.1 of the Code; and

WHEREAS, the Board wants to protect the health, safety, and general welfare of the public, and enact legislation to eliminate the adverse and deleterious secondary effects associated with adult entertainment uses which may occur at adjacent business and residential areas or specified locations frequented by minors, by imposing distance and spacing requirements upon such adult entertainment uses; and

WHEREAS, all maps, studies, empirical data, and demographic information presented to the Board at the public hearings for the enactment of Ordinance 91-112, Ordinance 92-122, Ordinance 96-12, Ordinance 96-13, and Ordinance 99-32, and the Adult Entertainment Workshop held on April 12, 2001, are incorporated by reference,

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

Section 1. Section 33-255.1 of the Code of Miami-Dade County, Florida is hereby repealed and reenacted as follows:²

Sec. 33-255.1. Additional uses permitted.

[[~~(a) In the development and enforcement of this ordinance it is recognized that there are uses which because of their very nature are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon the adjacent business and residential areas. It is desirable, therefore, to locate these adult oriented activities away from residential areas and~~

² 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.

01-227

~~public facilities used frequently by minors such as schools, churches, parks, libraries, and day care centers.~~

(b) ~~For the purpose of this section the following definitions for terms used herein shall apply:~~

(1) ~~*Adult bookstore.* Any business engaged in displaying, distributing, bartering, renting or selling printed matter, pictures, films, graphic or other materials which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, unless such activity comprises no more than fifteen (15) percent of the total floor area and is kept from clear view of minors.~~

(2) ~~*Adult theater.* Any business engaged in presenting films, theatrical productions, performances, recitals, displays, printed matter or other entertainment which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes.~~

(3) ~~*Adult entertainment club.* Any business which features live entertainment requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.~~

(4) ~~*Adult video store.* Any business engaged in displaying, renting or selling videotapes which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, unless such activity comprises no more than fifteen (15) percent of the total floor area and is kept from clear view of minors.~~

(5) ~~*Massage establishment.*~~

a. ~~Any shop, parlor, establishment or place of business wherein all or any one (1) or more of the following named subjects and methods of treatments are administered or practiced: Body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage or tapotement.~~

b. ~~Nothing in this ordinance shall be construed as applying to State of Florida licensed massage therapists, barbers,~~

~~cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.~~

- e. ~~Provided, however, that, for the purpose of this ordinance, the term "massage establishment" shall not include any massage establishment wherein at least one (1) State of Florida licensed massage therapist is employed and on duty full time during the hours open for business.~~
- (6) ~~Adult modelling establishments. Any establishment offering nude or partially nude modelling sessions or lingerie, swimwear or photography modelling sessions between two (2) or more persons requiring the exclusion of minor pursuant to Chapter 847, Florida Statutes.~~
- (7) ~~Encounter studio. All establishments offering nude or partially nude encounter sessions between two (2) or more persons, nude or partially nude dance encounter sessions between two (2) or more persons, and sexual consultation requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.~~
- (e) The following uses shall only be permitted in the BU-3 Zone:
- (1) Adult bookstore;
 - (2) Adult theater;
 - (3) Adult entertainment club;
 - (4) Adult video store;
 - (5) Massage establishment;
 - (6) Adult modelling establishment;

(7) Encounter studio.

(d) ~~Unless approved as a special exception, none of the uses set forth in Subsection 33-255.1(c) shall be permitted (i) within one thousand (1,000) feet of a private school as defined in Section 33-151.11, public school, church, public park, public library, day care center or nursery for children; (ii) within one thousand (1,000) feet of any of the uses described in Subsection 33-255.1(c); and (iii) within six hundred sixty (660) feet of any RU or EU zoning district; provided, however, that the spacing requirements above shall not apply where the adult entertainment use is separated from the uses set forth at Subsections 33-255.1(d)(i) and Subsection 33-255.1(d)(iii) above by a county or state road of not less than five (5) lanes, an expressway, a river or lake. All other distance and spacing requirements pursuant to the Code shall apply.~~

(e) ~~The distance and spacing requirements set forth in Subsection (d) shall be measured as follows:~~

(1) ~~From a church the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the church property.~~

(2) ~~From a private or public school the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the school grounds.~~

(3) ~~From another Subsection 33-255.1(b) use the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the existing Subsection 33-255.1(b) use.~~

(4) ~~From a RU and EU districts the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest boundary of the RU or EU zoning district.~~

(5) ~~From a public park the distance shall be measured by following a straight line from the nearest point of the~~

~~proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on park grounds.~~

- ~~(6) From a public library the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point of the library property.~~
- ~~(7) From day care centers or nurseries for children the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the property of the day care center or the nursery.~~
- ~~(f) For the purposes of establishing the distance between the uses set forth in Subsection 33-255.1(b), and between such uses and private schools as defined in Section 33-151.11, public schools, churches, public parks, public libraries, day care centers or nurseries for children, or RU and EU zoning districts, the applicant for such use shall furnish a certified survey from a registered surveyor. Such sketch shall indicate the distance between the proposed place of business, and any existing Subsection 33-255.1(b) use, any church, public school, private school, public park, public library, day care center or nursery for children or RU or EU zoning district. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement, sealed by the Director of the Department of Planning and Zoning shall govern.~~
- ~~(g) *Exemptions.* This section shall not apply to accredited universities, accredited colleges or other accredited educational institutions, museums, art exhibits, arts and cultural performance theaters and playhouses or commercial professional photography and portrait studios which may use nude subjects for their photographs or portraits.~~
- ~~(h) *Nonconforming uses.*~~
 - ~~(1) Any adult entertainment use existing as of January 26, 1996, which conformed to the regulations in effect when such use was established, that becomes nonconforming by the enactment of Ordinance No. 96-12, shall be removed or discontinued not later than January 26, 2001; provided, however, that any such nonconforming use which satisfies~~

~~the spacing requirements set forth at Section 33-255.1(d) shall not be required to discontinue. On or before January 26, 2001, any such nonconforming use which is not in compliance with Section 33-255.1(d) may be transferred to a site which satisfies the requirements of Section 33-255.1(d) in a BU-3 or IU zoning district. Subsequent to January 26, 2001, any new adult entertainment use which desires to locate at a site which satisfies the requirements of Section 33-255.1(d) in an IU zoning district will require a public hearing.~~

- ~~(2) Any existing business, which was not operating in good legal standing prior to this ordinance and which has been determined to be a nuisance by the Nuisance Abatement Board, or convicted for criminal violations within the preceding three (3) years, shall remove or discontinue the nonconforming use ten (10) days after the effective date of this ordinance.~~
- ~~(3) Any lawfully existing business which becomes nonconforming by the enactment of this ordinance may file an appropriate zoning hearing application with the Department of Planning and Zoning.]]~~

>>(a) In the development and enforcement of this ordinance it is recognized that there are uses which because of their very nature are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon the adjacent business and residential areas. It is desirable, therefore, to locate these adult oriented activities away from residential areas and public facilities that are used frequently by minors such as schools, churches, parks, libraries, day care centers or nurseries.

(b) For the purpose of this section the following definitions for terms used herein shall apply:

- (1) Adult bookstore. Any business engaged in displaying, distributing, bartering, renting or selling printed matter, pictures, films, graphic or other materials which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, unless such activity comprises no more than fifteen (15) percent of the total floor area and is kept from clear view of minors.

- (2) Adult theater. Any business engaged in presenting films, theatrical productions, performances, recitals, displays, printed matter or other entertainment which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes.
- (3) Adult entertainment club. Any business which features live entertainment requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.
- (4) Adult video store. Any business engaged in displaying, renting or selling videotapes which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, unless such activity comprises no more than fifteen (15) percent of the total floor area and is kept from clear view of minors.
- (5) Massage establishment.
- a. Any shop, parlor, establishment or place of business wherein all or any one (1) or more of the following named subjects and methods of treatments are administered or practiced: Body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage or tapotement.
- b. Nothing in this ordinance shall be construed as applying to State of Florida licensed massage therapists, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.
- c. Provided, however, that, for the purpose of this ordinance, the term "massage establishment" shall not include any massage establishment wherein at least one (1) State of Florida licensed massage therapist is

employed and on duty full time during the hours open for business.

- (6) Adult modelling establishments. Any establishment offering nude or partially nude modelling sessions or lingerie, swimwear or photography modelling sessions between two (2) or more persons requiring the exclusion of minor pursuant to Chapter 847, Florida Statutes.
- (7) Encounter studio. All establishments offering nude or partially nude encounter sessions between two (2) or more persons, nude or partially nude dance encounter sessions between two (2) or more persons, and sexual consultation requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.
- (c) The following additional uses shall be permitted in the BU-3 zone:
- (1) Adult bookstore;
 - (2) Adult theater;
 - (3) Adult entertainment club;
 - (4) Adult video store;
 - (5) Massage establishment;
 - (6) Adult modelling establishment;
 - (7) Encounter studio.
- (d) Unless approved as a special exception, none of the uses set forth in Subsection 33-255.1(c) shall be permitted (i) within one thousand (1,000) feet of a private school as defined in Section 33-151.11, public school, church, public park, public library, day care center or nursery for children; (ii) within one thousand two hundred (1,200) feet of any of the uses described in Subsection 33-255.1(c); and (iii) within seven hundred fifty (750) feet of any residential zoning (with the exception of AU) district located within either the unincorporated areas of Miami-Dade County or within a municipality; provided, however, that the spacing requirements above shall not apply where the adult entertainment use is separated from the uses set forth at Subsection 33-

255.1(d)(i) and Subsection 33-255.1(d)(iii) above by a county or state road of not less than six (6) lanes, or an expressway. All other distance and spacing requirements pursuant to the Code shall apply, as well as those spacing requirements imposed by State Statute, if such State spacing requirements are more restrictive than the regulations contained herein. Any application seeking a variance from State imposed spacing requirements shall be heard directly by the Board of County Commissioners pursuant to Section 33-314(C)(8).

(e) The distance and spacing requirements set forth in Subsection (d) shall be measured as follows:

- (1) From a church, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the church property.
- (2) From a private or public school, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the school grounds.
- (3) From another Subsection 33-255.1(b) use, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the existing Subsection 33-255.1(b) use.
- (4) From residential zoning districts, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest boundary of the residential zoning district.
- (5) From a public park, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on park grounds.

- (6) From a public library, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point of the library property.
- (7) From day care centers or nurseries for children, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the property of the day care center or the nursery.
- (f) For the purposes of establishing the distance between the uses set forth in Subsection 33-255.1(b), and between such uses and private schools as defined in Section 33-151.11, public schools, churches, public parks, public libraries, day care centers or nurseries for children, or residential zoning districts, the applicant for such use shall furnish a certified survey from a registered surveyor. Such sketch shall indicate the distance between the proposed place of business, and any existing Subsection 33-255.1(b) use, any church, public school, private school, public park, public library, day care center or nursery for children or residential zoning district. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement, scaled by the Director of the Department of Planning and Zoning shall govern.
- (g) Exemptions to spacing requirements. This section shall not apply to accredited universities, accredited colleges or other accredited educational institutions, museums, art exhibits, arts and cultural performance theaters and playhouses or commercial professional photography and portrait studios which may use nude subjects for their photographs or portraits.
- (h) Legally existing nonconforming uses. The following uses shall be deemed legally existing, whether or not such uses comply with the regulations enacted by this ordinance, provided however, that nothing contained herein shall exempt such uses from complying with Section 33-35 of the Code Miami-Dade County.
- (1) Any adult entertainment use for which a building permit has been issued to establish such use prior to January 1, 2002, provided the work authorized by the building permit is completed and a Certificate of Use and Occupancy ("CO") is issued within the time prescribed by applicable regulations; or

- (2) Any adult entertainment use for which a CO has been issued prior to January 1, 2002, provided such CO is valid (not expired or revoked) as of January 1, 2002.<<

Section 2. Section 33-259 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-259. Uses permitted.

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

- (1) Residential uses as a watchman's or caretaker's quarters in connection with an existing industrial use located on the premises concerned.

>>(2) Adult entertainment uses as defined in Section 33-255.1, subject to all the restrictions and spacing requirements contained in said Section 33-255.1.<<

>>(3)<< [[(2)]] Aircraft hangars and repair shops, aircraft assembling and manufacturing.*

>>(4)<< [[(3)]] Animal hospitals within soundproof, air-conditioned buildings.

>>(5)<< [[(4)]] Armories, arsenals.

>>(6)<< [[(5)]] Auditoriums.

>>(7)<< [[(6)]] Auto painting, top and body work.*

>>(8)<< [[(6-1)]] Automobile and truck sales and automobile and truck rentals including new and/or used vehicles and wholesale distribution, and as an ancillary use automobile repairs, provided that no more than fifteen (15) percent of the total gross building area

is devoted to repair/service bays, subject to the following conditions:

* * *

- >>(9)<< [(7)] Automotive repairs.*
- >>(10)<< [(7.1)] Automobile rentals.
- >>(11)<< [(8)] Bakeries--wholesale only with incidental retail uses.
- >>(12)<< [(9)] Banks.
- >>(13)<< [(10)] Blacksmith, gas steam fitting shops.
- >>(14)<< [(11)] Boat or yacht repairing or overhauling, or boat building.*
- >>(15)<< [(12)] Boat slips used for the tying up of boats for the purpose of overhauling or repairing.
- >>(16)<< [(13)] Bottling plants.
- >>(17)<< [(14)] Brewery.
- >>(18)<< [(15)] Cabinet shops.*
- >>(19)<< [(16)] Canning factories.*
- >>(20)<< [(17)] Carpet cleaning.
- >>(21)<< [(18)] Caterers.
- >>(22)<< [(19)] Clubs, private.
- >>(23)<< [(20)] Cold storage warehouses and precooling plants.
- >>(24)<< [(21)] Commercial chicken hatcheries.*
- >>(25)<< [(22)] Concrete, clay or ceramic products, hand manufacture or involving only small mixer where all such manufacturing and equipment is within an

approved building and storage and drying areas are enclosed as provided in this chapter.

- >>(26)<< [[(23)]] Contractors' offices and yards.
- <<(27)<< [[(23.1)]] Day nursery, kindergarten and after school care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA.
- <<(28)<< [[(24)]] Dredging base or place where dredging supplies are kept and where dredges or boats or machinery are stored, repaired or rebuilt.*
- <<(29)<< [[(25)]] Dry cleaning and dyeing plants.
- >>(30)<< [[(26)]] Engine sales and service, gas, oil, steam, etc.
- >>(31)<< [[(27)]] Fertilizer storage.†
- >>(32)<< [[(28)]] Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables (where more than five (5) persons are employed on premises).
- >>(33)<< [[(29)]] Fruit packing and fruit preserving.*
- >>(34)<< [[(30)]] Furniture manufacturing.*
- >>(35)<< [[(31)]] Furniture refinishing.
- >>(36)<< [[(32)]] Garages--storage mechanical, including trucks, buses, heavy equipment.
- >>(37)<< [[(33)]] Glass installations.
- >>(38)<< [[(34)]] Grinding shops.*
- >>(39a)<< [[(34a)]] Hotel and motel use (freestanding); the use shall comply fully with all provisions, pertaining to the use, of the RU-4A District.

>>(39b)<< [[(34b)]] Hotel and motel use (mixed use, i.e., connected with, and attached to a structure containing another use permitted in the industrial district); subject to the following conditions:

* * *

>>(40)<< [[(35)]] Ice manufacturing.*

>>(41)<< [[(36)]] Insecticide, mixing, packaging and storage.*

>>(42)<< [[(37)]] Laboratories, material testing.

>>(43)<< [[(38)]] Leather goods manufacturing, excluding tanning.

>>(44)<< [[(39)]] Livery stables, for riding clubs, or a stable for sheltering horses, not closer than three hundred (300) feet to an RU or EU District.

>>(45)<< [[(40)]] Locksmiths.

>>(46)<< [[(41)]] Lumberyards.*

>>(47)<< [[(42)]] Machine shops.

>>(48)<< [[(43)]] Marine warehouses.

>>(49)<< [[(44)]] Mattress manufacturing and renovating.

>>(50)<< [[(45)]] Metalizing processes.

>>(51)<< [[(46)]] Milk or ice distributing station from which extensive truck or wagon deliveries are customarily made.

>>(52)<< [[(47)]] Millwork shops.*

>>(53)<< [[(48)]] Motion picture production studios.

>>(54)<< [[(49)]] Novelty works.*

>>(55)<< [[(50)]] Office buildings.

- >>(56)<< [[(51)]] Ornamental metal workshops.*
- >>(57)<< [[(52)]] Oxygen storage and filling of cylinders.
- >>(58)<< [[(53)]] Parking lots--commercial and noncommercial.
- >>(59)<< [[(54)]] Passenger and freight--stations and terminals - boats, trucks, buses, and railroads.
- >>(60)<< [[(54.1)]] Pharmaceutical storage, subject to compliance with the following conditions:
 - * * *
- >>(61)<< [[(55)]] Police and fire stations.
- >>(62)<< [[(56)]] Post offices, which shall include self-service post offices, stations and branches, and mail processing centers.
- >>(63)<< [[(57)]] Power or steam laundries.*
- >>(64)<< [[(58)]] Printing shops.
- >>(65)<< [[(59)]] Radio and television transmitting stations and studios.
- >>(66)<< [[(59.1)]] Religious facilities located inside the Urban Development Boundary. Religious facilities outside the Urban Development Boundary will be permitted only upon approval after public hearing.
- >>(67)<< [[(60)]] Restaurants.
- >>(68)<< [[(61)]] Salesrooms and storage show rooms--wholesale.
- >>(69)<< [[(62)]] (a) Salesrooms and showrooms, subject to the prohibitions and limitations in Subsection (b), incorporated as a part of a permitted industrial use upon compliance with the following conditions:
 - * * *

- >>(70)<< [[(63)]] School--technical trade schools, such as, but not limited to aviation, electronic, mechanics; also physical training schools, such as, but not limited to gymnastics and karate. (All school uses shall be subject to compliance with off-street parking requirements.)
- >>(71)<< [[(64)]] Ship chandlers.
- >>(72)<< [[(65)]] Shipyards and dry docks.
- >>(73)<< [[(66)]] Sign painting shops.
- >>(74)<< [[(67)]] Steel fabrication.*
- >>(75)<< [[(68)]] Storage warehouse for food, fodder, etc.
- >>(76)<< [[(69)]] Taxidermy. Use will be permitted only within a fully enclosed, air-conditioned building.*
- >>(77)<< [[(69-1)]] Telecommunications hubs.

* * *
- >>(78)<< [[(70)]] Telephone exchanges.
- >>(79)<< [[(71)]] Telephone service unit yards.
- >>(80)<< [[(72)]] Textile, hosiery and weaving mills not closer than two hundred (200) feet to an RU or EU District.
- >>(81)<< [[(73)]] Upholstery shops.
- >>(82)<< [[(74)]] Utility work centers--power and telephone, etc.
- >>(83)<< [[(75)]] Vending machine sales and service.
- >>(84)<< [[(76)]] Veterinarians.
- >>(85)<< [[(77)]] Vulcanizing.*
- >>(86)<< [[(78)]] Warehouses for storage or products in the form sold in a BU District.

>>(87)<< [[(78-1)]] Warehouse, membership, subject to the following minimum standards, unless otherwise approved by public hearing as a non-use variance:

* * *

>>(88)<< [[(79)]] Welding shops.

>>(89)<< [[(80)]] Welding supplies.

>>(90)<< [[(81)]] Wood and coal yards.

>>(91)<< [[(82)]] The operation of an equipment and appliance center for the testing, repairing, overhauling and reconditioning of any and all equipment, appliances, and machinery sold by the operator/occupant; provided such may be manufactured at the location of the operation and in connection therewith individual customers bringing equipment to the site for such repairing, overhauling or reconditioning, may purchase parts for such equipment, appliances, or machinery.

* * *

Section 3. Section 33-262 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-262. Uses permitted.

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

- (1) Every use permitted in the IU-1 District>>, except adult entertainment uses as defined in Section 33-255.1 are prohibited in the IU-2 District<<.

* * *

Section 4. Section 33-264 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-264. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an IU-3 District which is designed, arranged or intended to be used or occupied for any purpose, except for any one (1) or more of the uses listed in this section:

- (1) Every use permitted in the IU-1 and IU-2 Districts >> except adult entertainment uses as defined in Section 33-255.1 are prohibited in the IU-3 District <<.

* * *

Section 5. Section 33-268 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-268. Permitted uses.

No land, body of water or structure in an IU-C District shall be used or permitted to be used, and no structure shall be erected, constructed, moved or reconstructed, structurally altered, used, occupied or maintained for any purpose (except as a legal nonconforming building or use), except for one (1) or more of the uses hereinafter enumerated, and then only in accordance with the conditions hereinafter set forth:

- (1) Every use permitted in the IU-1 >> District, except adult entertainment uses as defined in Section 33-255.1 are prohibited in the IU-C District, << and >> every use permitted in the << IU-3 District (uses permitted in the IU-2 District specifically prohibited) and all other industrial uses similar in character shall be permitted in the IU-C District, and shall include utility plants, substations such as, but not limited to, sewage, water, power, communications and gas.

* * *

Section 6. 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.

* * *

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

* * *

>>(8) Any application seeking a variance from adult entertainment establishment spacing requirements imposed by State Statute, as specified in Section 33-255.1.<<

Section 7. 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 8. 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 9. This ordinance shall become effective January 1, 2002 unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

25-

Section 10. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: DEC 20 2001

Approved by County Attorney as
to form and legal sufficiency:

RA 6
dsh

Prepared by:

David Stephen Hope

Sponsored by Commissioner Dorrin D. Rolle



MEMORANDUM

Agenda Item No. 4(N)

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

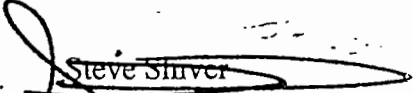
TO: Honorable Chairperson and Members
Board of County Commissioners

DATE:

(Public Hearing 9-25-01)
September 11, 2001

SUBJECT:

Ordinance Requiring
Architecturally
Compatible Screening

FROM: 
County Manager

01-157

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the proposed ordinance requiring architecturally compatible screening for certain roof mounted antennas.

BACKGROUND

Pursuant to Resolution No. R-660-01, passed and adopted on June 7, 2001, the Board of County Commissioners directed the Department of Planning and Zoning to review existing standards for the placement of rooftop mounted wireless communication and cellular facilities and antennas to ensure those structures' compatibility with neighboring areas.

Staff of the Department of Planning and Zoning and representatives of wireless supported service providers reviewed and found that the existing regulations should be amended to ensure that screening materials used in connection with rooftop installations are complementary of their supporting structures and therefore compatible with neighboring areas. The attached ordinance requires that installers of rooftop antennas provide screening of those installations within view of adjacent properties of a type that is architecturally compatible and harmonious in color and materials with their supporting structures.

FISCAL IMPACT

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

Attachment



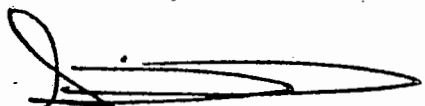
MEMORANDUM

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

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 25, 2001

FROM:


Steve Shiver
County Manager

SUBJECT:

Ordinance Requiring
Architecturally
Compatible Screening

01-157

The proposed ordinance requiring architecturally compatible screening will have no fiscal impact on Miami-Dade County.

Fiscal/15001



MEMORANDUM

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: September 25, 2001

SUBJECT: Agenda Item No. 4(N)

FROM: Robert A. Ginsburg
County Attorney

01-157

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(N)
9-25-01

ORDINANCE NO. 01-157

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-63.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE ARCHITECTURALLY COMPATIBLE SCREENING FOR CERTAIN ROOF MOUNTED ANTENNAS USED AS PART OF A WIRELESS SUPPORTED SERVICE FACILITY; 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 33-63.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-63.2. Wireless supported service facilities.

* * *

(b) Criteria.

* * *

(2) Except for Cylinder Type Antennas, Antennas shall be screened from view or wall mounted and shall not exceed nine (9) Sectors.

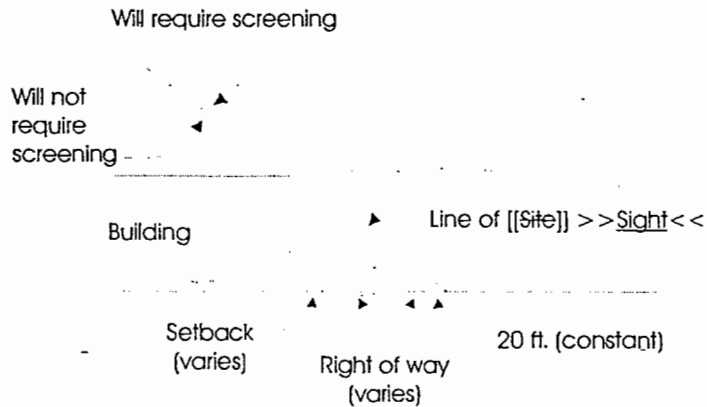
* * *

iii) Where wall mounted:

1. Requests to install roof mounted Antennas shall

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

be accompanied by a line of sight analysis for each building elevation. The line of sight analysis shall be as provided for in the sketch >>shown<< below >>as Figure 33-63.2(b)(2)iii<<. The width of the right-of-way shall be equal to the width of the right-of-way fronting the particular elevation.



>>Figure 33-63.2(b)(2)iii<<

Any Antennas or portion thereof above the line of sight will require screening. >>All required screening used in conjunction with such rooftop installations shall be architecturally compatible and harmonious in color and materials with the supporting structures.<<

* * *

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: SEP 25 2001

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

JAC

Joni A. Coffey






MEMORANDUM Agenda Item No. 4(M)

(Public Hearing 9-25-01)

To: Honorable Chairperson and Members
Board of County Commissioners

Date: September 11, 2001

From: 
County Manager

Subject: Downtown Kendall

01-156

RECOMMENDATION

It is recommended--that the attached proposed ordinance amending the existing regulations for the Downtown Kendall Urban Center District be approved. This ordinance will provide additional flexibility for development within the Downtown Kendall Urban Center District by allowing for off-site parking as well as providing the Director of the Department of Planning and Zoning the authority to modify the location or requirement for streets adjacent to a proposed open plaza or square.

BACKGROUND

Review of several pending development proposals within the Downtown Kendall Urban Center District has clearly indicated that some immediate modifications to the existing regulations are necessary to promote development which is consistent with the intent of the original regulations. These proposed modifications address two issues. First, there is clear evidence that development within the area will benefit from the ability to utilize off-site parking. As structural rather than surface parking evolves as the preferred solution to accommodate vehicles, the ability to maximize financial returns will be enhanced by allowing a single garage to serve adjacent developments. A modification is therefore recommended to allow for off-site parking, and in such instances, such parking will be subject to the same conditions as now exist in other business and industrial districts.

Secondly, the existing Downtown Kendall regulations require the provision of additional streets and green space areas. These green spaces are to be public spaces and are defined as either plazas, squares or colonnades. Squares are distinguished as having roadways around the entire perimeter. While the existing regulations provide the Director of Planning and Zoning with some flexibility with regard to the design and location of new streets, the elimination of new streets as shown on the street frontage plan is not addressed. Staff has concluded that in some instances traffic circulation and pedestrian safety can be enhanced with the relocation or deletion of a street(s) adjacent to a plaza or square. The Director's approval of such modification is predicated on several conditions being met, including approval by the Public Works Director, the size of the plaza or square not being reduced, and pedestrian safety being improved.

Honorable Chairperson and Members
Board of County Commissioners
Page 2

Both these modifications will further the intent of the regulation by allowing applicants to proceed through an administrative review and approval process so long as the proposed plans comply with all other provisions of the Code.

FISCAL IMPACT

This modification will not have a fiscal impact on Miami-Dade County.

bcc mgr memo dik



MEMORANDUM

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

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 25, 2001

SUBJECT: Ordinance Regarding
Downtown Kendall

FROM: 
Steve Shiver
County Manager

01-156

The proposed ordinance regarding Downtown Kendall will have no fiscal impact on Miami-Dade County.

Fiscal/14801



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: September 25, 2001

SUBJECT: Agenda Item No. 4 (M)

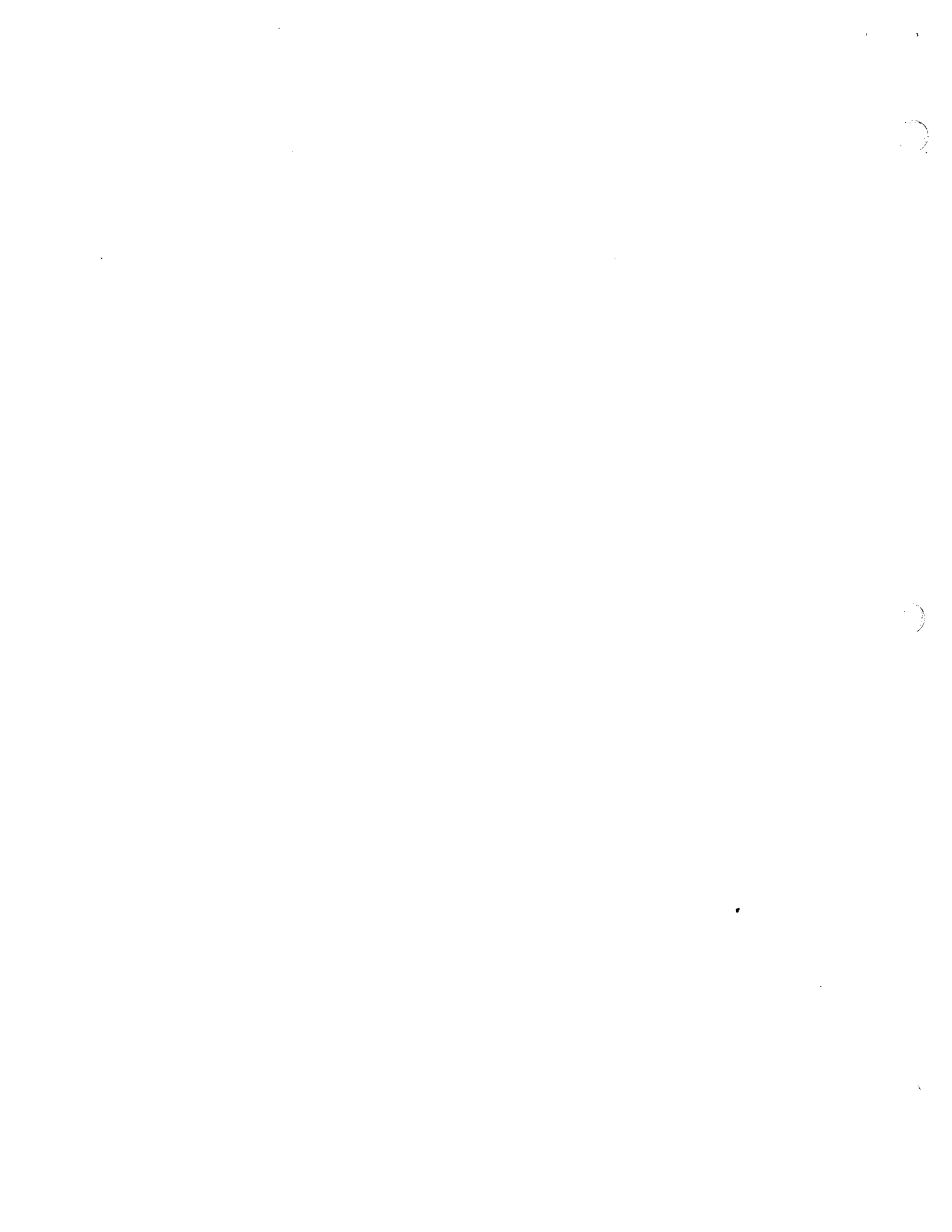
FROM:

Robert A. Ginsburg
County Attorney

01-156

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(M)

9-25-01

01-156

ORDINANCE NO. _____

ORDINANCE PERTAINING TO DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT; ALLOWING OFFSTREET PARKING WITHIN 300 FEET OF USE(S) TO BE SERVED WITHIN THE DISTRICT UPON SATISFACTION OF CERTAIN REQUIREMENTS; ALLOWING THE DIRECTOR OF THE PLANNING AND ZONING DEPARTMENT TO MODIFY OR DELETE CERTAIN STREETS IN THE DISTRICT UPON SATISFACTION OF CERTAIN REQUIREMENTS; AMENDING SECTIONS 33-284.62(C)(4) AND 33-284.62(C)(7) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes described in the accompanying memorandum, a copy of which is incorporated by reference,

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

Section 1. Section 33-284.62(C)(4) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-284.62(C)(4). Streets Alleys, and Paseos. New streets shall be located according to the Street Frontage Plan. These locations are schematic to allow flexibility in the design of the site plan->> and may be modified or deleted by the Director so long as the following requirements are met:

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

5

- 1) The modification or deletion has been approved by the Director of Public Works who shall review the proposed modification or deletion to insure that the street modification or deletion does not create a traffic hazard.
- 2) The street in question abuts a plaza or a square.
- 3) The size of the plaza or square, as depicted on the designated open space plan, is not diminished in size.
- 4) The street modification or deletion will enhance pedestrian safety.
- 5) The street modification or deletion is compatible with the surrounding area.<<

The design of new streets and modifications to existing streets shall follow the requirements below.

* * *

Section 2. Section 33-284.62(C)(7) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-284.62(C)(7). Parking.

(a) Parking shall be provided as per Section 33-124 of this Code, except as follows:

* * *

- (4) >> Off-street parking areas shall be located on the same lot, parcel or premises as the use to be served; or may be on a lot or parcel of land that is in the Downtown Kendall Urban Center District and is within three hundred feet (300') from the site of such use(s) to be served; provided such use(s) shall immediately



terminate in the event such parking area therefor is not available and all those having any right, title or interest in and to such property site shall execute and place on the public records of this County a covenant approved by the Director that such use(s) shall cease and terminate upon the elimination of such parking area, and that no use shall be made of such property until the required parking area is available and provided. <<

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 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 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 SEP 25 2001

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

Prepared by:

JAC

Joni A. Coffey

7

MEMORANDUM

Amended
Agenda Item No. 4 (K)

TO: Hon. Chairperson and Members
Board of County Commissioners

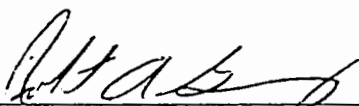
DATE: (Public Hearing 9-25-01)
September 11, 2001

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to placing
signs; requesting retail stores
which sell signs to post a notice
advising purchasers that posting
signs in the public right-of-way
is illegal

O#01-154

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


Robert A. Ginsburg
County Attorney

RAG/bw

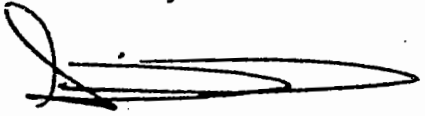
MEMORANDUM

107.07-17A

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 25, 2001

SUBJECT: Ordinance Relating to
Placing Signs

FROM: 
Steve Shiver
County Manager

01-154

The proposed ordinance relating to placing signs will have no fiscal impact on Miami-Dade County.

Fiscal/15101



MEMORANDUM

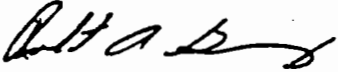
TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: September 25, 2001
Amended

SUBJECT: Agenda Item No. 4(K)

FROM:


Robert A. Ginsburg
County Attorney

01-154

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)
9-25-01

ORDINANCE NO. 01-154

ORDINANCE RELATING TO PLACING SIGNS;
REQUESTING RETAIL STORES WHICH SELL SIGNS TO
POST A NOTICE ADVISING PURCHASERS THAT
POSTING CERTAIN SIGNS IN THE PUBLIC RIGHT-OF-
WAY IS ILLEGAL; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. All retail stores which sell pre-printed information signs, including but not limited to signs advertising garage sales, and signs indicating that real property is for lease or sale shall post at their cashier(s) or checkout counter(s) a sign in English, Spanish and Creole that advises the customer that the placing of the foregoing type of sign in the public right-of-way is illegal and can subject a person placing such sign in a public right-of-way to a fine of up to \$500 per violation; provided, however, first time violators shall receive a warning rather than a fine in any dollar amount.

Section 2. Immediately following the adoption of this ordinance a notice as to the illegal actions and the potential fine per violation shall be published once in all periodicals in which the County places legal advertisements.

Section 3. If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

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

Amended
Agenda Item No. 4 (K)
Page No. 2

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

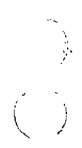
Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: SEP 25 2001

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:
Murray A. Greenberg

Sponsored by Commissioner Joe A. Martinez



10/1

MEMORANDUM

Substitute
Agenda Item No. 4(G)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: September 11, 2001

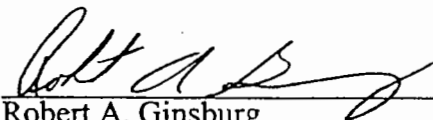
FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to zoning;
permitting medical observation
dormitories in BU-1A and
RU-4A districts

01-131

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

This substitute differs from the previous version in that for properties designated BU-1A, the subject use must be located on sites having frontage on major access roads, and a five (5) foot high masonry wall along perimeter property lines where the property abuts residentially zoned property.


Robert A. Ginsburg
County Attorney

RAG/jls



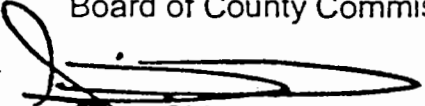
MEMORANDUM

107.07-17A MIAMI-DADE COUNTY MG

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 11, 2001

SUBJECT: Ordinance permitting
medical observation
dormitories in BU-1A

FROM: 
Steve Shiver
County Manager

01-131

The proposed ordinance regarding medical observation dormitories will have no fiscal impact on Miami-Dade County.

Fiscal/09501



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: September 11, 2001
Substitute

SUBJECT: Agenda Item No. 4(G)

FROM:

Robert A. Ginsburg
County Attorney

01-131

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

Veto _____

Agenda Item No. 4(G)

Override _____

9-11-01

01-131

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1, 33-217 AND 33-247 OF THE CODE OF MIAMI-DADE COUNTY; PERMITTING MEDICAL OBSERVATION DORMITORIES IN THE BU-1A AND RU-4A DISTRICTS; ESTABLISHING DEFINITIONS; 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 33-1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(69.05) Medical observation dormitory. A facility at which research and testing for pharmaceutical and pharmaceutical device companies occurs pursuant to a clinical investigation as defined by 21 CFR §312.3(b), Code of Federal Regulations. Such investigation is governed by extensive U.S. Food and Drug Administration regulations, and involves the overnight stay of human subjects, either healthy volunteers or clinically stable representatives of subpopulations which may ultimately use the tested pharmaceuticals. The facility may include laboratories, dormitory rooms, kitchens, observation rooms and

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

4



recreation rooms. The scope of services rendered is to consist solely of performing research studies, and does not include other therapy rendered for the benefit of a patient, or diagnostic services.<<

* * *

Section 2. Article XIX, Section 33-217 of the Code of Miami-Dade County, Florida,

is hereby amended as follows:

**ARTICLE XIX. RU-4A, HOTEL
APARTMENT HOUSE DISTRICT**

Sec. 33-217. Uses Permitted.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4A District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

* * *

>>(5.1) Medical observation dormitory as defined in Section 33-1 (69.05) subject to the following conditions:

- (a) that such uses on sites of ten (10) net acres or more shall be approved only after public hearing;
- (b) that such uses shall be located on sites having frontage on a major access road, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways;
- (c) that a minimum five (5) foot high masonry wall be provided along all perimeter property lines abutting residentially zoned property, penetrated only at points approved by the Directors of the Planning and Zoning Department and the Public Works Department for ingress and egress;
- (d) that the facility is located on a site consisting of at least

three (3) or more net acres, that research conducted at the property shall be limited to testing of normal healthy volunteers and of clinically stable representatives of the diseased states for which the medications being tested are ultimately intended;

(e) that protocols that require treating of mentally ill subjects, including persons with any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities, shall not be performed at the research facility;

(f) that such use shall be located no less than twenty-five hundred (2,500) feet from any other such establishments. For the purposes of this subsection, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest property line of the existing place of business. For the purpose of establishing the distance between such establishments, the operator shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing establishment within 2500 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the director shall govern;

(g) that the operator obtains an annually renewable certificate of use and occupancy for such use on the property.<<

* * *

Section 3. Article XXV, Subsection 33-247 of the Code of Miami-Dade County,

Florida, is hereby amended as follows:

**ARTICLE XXV, BU-1A, LIMITED
BUSINESS DISTRICT**

Sec. 33-247. Uses permitted.

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



following uses:

* * *

>>(26.1) Medical observation dormitory as defined in Section 33-1 (69.05) subject to the following conditions:

- (a) that such uses on sites of ten (10) net acres or more shall be approved only after public hearing;
- (b) that such uses shall be located on sites having frontage on a major access road, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways;
- (c) minimum five (5) foot high masonry wall be provided along all perimeter property lines abutting residentially zoned property, penetrated only at points approved by the Directors of the Planning and Zoning Department and the Public Works Department for ingress and egress.
- (d) that the facility is located on a site consisting of at least three (3) or more net acres,
- (e) that research conducted at the property shall be limited to testing of normal healthy volunteers and of clinically stable representatives of the diseased states for which the medications being tested are ultimately intended;
- (f) that protocols that require treating of mentally ill subjects, including persons with any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities, shall not be performed at the research facility;
- (g) that such use shall be located no less than twenty-five hundred (2,500) feet from any other such establishments. For the purposes of this subsection, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest property line of the existing place of business. For the purpose of establishing the distance between such establishments, the operator shall furnish a certified sketch of survey from a

7

registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing establishment within 2500 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the director shall govern;

(h) that the operator obtains an annually renewable certificate of use and occupancy for such use on the property.<<

* * *

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

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

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

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

PASSED AND ADOPTED: SEP 13 2001

Approved by County Attorney as to form and legal sufficiency:

JAC

Prepared by:

JM

John McInnis
Sponsored by Chairperson Gwen Margolis



MEMORANDUM

Agenda Item No. 4(p)

(Public Hearing 7-24-01)

To: Honorable Chairperson and Members
Board of County Commissioners

Date: July 10, 2001

From: Steve Shiver
County Manager

Subject: Downtown Kendall Urban District
Exemption for Rebuilding
Damaged Nonconforming
Structures

01-129

RECOMMENDATION

It is recommended that the Board approve the attached ordinance providing an exemption from Section 33-35(c) of the Code for nonconforming structures, uses and occupancies that were approved or existing as of December 16, 1999, and located within the Downtown Kendall Urban Center District. This exclusion will allow a previously approved building to be rebuilt and reoccupied in its present configuration in the event that the roof and/or structure is damaged to the extent that fifty (50) percent or more of its reasonable market value is lost.

BACKGROUND

Following an extensive two-year community planning process initiated by Chamber South which began with a charrette in June 1998, the Board endorsed on September 15, 1998 (Resolution No. 1081-98) certain guidelines and recommendations to influence the character and form of future development within the area known as Downtown Kendall (area bounded by US #1, S.R. 826 and the Snapper Creek Expressway). Guided by Chamber South, area property owners, business people, developers, neighbors, and County staff, work commenced to draft development regulations implementing the Downtown Kendall guidelines. On December 16, 1999, the Board adopted the "Downtown Kendall Urban Center District" zoning ordinance (Ord. No. 99-166) implementing the concepts, recommendation and guidelines of the "Downtown Kendall Master Plan" developed through the charrette process.

In December 2000, SDG Dadeland Associates, Burdines, Inc., and others presented their notices of claim under the Bert J. Harris, Jr., Private Property Rights Protection Act, seeking relief from certain provisions in the ordinance. Early conversation ensued in the months that followed, including on-going



negotiation with staff on a more frequent basis within the past forty-five (45) days. The immediate focus of these negotiations has been to identify those aspects of the existing "Downtown Kendall Urban Center District" zoning regulations that the property owners feel create the most serious problems. This ordinance is the initial step in this process as was outlined in my memorandum of June 19, 2001 accompanying the Board's approval of Resolution 699-01. This exemption only applies to properties within the boundaries of the Downtown Kendall Urban Center District and will allow one year to obtain building permits to rebuild the damaged or destroyed structure(s).

Attachment



MEMORANDUM

107.07-17A METRO DADE/CSA/MAT MGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 24, 2001

SUBJECT: Ordinance Relating to the
Zoning Regulation of
Downtown Kendall Urban
Center District

FROM: 
Steve Shiver
County Manager

01-129

The proposed ordinance to the Zoning Regulation of Downtown Kendall Urban Center District will have no fiscal impact on Miami-Dade County.

Fiscal/11901



MEMORANDUM

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: July 24, 2001

SUBJECT: Agenda Item No. 4(P)

FROM: Robert A. Ginsburg
County Attorney

01-129

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)
7-24-01

Veto _____

Override _____

ORDINANCE NO. 01-129

ORDINANCE RELATING TO ZONING REGULATION OF DOWNTOWN KENDALL URBAN CENTER DISTRICT; EXEMPTING CERTAIN NONCONFORMING STRUCTURES, USES AND OCCUPANCIES FROM REQUIREMENTS OF SECTION 33-35(c) OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO REBUILDING AND OCCUPANCY OF DAMAGED NONCONFORMING STRUCTURES; CREATING SECTION 33-284.65 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes described in the accompanying memorandum, a copy of which is incorporated by reference,

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

Section 1. Section 33-284.65 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

Sec. 33-284.65. Nonconforming structures, uses and occupancies.

>>All legal nonconforming structures, uses, and occupancies in the Downtown Kendall Urban Center District that either: (1) were existing on December 16, 1999, or (2) on or before December 16, 1999, had received final site plan approval through a public hearing pursuant to Chapter 33 of this Code or through administrative site plan review (ASPR), by the date specified in

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

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section 33-284.64, shall be exempt from the provisions of section 33-35(c) of this Code upon compliance with the requirements of this section. Such nonconforming structures shall be allowed to be rebuilt and such uses and occupancies resumed in compliance with plans of record and certificates of use and occupancy approved as of December 16, 1999. Such structures, uses and occupancies shall be in compliance with all other provisions of this Code in effect at the time of the application to rebuild or resume occupancy. Building permits for rebuilding pursuant to this section shall be obtained within one year after the date of damage or destruction of the nonconforming structure. If the building permits necessary to rebuild a nonconforming structure have not been obtained within one year after the date of damage or destruction, or if such permits expire or are revoked after that year has concluded, the structure shall be subject to the provisions of section 33-35(c).<<

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

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

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

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

PASSED AND ADOPTED: JUL 24 2001

Approved by County Attorney as to form and legal sufficiency:

JAC

Prepared by:

JAC
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MEMORANDUM

Substitute
Agenda Item No. 4(G)

TO: Hon. Chairperson and Members
Board of County Commissioners

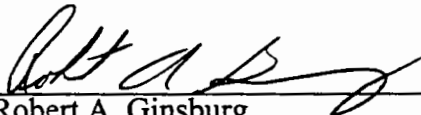
DATE: September 11, 2001

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to zoning;
permitting medical observation
dormitories in BU-1A and
RU-4A districts

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

This substitute differs from the previous version in that for properties designated BU-1A, the subject use must be located on sites having frontage on major access roads, and a five (5) foot high masonry wall along perimeter property lines where the property abuts residentially zoned property.


Robert A. Ginsburg
County Attorney

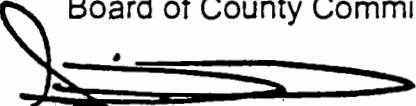
RAG/jls

MEMORANDUM

107 07-17A MIAMI-DADE COUNTY GOV

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 11, 2001


FROM: Steve Shiver
County Manager

SUBJECT: Ordinance permitting
medical observation
dormitories in BU-1A

The proposed ordinance regarding medical observation dormitories will have no fiscal impact on Miami-Dade County.


Fiscal/09501



MEMORANDUM

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: September 11, 2001
Substitute
SUBJECT: Agenda Item No. 4(G)

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 _____

Substitute
Agenda Item No. 4(G)
9-11-01

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1, 33-217 AND 33-247 OF THE CODE OF MIAMI-DADE COUNTY; PERMITTING MEDICAL OBSERVATION DORMITORIES IN THE BU-1A AND RU-4A DISTRICTS; ESTABLISHING DEFINITIONS; 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 33-1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(69.05) Medical observation dormitory. A facility at which research and testing for pharmaceutical and pharmaceutical device companies occurs pursuant to a clinical investigation as defined by 21 CFR §312.3(b), Code of Federal Regulations. Such investigation is governed by extensive U.S. Food and Drug Administration regulations, and involves the overnight stay of human subjects, either healthy volunteers or clinically stable representatives of subpopulations which may ultimately use the tested pharmaceuticals. The facility may include laboratories, dormitory rooms, kitchens, observation rooms and

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

recreation rooms. The scope of services rendered is to consist solely of performing research studies, and does not include other therapy rendered for the benefit of a patient, or diagnostic services.<<

* * *

Section 2. Article XIX, Section 33-217 of the Code of Miami-Dade County, Florida,
is hereby amended as follows:

**ARTICLE XIX. RU-4A, HOTEL
APARTMENT HOUSE DISTRICT**

Sec. 33-217. Uses Permitted.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4A District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

* * *

>>(5.1) Medical observation dormitory as defined in Section 33-1 (69.05) subject to the following conditions:

- (a) that such uses on sites of ten (10) net acres or more shall be approved only after public hearing;
- (b) that such uses shall be located on sites having frontage on a major access road, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways;
- (c) that a minimum five (5) foot high masonry wall be provided along all perimeter property lines abutting residentially zoned property, penetrated only at points approved by the Directors of the Planning and Zoning Department and the Public Works Department for ingress and egress;
- (d) that the facility is located on a site consisting of at least

three (3) or more net acres, that research conducted at the property shall be limited to testing of normal healthy volunteers and of clinically stable representatives of the diseased states for which the medications being tested are ultimately intended;

(e) that protocols that require treating of mentally ill subjects, including persons with any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities, shall not be performed at the research facility;

(f) that such use shall be located no less than twenty-five hundred (2,500) feet from any other such establishments. For the purposes of this subsection, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest property line of the existing place of business. For the purpose of establishing the distance between such establishments, the operator shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing establishment within 2500 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the director shall govern;

(g) that the operator obtains an annually renewable certificate of use and occupancy for such use on the property.<<

* * *

Section 3. Article XXV, Subsection 33-247 of the Code of Miami-Dade County,

Florida, is hereby amended as follows:

**ARTICLE XXV, BU-1A, LIMITED
BUSINESS DISTRICT**

Sec. 33-247. Uses permitted.

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

following uses:

* * *

>>(26.1) Medical observation dormitory as defined in Section 33-1 (69.05) subject to the following conditions:

- (a) that such uses on sites of ten (10) net acres or more shall be approved only after public hearing;
- (b) that such uses shall be located on sites having frontage on a major access road, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways;
- (c) minimum five (5) foot high masonry wall be provided along all perimeter property lines abutting residentially zoned property, penetrated only at points approved by the Directors of the Planning and Zoning Department and the Public Works Department for ingress and egress.
- (d) that the facility is located on a site consisting of at least three (3) or more net acres,
- (e) that research conducted at the property shall be limited to testing of normal healthy volunteers and of clinically stable representatives of the diseased states for which the medications being tested are ultimately intended;
- (f) that protocols that require treating of mentally ill subjects, including persons with any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities, shall not be performed at the research facility;
- (g) that such use shall be located no less than twenty-five hundred (2,500) feet from any other such establishments. For the purposes of this subsection, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest property line of the existing place of business. For the purpose of establishing the distance between such establishments, the operator shall furnish a certified sketch of survey from a

registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing establishment within 2500 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the director shall govern;

(h) that the operator obtains an annually renewable certificate of use and occupancy for such use on the property.<<

* * *

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

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

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

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

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

JAC

Prepared by:

JM

John McInnis
Sponsored by Chairperson Gwen Margolis

MEMORANDUM

Agenda Item No. 4(C)

TO: Hon. Chairperson and Members
Board of County Commissioners

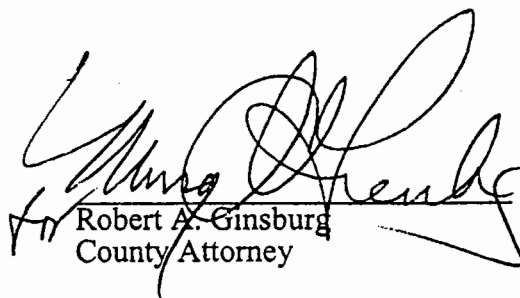
(Public Hearing 6-5-01)
DATE: May 22, 2001

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
"Telecommunications Hub"

01-99

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 METRO-DADE-GSA-M&T VGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: June 5, 2001

SUBJECT: Ordinance relating to
zoning

FROM: Steve Shiver
County Manager

01-99

The proposed ordinance relating to zoning and telecommunication hubs will have no fiscal impact on Miami-Dade County.

Fiscal/10201



MEMORANDUM

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: June 5, 2001

SUBJECT: Agenda Item No. 4(C)

FROM: Robert A. Ginsburg
County Attorney

01-99

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 (C)
6-5-01

ORDINANCE NO. 01-99

ORDINANCE RELATING TO ZONING, AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY TO ADD A DEFINITION OF "TELECOMMUNICATIONS HUB"; AMENDING SECTION 33-124 OF THE CODE OF MIAMI-DADE COUNTY, PERTAINING TO OFF-STREET PARKING STANDARDS FOR TELECOMMUNICATIONS HUBS; AMENDING SECTION 33-259 OF THE CODE OF MIAMI-DADE COUNTY TO INCLUDE TELECOMMUNICATIONS HUB AS A PERMITTED USE IN THE IU-1 ZONING DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, as a direct result of growth in the telecommunications industry and use of the internet in recent years a new industrial land use has emerged known as "telecommunications hubs"; and

WHEREAS, telecommunications hubs devote large areas to housing computers and other equipment with small, ancillary space used by support personnel; and

WHEREAS, telecommunications hubs generate less demand for parking spaces than other industrial uses;

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

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

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

01.99

Sec.33-1 Definitions

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(104.1) Telecommunications hub. A facility designed and constructed primarily to house computer servers, communications routers, switches and similar machinery or equipment for directing or facilitating communications traffic.<<

* * *

Section 2. Section 33-124 of Chapter 33 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 33-124. Standards.

Off-street parking shall be provided in accordance with the following minimum standards:

* * *

(n) Industrial.

- (1) For a warehouse building, one (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area in the building up to ten thousand (10,000) square feet and then one (1) space for each two thousand (2,000) square feet of gross warehouse floor area thereafter. Office, retail and

01-99

wholesale showroom areas provided in conjunction with the industrial use shall have parking spaces provided for such areas as otherwise contained in this article. Regardless of the intended mix of use, a minimum of two (2) parking spaces shall be provided for each bay in the building. In determining the number of bays, the Director shall take into account the possibility of partitioning the building into multiple units, the number and location of bathrooms, the number and location of overhead or other door openings, the layout of electrical circuits and air conditioning units, etc. In determining the number of spaces to be provided, the formula requiring the greatest number of parking spaces shall be applied.

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

- >> (3) For a telecommunications hub, one (1) parking space for each two thousand (2,000) square feet of gross floor area shall be provided. Office

areas provided in conjunction with the industrial use shall have parking spaces provided for such areas as otherwise contained in this article. In the event of a subsequent change in use from a telecommunications hub to a permitted, alternative use, the alternative use shall conform to the parking standards otherwise contained in this article. A variance to reduce the number of required parking spaces shall not be granted solely on the basis of a proposed change in use from an existing telecommunications hub to an alternative use.<<

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

Prior to the issuance of a building permit for the erection of a new structure or building, or for an addition thereto, either of which is to be used for industrial purposes, or prior to the issuance of a certificate of use and occupancy for a different use of an existing industrial structure or building, the applicant shall complete and execute a form prescribed by the Director which shall, among other things, provide the necessary information upon which the required off-street parking may be determined; and the applicant shall therein acknowledge that such information is submitted for such determination; and in the event of a change in use or additional use is contemplated, such additional off-street parking as may be required by this chapter, if any, must be furnished prior to such use change or additional use.

* * *

Section 2. Section 33-259 of Chapter 33 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 33-259. Uses permitted.

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

* * *

>>69.1 Telecommunications hubs:*

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

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

* * *



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

Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Miami-Dade County, 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: JUN 05 2001

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

Prepared by: JM

Sponsored by Dr. Miriam Alonso

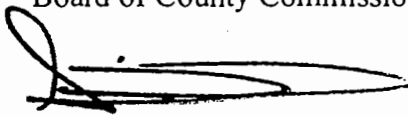
MEMORANDUM

107.07-17A METRO-DADE-GSA-VAT MGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: April 24, 2001

SUBJECT: Proposed Ordinance
Pertaining to Canopy
Carports



FROM: Steve Shiver
County Manager

01-77

This Substitute No. 2 provides the correct version of the ordinance which was inadvertently omitted from Substitute No. 1. Substitute No. 1 differs from the original item in that it limits the width of canopy carports to one-half the width of the residence when placed in front of the residence. Additionally, it provides for a minimum front setback of 13 feet in the EU-S districts and a minimum front setback of 28 feet on other estate and agricultural districts.

RECOMMENDATION

It is recommended that the Board approve the attached ordinance pertaining to the placement of canopies in residential districts.

BACKGROUND

Section 33-75 of the Code of Miami-Dade County was created in 1938 to allow the placement of canvas canopies in residential districts, subject to certain restrictions, including a maximum size limitation of 12 feet by 24 feet. Such canopies are utilized as carports to protect vehicles. A canopy of this size would only provide protection for one (1) vehicle. Representatives from the industry that install canopies have expressed interest in amending the regulations as the regulation restricting a carport to no more than 12 feet by 24 feet appears to no longer meet the needs of the modern family. Typical requests from citizens are for canopies of varying sizes. Further, this ordinance proposes to allow the installation of attached or detached canopies with reduced setbacks in accordance with the chart shown in the proposed ordinance. The Code currently requires detached canopies to be 75 feet from the front property line, which makes these canopies unusable for vehicle protection, as it would typically require their placement in the backyards of residences.

While this proposed ordinance would eliminate the 12 foot by 24 foot size limitation, proposed setback and existing maximum lot coverage regulations will control the size and placement of future canopy carport installations.

FISCAL IMPACT

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



TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: April 24, 2001
Substitute No. 2
SUBJECT: Agenda Item No. 4(J)

FROM: Robert A. Ginsburg
County Attorney

01-77

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 No.2
 Agenda Item No. 4(J)
 4-24-01

ORDINANCE NO. 01-77

ORDINANCE PERTAINING TO ZONING;
 AMENDING SECTIONS 33-50 AND 33-75 OF THE
 CODE OF MIAMI-DADE COUNTY, FLORIDA
 PERTAINING TO SETBACKS AND STANDARDS
 FOR CANOPY CARPORTS IN CERTAIN RESI-
 DENTIAL DISTRICTS; PROVIDING SEVERABIL-
 ITY, INCLUSION IN THE CODE AND AN EF-
 FECTIVE DATE

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

Section 1. Section 33-50 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Sec. 33-50. Table of setback lines in residential and estate districts.

The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:

District/ Families	Front	Rear	Between Buildings	Interior Side	Side Street
RU-1: One	25	25	--	10% lot width min.--5' max.--7 1/2'	15
Acc. bldg.	75	5	10	same as RU-1 res.	equal to front set- back requirements for principal struc- ture on key lot, plus 5'; 20' where there is no key lot.

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

District/ Families	Front	Rear	Between Buildings	Interior Side	Side Street
RU-1 (cont'd.)					
>>Canopy carport	<u>5</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
RU-1M(a):	25	25	--	5	10
Acc. bldg.	75	5	10	5	15
>Canopy carport	<u>5</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
RU-1M(b):	25	25	--	6	10
Acc. bldg.	75	5	10	6	15
>>Canopy carport	<u>5</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
RU-2:					
One	same as RU-1 res.				
Two singles:					
Front	same as RU-1 res.				
Rear	same as RU-1 acc. bldg.				
Duplex	same as RU-1 res.				
Acc. bldg.	same as RU-1 acc. bldg.				
>>Canopy carport	<u>5</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
RU-3:					
One	same as RU-1 res.				
Two singles	same as two singles in RU-2				
Duplex	same as RU-1 res.				
Three or four	25	25	--	15	25
Acc. bldg.	75	5	10	7 1/2	30
>>Canopy carport	<u>5</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
RU-3B:					
One	same as RU-1 res.				
Two singles	same as two singles in RU-2				
Duplex	same as RU-1 res.				
Three or four	same as 3 or 4 unit in RU-3				
Bungalow court	see RU-3B				
Acc. bldg., 1 to 4 units	75	5	10	7 1/2	30
RU-4 & RU-4A:					
One	same as RU-1 res.				
Two singles	same as two singles in RU-2				
Duplex	same as RU-1 res.				
Three or four	same as 3 or 4 units in RU-3				
Five or more	see RU-4 and RU-4A				
Acc. bldg.	75	5	10	7 1/2	30
EU-M:					
One	25	25	--	15	25
Acc. bldg.	75	7 1/2	10	20	30
>>Canopy carport	<u>5</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
EU-S:					
One	35	25	--	15	25

District/ Families	Front	Rear	Between Buildings	Interior Side	Side Street
EU-S: (cont'd.)					
Acc. bldg.	75	7 1/2	10	20	30
>>Canopy carport	<u>13</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
EU-1:					
One	50	25	--	15	25
Acc. bldg.	same as EU-M accessory buildings				
>>Canopy carport	<u>28</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
EU-1C	same as EU-1				
EU-2	same as EU-1--principal building and entrance lodge same as principal building in EU-1--all other buildings not closer than 85' to the highway right-of-way				
>>Canopy carport	<u>28</u>	<u>5</u>	--	<u>2</u>	<u>5</u> <<
AU	same as EU-1 unless otherwise specified in AU District				

Section 2. Section 33-75 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-75. ~~[[Canopies]]~~ >>Canopy carports << in >>certain<< residential districts.

In ~~[[all]]~~ >>certain<< residential districts >>as shown in Sec. 33-50,<< >>attached or<< detached ~~[[canvas]]~~ >>fabric, fiberglass<< or metal canopies >>canopy<< carports shall be permitted. Such canopies shall comply with ~~[[all]]~~ >>the<< setback~~[[s and spacing]]~~ requirements for accessory building >>pursuant to Sec. 33-50<< and with lot coverage requirements. >>The canopy carport shall not exceed 10 feet in height as measured from grade to the horizontal element of the frame structure. When placed in the front setback area, the canopy carport shall be no greater than 1/2 the width of the residence. < ~~[[Where used for any other purpose than a shelter for car, sand boxes, swimming pool and other similar recreational facilities approved by the Director, such detached installation shall be considered a tent, and subject to regulations governing the use of tents. A detached metal canopy may be enclosed by screening or soft pliable approved plastic material, provided that the supporting structure and approved plastic enclosure material is designed to meet and comply with the windload and structural requirements of Chapter 44 of the South Florida Building Code as it applies to screen enclosures and similar structures.]]~~ No more than one (1) such canopy carport shall be provided for each dwelling unit on the premises concerned. ~~[[The area to be covered by such carport shall~~

~~not be more than twelve (12) feet by twenty four (24) feet for each dwelling unit.]]~~

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 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: APR 24 2001

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

JM



MEMORANDUM

Agenda Item No. 4(F)
(Public Hearing 3-8-01)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: February 13, 2001

FROM: Steve Shiver
County Manager

SUBJECT: Ordinance Pertaining to
Automobile and Truck
Rentals

01-41

RECOMMENDATION

It is recommended that the Board adopt the attached proposed ordinance to clarify that automobile and truck rentals be allowed in industrially zoned areas without having to comply with the regulations required of automobile and truck dealerships.

BACKGROUND

In 1996, Ordinance 96-103 was adopted amending Chapter 33 (Zoning Code) to allow for the establishment of automobile and truck sales, automobile and truck rentals and wholesale distribution of such vehicles within industrially zoned districts. As part of that ordinance, specific conditions for establishment were developed for such operations, including but not limited to the requirement for a 3 acre site and extensive landscaping. (It should be noted that the 3 acre requirement was subsequently amended to require a 2 acre site for these uses.)

While the 1996 ordinance was adopted allowing for automobile dealerships and their ancillary operations to be established in industrially zoned areas, a code provision established in 1976 still remained for the establishment of automobile rentals as a principal use on a site. Since the adoption of this ordinance, the more specific 1996 regulations have been imposed on applicants seeking to establish vehicular rental businesses. The proposed ordinance seeks to clarify this discrepancy in the code and allow for the establishment of automobile and truck rental businesses subject only to the standard regulations of the industrial district.

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: March 8, 2001

SUBJECT: Agenda Item No. 4(F)

FROM: Robert A. Ginsburg
County Attorney

01-41

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(F)
3-8-01

Veto _____

Override _____

ORDINANCE NO. 01-41

ORDINANCE PERTAINING TO ZONING;
CLARIFYING APPLICABLE REGULATIONS FOR
AUTOMOBILE AND TRUCK RENTAL USES
ESTABLISHED AS PRINCIPAL USES IN THE IU-
1, LIGHT INDUSTRIAL DISTRICT; AMENDING
SECTION 33-259 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 33-259 of the Code of Miami-Dade County, Florida is hereby
amended as follows:¹

Sec. 33-259. Uses permitted.

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

* * *

- (6.1) Automobile and truck sales >>for<< ~~[[and automobile and truck
rentals including]]~~ new and/or used vehicles ~~[[and wholesale
distribution, and]]~~ including as ~~[[an]]~~ ancillary use >>automobile
and truck rentals, wholesale distriubution<< and automobile
repairs, provided that no more than fifteen (15) percent of the total

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

gross building area is devoted to repair/service bays, subject to the following conditions:

- (a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Directors of the Planning and Zoning and Public Works Departments for ingress and egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center and a hedge of a minimum of six (6) feet in height abutting residentially zoned property and a minimum of three (3) feet in height abutting public rights-of-way. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.
- (b) A minimum of twenty (20) percent of the net lot area of the site shall be developed as landscaped open space.
- (c) That such uses be located only on major access roads, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways.
- (d) That such uses on sites of ten (10) acres or more shall be approved only after public hearing.
- (e) That such uses be conducted on sites consisting of at least two (2) acres.
- (f) That attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations, or as approved at public hearing.
- (g) That outdoor loudspeakers are prohibited.
- (h) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.
- (i) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).

* * *

01-41

(7.1) Automobile >>and truck<<rentals >>and wholesale distribution.<<

* * *

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

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

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

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

PASSED AND ADOPTED: MAR 08 2001

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

CRAC

5

MEMORANDUM

Agenda Item No. 4(G)

(Public Hearing 2-13-01)

TO: Hon. Chairperson and Members
Board of County Commissioners

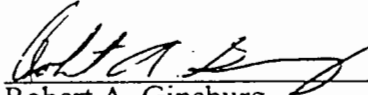
DATE: January 23, 2001

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance amending Section
33-151.18, eliminating minimum
site sizes for nonpublic
educational facilities

01 • 24

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Pedro Reboledo.


Robert A. Ginsburg
County Attorney

RAG/bw





MEMORANDUM

7.07-17A METRO-DADE-GSA MAT. MGT

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: February 13, 2001

FROM: 
M. R. Stierheim
County Manager

SUBJECT: Ordinance Eliminating
Minimum Site Sizes for
Non-public Educational
Facilities

01-24

The proposed ordinance eliminating minimum site sizes for non-public educational facilities will have no fiscal impact on Miami-Dade County.

Fis/04102



MEMORANDUM

Hon. Chairperson and Members
Board of County Commissioners

DATE: February 13, 2001

SUBJECT: Agenda Item No. 4(G)

FROM: Robert A. Ginsburg
County Attorney

01-24

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)
2-13-01

ORDINANCE NO. 01-24

ORDINANCE AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY BY ELIMINATING MINIMUM SITE SIZES FOR PHYSICAL STANDARDS FOR NONPUBLIC EDUCATIONAL AND CHILD CARE FACILITIES, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-151.18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-151.18. Physical Standards.

[[a) ~~{Minimum site sizes.} The following are the minimum site sizes that shall be required, based on the proposed maximum number of children who will use the facility at any one (1) time. All calculations for the number of children/students shall be based on the total proposed maximum enrollment. When the number of children permitted results in a fractional number, any such fraction equal to or greater than one half (1/2) shall be rounded off to the next highest whole number. When grade levels overlap, the more restrictive standard shall be used.~~

~~Minimum site size for day nurseries, preschool and after school care. The maximum number of children for day nurseries, preschool and after school care shall not exceed the following:~~

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

~~One (1) child for each three hundred (300) square feet of site area up to sites of seven thousand five hundred (7,500) square feet.~~

~~One (1) additional child per each six hundred (600) square feet for the portion of the site above seven thousand five hundred (7,500) square feet to fifteen thousand (15,000) square feet.~~

~~One (1) additional child per each nine hundred (900) square feet for the portion of the site above fifteen thousand (15,000) square feet.~~

~~Minimum site size for grades kindergarten (K) through the sixth grade. The maximum number of children for kindergarten through the sixth grade shall not exceed sixty (60) children per acre.~~

~~Minimum site size for grades seven (7) through twelve (12). The maximum number of students for seventh through twelfth grades shall not exceed the following:~~

~~From zero (0) acres to two (2) acres (inclusive):
Forty five (45) students per acre~~

~~From more than two (2) acres up to four (4) acres (inclusive): Fifty (50) students per acre~~

~~From more than four (4) acres up to six (6) acres (inclusive): Fifty five (55) students per acre~~

~~From more than six (6) acres up to eight (8) acres (inclusive): Sixty (60) students per acre~~

~~From more than eight (8) acres up to ten (10) acres (inclusive): Sixty five (65) students per acre~~

~~From more than ten (10) acres: Sixty seven (67) students per acre]]~~

~~[(b)]~~ ~~and~~ ~~Outdoor area~~ Outdoor recreation play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.

<i>School categories</i>	<i>Required area</i>
Day nursery/kindergarten and preschool and after-school care	45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time
Elementary school (grades 1--6)	500 square feet per student for the first 30 students; thereafter, 300 square feet per student
Junior and senior high school (grades 7--12)	800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student

Where there are category combinations, each classification shall be calculated individually.

[[e]]>>(b)<< *Signs.* Signs shall comply with district regulations as contained in Chapter 33 of the Miami-Dade County Code; provided, however, that the total square footage of all freestanding signs in any residential district shall not exceed six (6) square feet in size.

[[d]]>>(c)<< *Auto stacking.* Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

[[e]]>>(d)<< *Parking requirements.* Parking requirements shall be as provided in the Miami-Dade County Zoning Code, Section 33-124(1).

~~[(A)]~~>>(e)<< *Classroom size.* All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is nongraded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:

- (1) Day nursery and kindergarten, preschool and afterschool care, 35 square feet per pupil.
- (2) Elementary (grades 1--6), 30 square feet per pupil.
- (3) Junior high and senior high (grades 7--12), 25 square feet per pupil.
- (4) Baby-sitting service, 22 square feet of room area per child.

~~[(g)]~~>>(f)<< *Height.* The structure height shall not exceed the height permitted for that site by the existing zoning

~~[(H)]~~>>(g)<< *Trees.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

~~[(+)]~~>>(h)<< [*Exemptions.*] Baby-sitting services are exempted from the requirements of Subsections (b), (d), (e) and (h), "Outdoor Areas," "Auto Stacking," "Parking" and "Trees," Section 33-151.18. Schools permitted within existing multifamily structures (Subsection (d), Section 33-151.17) are exempted from Subsections (d) and (e), Section 33-151.18, provided such schools are limited to the occupants of the subject multifamily structures.

[[⊕]]>>(i)<< Child care facilities as described in Section 33-151.11(a), (b) and (f), shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river, bay, or the ocean unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards. Swimming pools and permanent wading pools in excess of eighteen (18) inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of forty-eight (48) inches in height and shall comply with the following standards:

- (1) Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the area is without adult supervision.
- (2) All safety barriers shall be constructed in accordance with the standards established in Section 33-12, except that screen enclosures shall not constitute a safety barrier for these purposes.

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

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

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

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

PASSED AND ADOPTED: FEB 13 2001

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

HEM

Sponsored by Commissioner Pedro Reboredo



MEMORANDUM

Agenda Item No. 4(CC)

(Public Hearing 1-23-01)
December 19, 2000

Honorable Chairperson and Members
Board of County Commissioners

DATE:

FROM: *M. F. Sternheim*
M. F. Sternheim
County Manager

SUBJECT: Ordinance Amending
Section 2-11.40 of the
Code of Miami-Dade
County -- Sunset Review
of Boards

01-20

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending Section 2-11.40 of the Code of Miami-Dade County to amend the specified dates for submittal of an advisory board's sunset review report to the County Manager and to the County Commission; to establish appropriate program categories for board review; to provide administrative placement of existing and newly created boards in program categories; and to change the legislative instrument creating "permanent" County advisory boards.

BACKGROUND

Ordinance 98-113, as adopted by the Board on July 21, 1998, sets the dates for submittal of an advisory board's sunset review report to the County Manager and County Commission as January 1 and February 15 respectively, with an oral presentation by a board chairperson by March 15 should it be the desire of the Board. Moving each of these dates forward a month (to February 1, March 15, and April 15, respectively) will allow needed review and report preparation time for staff in cooperation with members of the advisory boards.

In addition, the establishment of appropriate program categories for board review, which boards shall be reviewed every other year thereafter, and administrative placement of existing and newly created boards in program categories is proposed. These categories mirror the program areas used to organize departmental information in the Proposed Budget. Boards will be placed in categories according to the department responsible for providing staff support to the advisory board. The attached list, entitled County Boards by Program Category, identifies the placement of boards in board categories for the 2001 and 2002 review process.

With regard to changing the legislative instrument creating "permanent" advisory boards, Article IB, Standards for Creation and Review of Boards Generally, Sec. 2-11.27. Creation of New Boards, states that "all County boards created after the effective date of this article shall be created only by ordinance." This article was enacted December 16, 1980. Short-term or "temporary" boards apply "to citizen groups created for specific advisory purposes" and have an existence limited to a period of less than one year, in accordance with Sec. 2-11.36.1. These citizen groups are and should be created by resolution. Instances have occurred whereby citizen groups have been created by ordinance and this should not be the case, particularly as it relates to codification.

FISCAL IMPACT

No fiscal impact is anticipated.



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: January 23, 2001

SUBJECT: Agenda Item No. 4(CC)

FROM: Robert A. Ginsburg
County Attorney

01-20

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(CC)
1-23-01

Veto _____

Override _____

ORDINANCE NO. 01-20

ORDINANCE AMENDING SECTION 2-11.40 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR A REVIEW OF BOARDS BY THE COUNTY MANAGER AND BOARD OF COUNTY COMMISSIONERS BY PROGRAM CATEGORY EVERY OTHER YEAR; ESTABLISHING APPROPRIATE PROGRAM CATEGORIES FOR BOARD REVIEW BEGINNING WITH CALENDAR YEAR 2001; PROVIDING ADMINISTRATIVE PLACEMENT OF EXISTING AND NEWLY CREATED BOARDS IN PROGRAM CATEGORIES; 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 2-11.40 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 2-11.40. "Sunset" review of boards.

Commencing with ~~[[the]]~~ >>calendar<< year ~~[[1999]]~~ >>2001<< ~~[[each County]]~~ >>the initial<< board >>program category<< shall be reviewed >>and every other year thereafter<< in the following manner:

- (a) By ~~[[January 1, 1999]]~~ >>February 1, 2001<< and by >>February 1<< each year thereafter, each board's chairperson shall submit a report, approved by the board, to the County Manager setting forth the following information concerning the board:

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

*

*

*

(b) By ~~[[February 15, 1999,]]~~ >> March 15, 2001 << and by ~~[[February]]~~ >> March << 15, each year thereafter, the County Manager shall deliver to the Board of County Commissioners the report submitted by the chairperson of each board, pursuant to subsection (a) of this section, together with the recommendations or comments that the County Manager submits.

(c) By ~~[[March 15, 1999]]~~ >> April 15, 2001 << and by April 15 each year thereafter, the chairperson shall make an oral presentation to the Board of County Commissioners should it be the desire of the Board. Said presentation shall be based upon the report set forth in subsection (a) above. The Board of County Commissioners shall evaluate the chairperson's report, the County Manager's recommendations and any other information it deems relevant to determine whether the board shall continue in its present form.

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>>(g) The following board categories shall be reviewed in the following years and every other year thereafter:

- (i) 2001: Policy Formulation, General Government, Internal Support, Culture and Recreation, and Physical Environment
- (ii) 2002: Protection of People and Property, Transportation, and Health and Human Services

(h) All existing and newly created boards shall be administratively placed in the appropriate program category under subsection (g) above. <<

~~[[§]]~~ >>(i) << Any proposed Miami-Dade County ordinance ~~[[or resolution]]~~ creating a board must be accompanied by a report from the County Manager's Office setting forth the following information concerning the board:

- (1) Whether there is a need for the proposed board.

- (2) Whether the purpose of the proposed board could be accomplished in any other manner.
- (3) The cost both direct and indirect of creating and maintaining such a board.
- (4) A clear statement of the mission, desired outcomes and strategies for accomplishing such outcomes, and performance measures to assess whether such outcomes are being achieved. Such outcomes specified shall be measurable, concrete and specific.
- (5) A date when the ~~[[resolution or]]~~ ordinance creating the board shall be repealed, contingent upon the completion of a review by the County Manager and the Board of County Commissioners prior to said repeal date, to determine its effectiveness in achieving stated goals and to review or modify program components for the full achievement of said goals. No board shall be created whose date for repeal is greater than five (5) years from the effective date of the enacting ordinance ~~[[or resolution]]~~.

~~[[e]]~~ >>(j)<< Any and all boards created pursuant to state or federal law shall be exempt from the requirements of Sec. 2-11.40.

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

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

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

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

PASSED AND ADOPTED: JAN 23 2001

Approved by County Attorney as
to form and legal sufficiency:

RAG

COUNTY BOARDS BY PROGRAM CATEGORY**2001 REVIEW PROCESS:****Policy Formulation**

Affirmative Action Advisory Board
District Five (5) Citizens' Advisory Board
Film, Print and Broadcast Advisory Board
Performance Commission

General Government

Agricultural Practices Study Advisory Board
Biscayne Bay Shoreline Development Review Committee
Boundaries Commission
Community Councils
Independent Review Panel
Minimum Housing Appeals Board
Planning Advisory Board

Internal Support

Living Wage Commission

Culture and Recreation

Art in Public Places Trust
Cultural Affairs Council
Miami Metrozoo Oversight Board
Park and Recreation Citizens' Advisory Committee
Performing Arts Center Trust
Public Library Advisory Board
Safe Neighborhood Parks Bond Nominating Committee
Safe Neighborhood Parks Citizens' Oversight Committee
Tourist Development Council
Visitors' Industry Voluntary Educational Service Training Trust
Vizcaya Museum and Gardens Trust

Physical Environment

Environmental Advisory Task Force
Environmental Quality Control Board
Land Acquisition Selection Committee

2002 REVIEW PROCESS:**Protection of People and Property**

Board of Rules and Appeals
Building Code and Product Review Committee
Construction Trades Qualifying Board (Division A)
Construction Trades Qualifying Board (Division B)
Fire Prevention and Safety Appeals Board
Nuisance Abatement Board
Trauma Advisory Committee
Unsafe Structures Board

Transportation

None

Health and Human Services

Affordable Housing Advisory Board
African American Tourist Site Task Force
Asian American Advisory Board
Black Affairs Advisory Board
Children's Services Council
Community Relations Board
Community Small Business Enterprise Advisory Board
Dade County Addiction Services Board
Dade County Health Policy Authority
Dade-Miami Criminal Justice Council
Equal Opportunity Board
Hispanic Affairs Advisory Board
Historic Preservation Board
Homeless Trust
Metro-Miami Action Plan Trust
Metro-Miami Action Plan Trust Nominating Council
Miami-Dade County Commission for Women
Minority and Women-Owned Business Advisory Board
Public Health Trust
Task Force on Urban Economic Revitalization



MEMORANDUM

Agenda Item No. 4(Y)

(Public Hearing 1-23-01)

To: Honorable Chairperson and Members
Board of County Commissioners

Date: December 7, 2000

From: M. R. Stierheim
County Manager

Subject: Ordinance Relating to Community Councils, Providing that the Boundaries of Community Council Five be adjusted and Deleting Community Council Six (Miami Lakes), Amending Section 20-42 of the Code of Miami Dade County

01-17

RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which deletes Community Council Six (Miami Lakes) and assigns that portion of Community Council Six that remains unincorporated to Community Council Five.

BACKGROUND

Section 20-40 of the Code of Miami-Dade County establishes 15 Community Councils in the unincorporated area of Miami-Dade County. Community Council Six (Miami Lakes) comprised the formerly unincorporated area of Miami Lakes and portions of two voter precincts, which remain unincorporated. Since the approval of the Miami Lakes Charter by area voters on December 5, 2000, only these portions of voter precincts 352 and 356 remain unincorporated. Precinct 352 has 28 registered voters and precinct 306 has no registered voters. The area is adjacent to Community Council Five. (See attached Map.)

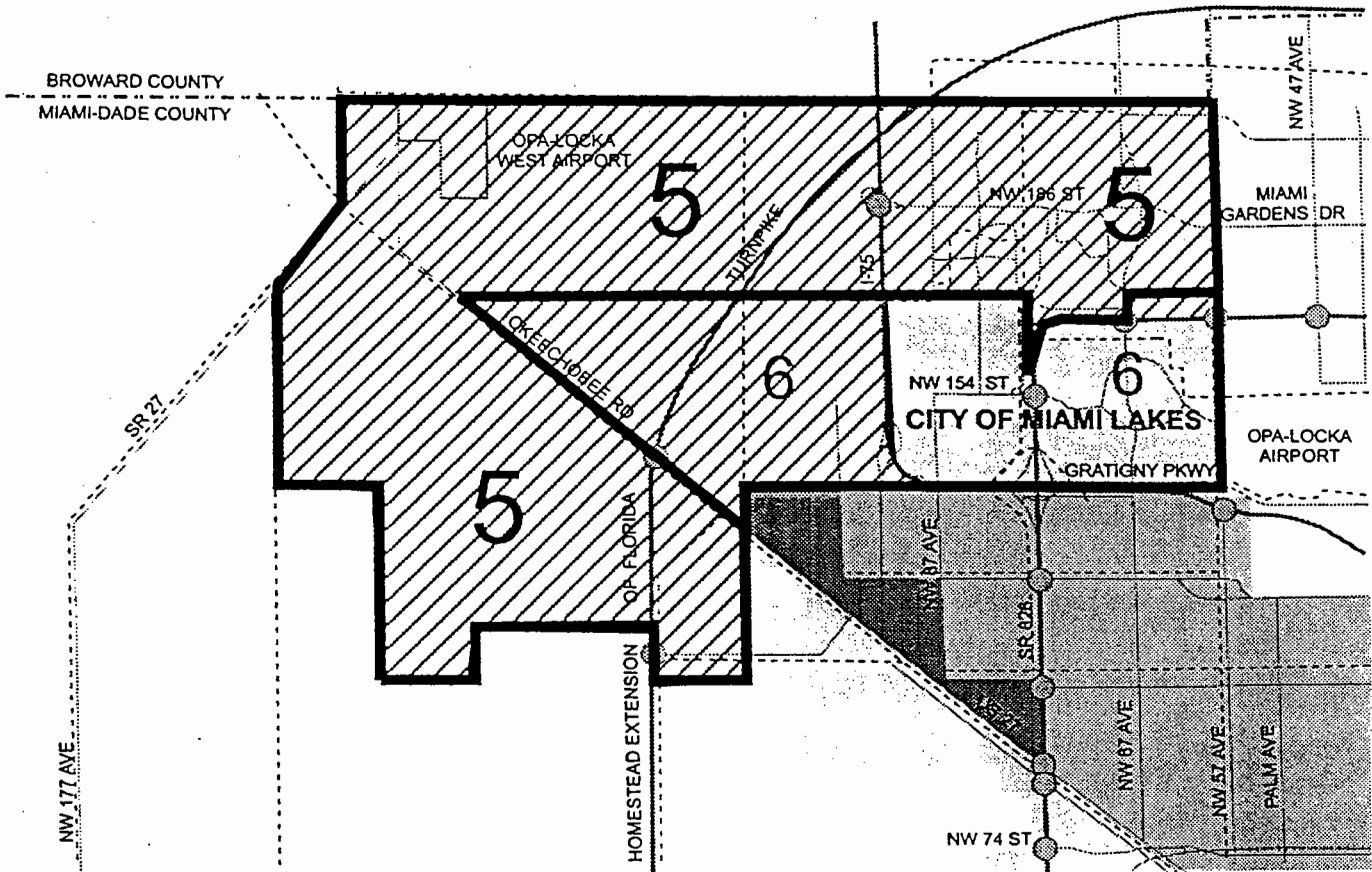
Section 20-42 provides that the Board of County Commissioners may adjust Community Council boundaries by Resolution, after a public hearing. Elsewhere on your agenda, a Resolution provides for the reconfiguration of Community Council Five to include the unincorporated portions of precincts 352 and 356.

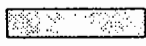


The dissolution of Community Council Six is being accomplished by this ordinance because Section 20-40 of the Code of Miami Dade County must be modified to delete Community Council Six and to reflect 14 remaining Community Councils.



RECONFIGURATION OF COMMUNITY COUNCIL 5 & 6

01-17



-  Incorporated Area
-  Community Council Boundary
-  Area to be Reconfigured




MEMORANDUM

107.07-17A METRO-GADE,GSA-MAT MG*

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: January 23, 2001

SUBJECT: Ordinance Relating to
Community Councils

FROM: 
M. R. Stierheim
County Manager

01-17

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

Fiscal/01701



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: January 23, 2001

SUBJECT: Agenda Item No. 4(Y)

FROM: Robert A. Ginsburg
County Attorney

01-17

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(Y)
1-23-01

Veto _____

Override _____

01-17

ORDINANCE NO. _____

ORDINANCE RELATING TO COMMUNITY COUNCILS;
MODIFYING THE BOUNDARIES OF COMMUNITY
COUNCIL FIVE TO INCLUDE THAT PORTION OF
COMMUNITY COUNCIL SIX THAT IS OUTSIDE THE
BOUNDARIES OF THE NEW MUNICIPALITY OF MIAMI
LAKES; DELETING COMMUNITY COUNCIL SIX;
AMENDING SECTION 20-42 OF THE CODE OF MIAMI
DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION
IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 20-42 of the Code of Miami Dade; Florida is hereby amended as follows¹:

(A) There shall be ~~[[fifteen]]~~>>fourteen<<community councils each of which shall have jurisdiction within the boundary of one of the . ~~[[fifteen]]~~>>fourteen<< council areas.

(C) The boundaries and numerical designations of the community councils and of the subareas within them are depicted and described in attachment A.

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

Section 3. It is the intention of the Board of County Commissioners, and is hereby ordained that the provision of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami Dade County, Florida, The section 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.

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



01-17

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 the Board.

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

PASSED AND ADOPTED: JAN 23 2001

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

Prepared by: JAC

**Attachment A
Community Councils/Subareas By Voter Precincts***

01-17

**Council Area 2
Northeast Community Council**

**Council Area 3
North Dade Community Council**

Subarea 21	Precincts
21	101
21	105
Subarea 22	Precincts
22	104
22	114
22	5*
Subarea 23	Precincts
23	106
23	107
23	108
Subarea 24	Precincts
24	117**
24	119
24	120
24	166
Subarea 26	Precincts
26	208
26	209
26	210
At-Large	All of Above Precincts

Subarea 31	Precincts
31	207
31	211
31	212
31	256
Subarea 32	Precincts
32	206
32	213
32	214
32	215
32	216
Subarea 33	Precincts
33	217
33	218
33	219
33	220
33	221
Subarea 34	Precincts
34	122
34	129
34	128
34	130
34	131
34	132**
34	133**
34	136**
34	138**
34	139**
34	141
Subarea 35	Precincts
35	135**
35	239
35	269
Subarea 36	Precincts
36	205
36	222

* Reference to precincts are those balloting areas designated by the Dade County Supervisor of Elections and approved by the Board of County Commissioners pursuant to R-734-94 and R-523-99.

** Unincorporated portion of the precinct.

**Attachment A
Community Councils/Subareas By Voter Precincts***

01.17

Council Area 8	86	525
North Central Community Council	86	551**

Subarea 81 Precincts

81	240
81	241
81	245
81	268

Subarea 82 Precincts

82	152
82	153
82	159**
82	161
82	163
82	242
82	243
82	244
82	253

Subarea 83 Precincts

83	162
83	246
83	247
83	248
83	249
83	250
83	251
83	252

Subarea 84 Precincts

84	254
84	255
84	257
84	258
84	259

Subarea 85 Precincts

85	260
85	261
85	262
85	263
85	264
85	266

Subarea 86 Precincts

86	341
86	347**

**Council Area 9
Doral Community Council**

Subarea 92 Precincts

92	348**
92	366
92	401
92	450

**Council Area 10
Westchester Community Council**

Subarea 101 Precincts

101	403
101	404
101	405
101	406
101	407**
101	408
101	411
101	442
101	443
101	445
101	446
101	447
101	448

Subarea 102 Precincts

102	424
102	425
102	428
102	429
102	430
102	431
102	432
102	603

Subarea 103 Precincts

103	421
103	422
103	423
103	433

* Reference to precincts are those balloting areas designated by the Dade County Supervisor of Elections and approved by the Board of County Commissioners pursuant to R-734-94 and R-523-99.

** Unincorporated portion of the precinct.

**Attachment A
Community Councils/Subareas By Voter Precincts***

01-17

103	434	111	772
103	435	Subarea 112	Precincts
103	715	112	701
103	716	112	702
Subarea 104	Precincts	112	704
104	418	112	705
104	419	112	764
104	420	112	773
104	436	Subarea 113	Precincts
104	437	113	711
104	713	113	733
104	714	113	744
Subarea 105	Precincts	113	770
105	417	Subarea 114	Precincts
105	438	114	734
105	439	114	735
105	709	114	736
105	710	114	737
105	712	114	738
Subarea 106	Precincts	114	740
106	353	114	762
106	367	114	766
106	451	114	767
106	402	114	774
106	412	114	775
106	413	Subarea 115	Precincts
106	414	115	739
106	415	115	741
106	416	115	742
106	440	115	743
106	441	115	757
106	444	115	769
106	449	115	768
		Subarea 116	Precincts
		116	759

**Council Area 11
West Kendall Community Council**

Subarea 111	Precincts
111	703
111	706
111	707
111	732
111	763

* Reference to precincts are those balloting areas designated by the Dade County Supervisor of Elections and approved by the Board of County Commissioners pursuant to R-734-94 and R-523-99.

** Unincorporated portion of the precinct.

**Attachment A
Community Councils/Subareas By Voter Precincts***

01 • 17

Council Area 12

Kendall Community Council

		125	752
		125	771
		Subarea 126	Precincts
Subarea 121	Precincts	126	753
121	619	126	754
121	637	126	755
121	639	126	756
Subarea 122	Precincts	126	760
122	606**	126	804
122	620**	126	805**
122	621**	126	840
122	622**		
122	623**		
122	717		
122	719		
122	720		
Subarea 123	Precincts		
123	708		
123	718		
123	724		
123	725		
123	726		
123	731		
123	761		
Subarea 124	Precincts		
124	727		
124	728		
124	729		
124	730		
124	745		
124	746		
124	747		
124	748		
124	765		
Subarea 125	Precincts		
125	641		
125	642		
125	721		
125	722		
125	723		
125	749		
125	750		
125	751		

Council Area 13

Palmetto Bay Community Council

		Subarea 131	Precincts
		131	806
		131	807
		Subarea 132	Precincts
		132	837
		Subarea 133	Precincts
		133	811
		Subarea 134	Precincts
		134	819
		134	820
		Subarea 135	Precincts
		135	810
		Subarea 136	Precincts
		136	808
		136	809

Council Area 14

Redland Community Council

		Subarea 141	Precincts
		141	801
		141	802
		141	803
		141	812
		141	813
		141	842
		Subarea 142	Precincts
		142	758

* Reference to precincts are those balloting areas designated by the Dade County Supervisor of Elections and approved by the Board of County Commissioners pursuant to R-734-94 and R-523-99.

** Unincorporated portion of the precinct.

**Attachment A
Community Councils/Subareas By Voter Precincts***

01 • 17

142	776	151	824
142	814	151	825
142	815	Subarea 152	Precincts
142	841	152	823
Subarea 143	Precincts	152	832
143	816	152	847
143	817	Subarea 153	Precincts
143	818	153	833
143	826	153	834
143	843	153	839
Subarea 144	Precincts	153	844
144	827	153	849
144	828	153	925
144	829	153	934
144	830	Subarea 154	Precincts
144	831	154	904
144	835	154	905
144	838	154	928
144	845	154	929
144	846	Subarea 155	Precincts
144	848	155	906
Subarea 145	Precincts	155	938**
145	912**	155	940**
145	924	Subarea 156	Precincts
145	930	156	903
Subarea 146	Precincts	156	908
146	836	156	909
146	901	156	910
146	902	156	911
146	913	156	918**
146	914	156	931
146	923**		
146	926		
146	927		
146	932		
146	936**		

**Council Area 15
South Bay Community Council**

Subarea 151	Precincts
151	821
151	822

**Council Area 16
Fisher Island Community Council**

Subarea 161	Precincts
161	47**
161	52**

* Reference to precincts are those balloting areas designated by the Dade County Supervisor of Elections and approved by the Board of County Commissioners pursuant to R-734-94 and R-523-99.

** Unincorporated portion of the precinct.

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**MEMORANDUM**Substitute
Agenda Item No. 4(X)TO: Honorable Chairperson and Members
Board of County CommissionersDATE: January 23, 2001
SUBJECT: Proposed Ordinance
Lift Stations and
Pumping StationFROM: 
County Manager

01-16

This substitute is being submitted with a revised background memorandum to further clarify the purpose of the proposed ordinance. The ordinance itself did not change.

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance to allow the installation of sewer lift stations and pumping stations in all zoning districts upon compliance with certain conditions.

BACKGROUND

The Water and Sewer Department (WASD) requires the installation of sewer lift stations every $\frac{1}{4}$ of a square mile to serve new development. In order to assure continuous service to the public and minimize any inconveniences after loss of electric power, WASD has recently adopted rules requiring that generators be installed in most sewer lift stations.

Previously, lift stations that were completely below grade were approved administratively by the Department of Planning and Zoning through the issuance of a building permit. The Zoning Code (Chapter 33, Code of Miami-Dade County) currently requires a zoning public hearing for these types of utility installations that include above grade generators or other structures. As sewer lift stations and their back up generators are an integral part of sanitary sewer systems and insure the health and safety of our citizens, the Department of Planning and Zoning has been working with WASD and the building industry to streamline the permitting of these facilities by eliminating the public hearing requirement for lift stations that satisfy certain conditions.

The attached ordinance would allow the installation of such facilities that are substantially landscaped so as to provide a visual screen from other properties. These facilities would not require approval at public hearing.

FISCAL IMPACT

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



MEMORANDUM

O:

Hon. Chairperson and Members
Board of County Commissioners

DATE: January 23, 2001
Substitute

SUBJECT: Agenda Item No.4(X)

FROM:

Robert A. Ginsburg
County Attorney

01-16

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 (X)
1-23-01

ORDINANCE NO. 01-16

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE THAT SEWER LIFT STATIONS AND PUMPING STATIONS BE PERMITTED AS OF RIGHT UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

Sec. 33-13. Unusual Uses.

* * *

- (f) >>Exception for sewer lift stations and pumping stations. Notwithstanding the requirements of Section 33-13(e) or any other sections of this Chapter, sewer lift stations and pumping stations, including generators in connection with such stations and any other structures necessary to their operation, shall not be considered an unusual use requiring a public hearing in any zoning district where:
- (1) stations and accessory structures including generators in connection with such stations are required by the Miami-Dade County Water and Sewer Department or other service providers as a condition of service, and

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

01-16

- (2) stations and accessory structures including generators in connection with such stations are located and required to serve development(s) within the Urban Development Boundary (UDB) as indicated on the Comprehensive Development Master Land Use Plan Map (LUP); and
- (3) a landscape plan for such stations has been submitted to and approved by the Director; indicating hedges (a) a minimum of three (3) feet in height when measured immediately after planting; and (b) planted and maintained to form a visual screen around the site within one (1) year after the time of planting, except that openings shall be required for providing adequate ingress, egress, and maintenance to the site for the purpose of maintaining said stations and accessory structures; and
- (4) all fencing is to be provided on site in accordance with the requirements of Section 33-11(g).

Additionally, where the requirements of this subsection have been met, lift stations and pumping stations, including generators and any other structures necessary to their operation, may be placed upon a site without regard to lot width, lot area, lot coverage or setback requirements established in this Chapter for the applicable zoning district.<<

~~[(f)]>>(g)<< *Circuses or carnivals* may be operated on GU and AU properties which are located within the Urban Development Boundary, and in BU-2 and all IU Districts, and on properties having a current certificate of use and occupancy for church or school use without a public hearing as prescribed in the above paragraph, provided:~~

* * *

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

01-16

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

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

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

PASSED AND ADOPTED: JAN 23 2001

Approved by County Attorney as
to form and legal sufficiency:

KAG

Prepared by:

CJC

MEMORANDUM

Agenda Item No. 4(H)

(Public Hearing 1-23-01)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: December 7, 2000

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
wireless supported service
facilities

01-02

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


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

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

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: January 23, 2001

FROM: 
M. R. Stierheim
County Manager

SUBJECT: Ordinance relating to
wireless supported service
facilities

01-02

The proposed ordinance relating to wireless supported service facilities will have no fiscal impact on Miami-Dade County.

Fiscal/01801



MEMORANDUM

Hon. Chairperson and Members
Board of County Commissioners

DATE: January 23, 2001

SUBJECT: Agenda Item No. 4(H)

FROM: Robert A. Ginsburg
County Attorney

01-02

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)
1-23-01

Veto _____

Override _____

ORDINANCE NO. 01-02

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO INCLUDE CERTAIN DEFINITIONS; ADDING SECTION 33-63.2 CODE OF MIAMI-DADE COUNTY, FLORIDA, TITLED WIRELESS SUPPORTED SERVICE FACILITIES; PROVIDING FOR PERMITTED USES AND PLACEMENT CRITERIA; LIMITING ANTENNA SUPPORT STRUCTURES; PROVIDING FOR CRITERIA; ADDING SECTION 33-63.3, CODE OF MIAMI-DADE COUNTY, FLORIDA, TITLED CO-LOCATION; AMENDING SECTION 33-35, CODE OF MIAMI-DADE COUNTY, FLORIDA EXEMPTING CERTAIN STRUCTURES FROM HEIGHT OF BUILDINGS; AMENDING SECTION 33-13, CODE OF MIAMI-DADE COUNTY, FLORIDA, DEALING WITH UNUSUAL USES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

WHEREAS, the Board of County Commissioners has determined that certain land use regulations in the siting of Wireless Supported Service Facilities will promote the health, safety and general welfare of its citizens; and

WHEREAS, Miami-Dade County wishes to encourage the location and co-location of antennas on existing structures thereby minimizing new visual impacts and reducing the need for additional antennas support structures ,

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

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

amended to read as follows:¹

Sec. 33-1 Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(1.1) Accessory Wireless Equipment Building – Any building/cabinet, shelter, or structure associated with a Wireless Supported Service Facility constructed for the primary purpose of housing the electronics, mechanical equipment, backup power, power generators and other free standing equipment associated with the operation of the facility.

* * *

(5.2) Antennas - Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, which includes but is not limited to telephonic, radio or television communications. Types of Antennas included, but are not limited to, whip antennas, panel, and/or Cylinder Type Antennas.

(5.3) Antennas (Cylinder Type) – Antennas which are fully housed within cylindrical design canisters.

(5.4) Antenna Support Structure – A facility that is constructed and designed primarily for the support of Antennas, which include the following types: (i) Guyed Tower – A tower that is supported in whole or in part by guy wires and ground anchors or other means of support in addition to the superstructure of the tower itself; (ii) Lattice Tower – A tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section; (iii) Monopole – A tower of a single pole design; and (iv) Camouflaged Structure – A structure designed to support Antenna and designed to blend into the existing surroundings.

* * *

(92.1) Sector(s) – A group of Antennas, excluding Cylinder Types, not to exceed four (4).

* * *

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

(115.1) Wireless Supported Services – Wireless services including, but not limited to, Personal Wireless Services (as defined in 47 United States Code. 322(c)(7)(C)(1)), as amended from time to time, and any other services which are provided via the transmitting and/or receiving of electromagnetic waves and also including telephonic, radio, and television communications.

(115.2) Wireless Supported Service Facility – Antennas, Antenna Support Structures and Accessory Wireless Equipment Building or any combination thereof utilized for or in connection with the provision of Wireless Supported Services.<<

* * *

Section 2. Section 33-63.2 of the Code of Miami-Dade County, Florida, is

hereby created to read as follows:

>>Sec. 33-63.2 Wireless Supported Service Facilities.

(a) Permitted Districts. Antennas used as part of a Wireless Supported Service Facility which are mounted on existing Structures shall be permitted in the following zoning districts subject to the criteria outlined below.

(1) In hotels, motels, and apartment hotels in an RU-4A district; in all RU-5, RU-5A, OPD, in all business and industrial districts.

(b) Criteria

(1) Antennas may be located on existing Structures with a height of thirty (30) feet or greater, so long as the Antennas do not extend more than thirteen (13) feet above the highest point of the roof of a building as measured in accordance with the provisions of Section 33-1(17) or the highest point on the Structure.

(2) Except for Cylinder Type Antennas, Antennas shall be screened from view or wall mounted and shall not exceed nine (9) Sectors.

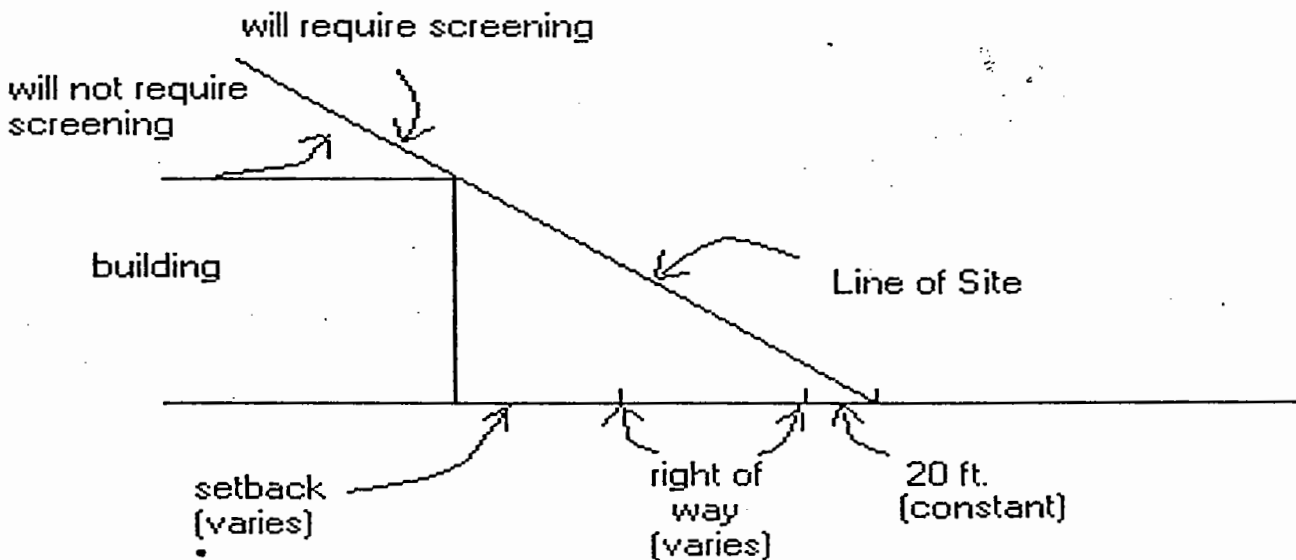
i) Where wall mounted Antennas shall not extend above the wall where located and shall be painted to match the supporting Structure. Wall mounted Antennas shall be limited to one (1) Sector per building elevation.

ii) Wall mounted Antennas not exceeding the height of the wall where located and painted to match the supporting Structure will be

allowed on rooftop elevator bulkheads, rooftop enclosures for mechanical equipment, and rooftop Accessory Wireless Equipment Buildings in addition to (b)(2)(i), above, but shall be limited to one (1) Sector per elevations on the particular rooftop structure where they are placed.

iii) Where roof mounted:

1. Requests to install roof mounted Antennas shall be accompanied by a line of sight analysis for each building elevation. The line of sight analysis shall be as provided for in the sketch below. The width of the right-of-way shall be equal to the width of the right-of-way fronting the particular elevation.



Any Antennas or portion thereof above the line of sight will require screening.

2. Where screening is required and where the screening is located within thirteen (13) feet of the corner of a Structure, screening material shall be installed on the two (2) side of the corners, nearest the exterior walls of the Structure. The screening material at the corners shall be the same length and height on both corners. After the initial Antenna installation, any additional Antennas installed within twenty (20) feet of the corner where the initial installation took place and which require screening shall be

continuously screened in the same fashion as the initial installation.

3. Where screening is required and where screening is not located within thirteen (13) feet of the corner of the roof, or continuously as provided for in 2 above, screening material shall be installed between the Antenna(s) and the nearest exterior wall of the Structure.
 4. Screening for installations not covered by 1, 2 or 3 above shall be as required by the Director.
- (3) Cylinder Type Antennas shall be limited to three (3) per Structure and shall be painted to match the Structure.
 - (4) No sign shall be allowed on an Antenna.
 - (5) No signals, lights, or illumination shall be permitted on an Antenna, unless required by any applicable federal, state or local rule, regulation or law.
 - (6) Accessory Wireless Equipment Buildings used in conjunction with Antennas, if located on the ground, shall comply with the minimum principal building setback requirements of the zoning district in which they are located. Self-standing, non sheltered equipment cabinet(s) used in conjunction with Antennas, if located on the ground shall be deemed mechanical equipment similar to air conditioning units and shall be limited to a height not to exceed eight (8) feet and an area not to exceed 80 square feet. There shall be no minimum spacing between Accessory Wireless Equipment Buildings and the building located on the property.
 - (7) Antennas meeting the criteria outlined in this Section shall not require an unusual use.
- (c) Antenna Support Structures. Wireless Supported Service Facilities including Antenna Support Structures of 100 feet or less in height used in connection with a Wireless Supported Service Facility shall be permitted in the BU-3 and in all Industrial Districts. When the Antenna Support Structure is greater than 100 feet in height, a public hearing is required pursuant to Section 33.13(e). Antenna Support Structures which exceed 150 feet in height must comply with the requirements of Section 33-62.
- (1) No sign shall be allowed on the Antenna Support Structure or the Antennas.

- (2) No signals, lights, or illumination shall be permitted on the Antenna Support Structure or the Antennas, unless required by any applicable federal, state or local rule, regulation or law.
- (3) Accessory Wireless Equipment Buildings used in conjunction with Antenna Support Structures and Antennas, if located on the ground, shall comply with the minimum principal building setback requirements of the zoning district in which they are located. Self-standing, non sheltered equipment cabinet(s) used in conjunction with Antenna Support Structures or Antennas, if located on the ground shall be deemed mechanical equipment similar to air conditioning units and shall be limited to a height not to exceed eight (8) feet and an area not to exceed 80 square feet. There shall be no minimum spacing between Accessory Wireless Equipment Buildings and the building located on the property. <<

Section 3. Section 33-63.3 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

>>Sec. 33-63.3. Co-Location.

To encourage co-location and the use of sites, which already have Wireless Supported Service Facilities, additions to such facilities may occur as follows:

- (a) The addition of Antennas, cables, and/or Accessory Wireless Equipment Building to an existing Wireless Supported Service Facility shall be permitted in any district regardless of whether the Wireless Supported Service Facility is legally conforming or non-conforming and regardless of any limitations placed by any Resolution approving the Wireless Supported Service Facility.<<

Section 4. Section 33-55 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-55. Certain Structures Exempt.

- (a) The provisions of this article regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof

structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, >>and structures used in connection with screening of Antennas.<<

* * *

Section 5. Section 33-13 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 33-13. Unusual Uses.

* * *

(e) Unusual and new uses. Unless approved upon . . . subdivision entrance gates and entrance features not conforming to regulations; testing laboratory or plant; tourist attractions; ~~[[towers-]]~~radio and TV~~[[]]~~ transmitting stations; ... water use facilities, >>Wireless Supported Service Facilities except as provided for in Section 33-63.2 and 33-63.3<<

Section 6. 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 7. 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 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 8. 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. This ordinance shall not be applicable to any proposed Antenna Support

Structures, which are between 100 feet and 150 feet in height and, which are the subject of a building permit application that was filed prior to the effective date of this ordinance.

Section 9. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JAN 23 2001

Approved by County Attorney as
to form and legal sufficiency:

RA 6

Prepared by:

JM

Sponsored by Commissioner Bruno A. Barreiro and
Commissioner Dorrin D. Rolle

MEMORANDUM

Agenda Item No. 4(C)

TO: Hon. Chairperson and Members
Board of County Commissioners

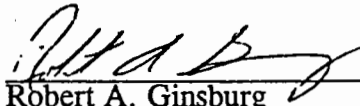
(Public Hearing 12-7-00)
DATE: November 14, 2000

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/ISSA 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: 
M. R. 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:¹

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

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.

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 [[4994]].

* * *

- (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. Stipheim
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

Veto _____

Override _____

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

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:¹

* * *

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]]~~ 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.<<

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. 16

* * *

~~[(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:

LAB



MEMORANDUM

Agenda Item No. 4(P)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE:

(Public Hearing 11-28-00)

October 3, 2000

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)

11-28-00

Veto _____

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:¹

* * *

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:

HB1



MEMORANDUM

Agenda Item No. 4(H)

107.07-17A METRO-DADE/ISS/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: N. 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:¹

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

* * *

¹ 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

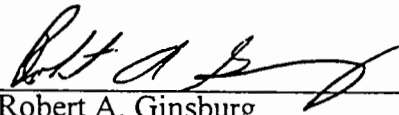
DATE: (Public Hearing 5-9-00)
April 11, 2000

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

107.07-17A METRO-DADE/GSA-MAT MG*

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: May 9, 2000

SUBJECT: Ordinance relating to
County's lobbyists

FROM: 
M. R. Stierheim
County Manager

The proposed ordinance prohibits any lobbyist lobbying on behalf of Miami-Dade County to support a position in opposition to a position of the County unless the Board of County Commissioners grants a specific waiver for a specific lobbying activity. The failure of any County lobbyist to comply with the provisions of the ordinance shall result in that lobbyist's contract with the County being voidable by the County.

This proposed ordinance has no foreseeable fiscal impact.

fis/06400



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

Approved _____ Mayor

Veto _____

Override _____

Amended

Agenda Item No. 4(D)

5-9-00

ORDINANCE NO. 00-64

ORDINANCE RELATING TO COUNTY'S LOBBYISTS;
PROHIBITING COUNTY'S LOBBYISTS FROM
ENGAGING IN CERTAIN LOBBYING ACTIVITIES;
REQUIRING COUNTY APPROVAL FOR CERTAIN
LOBBYING ACTIVITIES; 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. No person or entity, whether an individual, firm, partnership or corporation, which receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at either the state, national or municipal level shall represent any entity in any forum to support a position in opposition to a position of the county unless this Board grants a specific waiver for a specific lobbying activity.

Section 2. The failure of any county lobbyist to comply with the provisions of Section 1 of this ordinance shall result in either or both of the following:

- (a) that lobbyist's contract with the county being voidable by the county;
- (b) a prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county.

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:

RAG
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

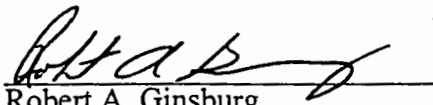
DATE: April 11, 2000

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

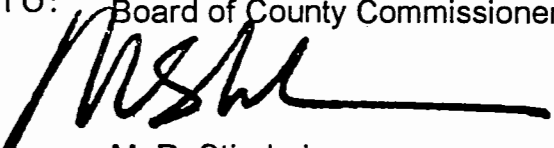
00-55

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 follows¹:

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-

¹ 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.

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
YWW

Sponsored by Chairperson Gwen Margolis



MEMORANDUM Agenda Item No. 4(I)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE:

(Public Hearing 4-11-00)

March 21, 2000

SUBJECT:

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

FROM:

M. R. Stigheim
County Manager

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:¹

**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

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

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:

RRG
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

O#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 MAST 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:¹

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

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

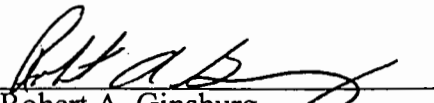
FROM: Robert A. Ginsburg
County Attorney

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 METRO-DADE/GS/MIAT 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 _____

Amended
Substitute
Agenda Item No.4 (F)
4-11-00

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:¹

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

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

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. Sierheim
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

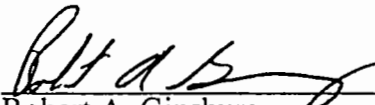
SUBJECT: Ordinance relating to
litter containers

O#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

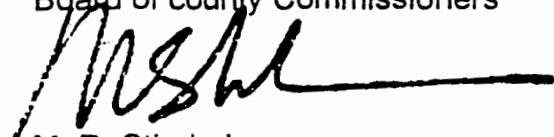


MEMORANDUM

107.07-17A METRO DADE/GSAMAT MG*

TO: Honorable Chairperson and Members
Board of county Commissioners

DATE: April 11, 2000

FROM: 
M. R. Stierheim
County Manager

SUBJECT: Ordinance relating to
Provision of Litter
Containers at
Establishments that Sell
Takeout Beverages or Food

The proposed ordinance requires that all shopping centers, strip malls, grocery stores, restaurants, or commercial establishments that sell takeout beverages or food provide a litter can near every entrance and at every 100 feet along any established pedestrian walkway within the footprint of such property. The enforcement work required as a result of this ordinance could be achieved with the current staffing levels and should have little or no negative fiscal impact.

It is recommended that the maximum size of the litter cans be limited to no more than sixty gallons in size. This limitation will ensure that larger trash receptacles, such as small dumpsters, are not placed in set backs, on sidewalks, or in parking spaces and utilized to fulfill the requirement.

Fis/04700



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners


DATE:

April 11, 2000
Substitute

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

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>
>> <u>33-122.4</u> <<	>> <u>Failure to provide and maintain litter cans for establishments that sell takeout beverages or food.</u> <<	>> <u>\$100.00</u> <<

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 1 1 2000

Approved by County Attorney as
to form and legal sufficiency:

RAE
AEM

Prepared by:

Sponsored by Commissioner Javier D. Souto

5

