

Ordinance Book *

MEMORANDUM

Amended
Agenda Item No. 6(G)

(Second Reading 11-30-04) ✓

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 8, 2004

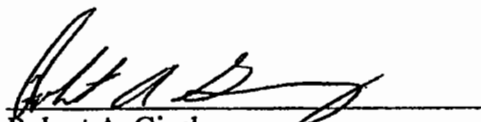
**OFFICIAL FILE COPY
CLERK OF THE BOARD
COUNTY COMMISSIONERS**

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
MIAMI INTERNATIONAL AIRPORT
zoning

O#04-203

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Jose "Pepe" Diaz.


Robert A. Ginsburg
County Attorney

RAG/bw

04 203

Date:

November 30, 2004

Memorandum



To:

Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members Board of County Commissioners

From:

George M. B...
County Manager

A handwritten signature in black ink, appearing to read "B...". The signature is written over the printed name "George M. B..." and extends to the right.

Subject:

Ordinance relating to Miami International Airport zoning

This ordinance relating to Miami International Airport zoning will have no fiscal impact on Miami-Dade County.

fiscal/04304



MEMORANDUM
(Revised)

04-203

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 6(G)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 6(G)
11-30-04

ORDINANCE NO. 04-203

ORDINANCE RELATING TO MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD) ZONING; ADOPTING LEGISLATIVE FINDINGS; MODIFYING DEFINITIONS AND REGULATIONS OF HEIGHT, USES AND STRUCTURES PERMITTED IN PROXIMITY TO MIAMI INTERNATIONAL AIRPORT; ESTABLISHING STANDARDS AND PROVIDING FOR APPROVAL OF CERTAIN EDUCATIONAL FACILITIES AND VARIANCES BY BOARD OF COUNTY COMMISSIONERS AFTER RECOMMENDATION BY THE AIRPORT DEVELOPMENTAL IMPACT COMMITTEE EXECUTIVE COUNCIL (AIRPORT DIC); ESTABLISHING AIRPORT DIC AND PROVIDING FOR MUNICIPAL REPRESENTATION IN CERTAIN CASES; PROVIDING FOR APPROVAL OF CERTAIN NEW EDUCATIONAL FACILITIES AFTER SITE PLAN REVIEW BY THE MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING; PROVIDING STANDARDS AND PROCESS FOR APPROVING EXPANSIONS AND MODIFICATIONS OF EXISTING EDUCATIONAL FACILITIES; CREATING SECTIONS 33-303.2 AND 33-343.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); AMENDING ARTICLE XXXVII OF CHAPTER 33 AND SECTION 33-314 OF THE CODE; 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 33-330.1 of the Code of Miami-Dade County, Florida, is hereby created as follows:¹

**ARTICLE XXXVII. MIAMI
INTERNATIONAL AIRPORT (WILCOX FIELD) ZONING**

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

>>Section 33-330.1. Legislative intent, findings and purposes.

The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that the uncoordinated use of lands within the County threatens the orderly development and the health, safety, order, convenience, prosperity and welfare of the present and future citizens of this County. Pursuant to Ordinance No. 75-22, the Board adopted and accepted the Comprehensive Development Master Plan (CDMP) for Miami-Dade County whereby it specifically declared that it was the continuing policy of Miami-Dade County, in cooperation with federal, state, regional and local governments, and other concerned public and private organizations, to use all reasonable means and measures to:

- (a) foster and promote the general welfare;
- (b) to create and maintain conditions under which man and nature can exist in productive harmony; and
- (c) to fill the social, economic and other requirements of the present and future generations of citizens of Miami-Dade County, Florida.

The Board further finds that the CDMP was enacted to assure for all people of Miami-Dade County an attempt to create safe, healthful, productive and aesthetically and culturally pleasing surroundings; to attain the widest range of beneficial uses of the environment without unreasonable degradation, risk to the health or safety, or other undesirable and unintended consequences, to preserve important historic, cultural and natural aspects of our national heritage; to maintain, wherever possible, an environment which supports diversity and variety of individual choice; to achieve a balance between population and resources which will permit the high standards of living and a wide sharing of life's amenities, and to enhance the quality of renewal resources and approach the maximum attainable recycling of depletable resources.

Among the CDMP provisions designed to achieve these ends are goals, objectives and policies to ensure the provision of an economic, integrated environment and community sensitive and balanced system of air transportation, facilities and services; to maximize compatibility between airports and the surrounding communities; and to maximize aviation's support of local and regional economic growth. In furtherance of these goals,

objectives and policies, the Board finds that the coordinated review and analysis of its airport facilities and surrounding communities is necessary to carry on a central metropolitan government in Miami-Dade County, Florida. Coordinated review and analysis of airport facilities and the surrounding communities' present and future land uses is susceptible to, and would be most effectively carried on, under a uniform plan of regulation applicable to the County as a whole. The planning of the efficient land use around the airport, combined with other plan implementation tools, can be effectively used in meeting social, economic and environmental needs and in creating a major influence on metropolitan development patterns and life styles. The capability of an efficient, safe airport system and associated industry and businesses, acting in conjunction with other urban services, including public and private educational facilities, to establish general development trends, is well recognized. A maximum coordination of the airport system requirements and land use policy decisions is therefore essential to optimize the role of the airport system as a potent tool for implementing the desired patterns of metropolitan development in Miami-Dade County.

This Board further finds that the Legislature of the State of Florida has mandated the adoption of land use regulations by Miami-Dade County, as a political subdivision authorized to establish and operate airports within its territorial limits, to assure compatible land uses in the areas surrounding such airports. This Board acknowledges and adopts as its own those legislative findings in Chapter 333, Florida Statutes, that call for coordinated planning airports and coordinated land uses in proximity thereto.

Among the matters specifically required by Chapter 333, Florida Statutes, to be regulated are the siting and construction of public and private educational facilities in certain defined areas in proximity to airports. This Board hereby finds that public and private educational facilities for all of Miami-Dade's communities are an indispensable urban service, essential to achieving a high standard of living for Miami-Dade County's residents and to meeting critical social and economic needs. This Board further finds that meeting the escalating demand for such educational facilities in already developed or rapidly developing urban areas is expensive and difficult, due in part to dwindling supplies of available developable land. This Board further finds that where certain conditions and requirements are met, as prescribed by the zoning regulations contained herein, educational facilities can safely, effectively and economically be sited and constructed within defined areas in proximity to all of Miami-Dade County's

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airports, including Miami International Airport. This Board's adoption of the regulations contained herein reflect its balancing of the escalating need and demand for educational facilities to serve its residents, the health and safety concerns pertinent to allowing development in proximity to Miami International Airport, and the interest in maintaining and fostering business and industry associated with aviation in general and specifically with Miami International Airport.<

Section 2. Section 33-331 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:

Sec. 33-331. Provisions hereof established as minimum standards governing zoning.

It is established that the airport zoning area for Miami International Airport (Wilcox Field), the zone classification districts therein and the height limitations applicable to such districts, as the same are hereinafter set forth, shall be incorporated with all other minimum standards governing zoning heretofore or hereinafter adopted pursuant to Section 4.07 of the Home Rule Charter for ~~[[Metropolitan]]~~ >>Miami-<<Dade County, Florida.

Section 3. Section 33-332 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:

Sec. 33-332. Definitions.

In construing the provisions hereof and each and every word, term, phrase or part thereof, where the context will permit, the definitions provided in Section 1.01, Florida Statutes, and Section 33-1 and Section 33-302 of the Code of ~~[[Metropolitan]]~~ >>Miami-<<Dade County, Florida, and the following definitions shall apply:

* * *

- (3) >>Airport hazard means any structure, obstruction, tree or use of land which exceeds the federal obstruction standards contained in 14 C.F.R. sections 77.21, 77.23, 77.25, 77.28 and 77.29, or which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing, or

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which is otherwise hazardous to taking off, maneuvering, or landing of aircraft.

- (3.1) Aviation-related school shall mean any educational facility whose greater portion of curriculum is in the education or training in the science and art of flight and airports, including but not limited to: the operation and construction of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or subjects pertaining thereto.
- (3.2) Educational facilities shall mean both those facilities as defined by Chapter 1013, Florida Statutes, as amended, including but not limited to traditional public schools and charter schools, and also private schools, as defined by the Code of Miami-Dade County. It is provided, however, that for purposes of this article, educational facilities shall not include "baby-sitting services for shoppers" or "family day care homes," or, in the CA-B and CA-C sub-zones as defined in this article, day nurseries and after-school care, as those terms are defined in section 33-151.11 of the Code, or day nurseries serving the workers in a lawful commercial or industrial use, when fully contained in the structure accommodating such commercial or industrial use.
- (3.3) ~~<<[[Airport-h]]>>H<<azard >>to Air Navigation<< means >>an object which will have substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity.<< [[any structure or tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.]]~~
- (4) Height: For the purpose of determining the height limits in all districts set forth in this article and shown on [[the boundary map for zone classification districts, the datum shall be mean sea level (MSL) elevation unless otherwise specified]] >> the Airport Height Zoning Area Map (MIA), as defined herein, height shall mean the maximum vertical distance between Mean Sea Level (MSL) and the top of the object or structure. <<

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(5) *Instrument runway* means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing or takeoff of aircraft under restricted visibility conditions. The instrument runways at Miami International Airport are designated as Runways ~~[[9L/27R]]~~ >>8R/26L<<, 9[[R]]/27[[L]] and 12/30. Their centerlines are described as follows:

- (a) *Runway* ~~[[9L/27R]]~~ >>8R/26L<<: Commencing at the SE corner of the NW 1/4 of Section 29, Township 53 South, Range 41 East, >>Miami-<<Dade County, Florida; thence N 1° 43' 33.8" W a distance of 459.03 feet; thence S 87° 04' 03" W a distance of 1685.80 feet to the east end of the runway and the point of beginning; thence S 87° 04' 03" W a distance of 10,500 feet to the west end of the runway.
- (b) *Runway* 9[[R]]/27[[L]]: Commencing at the SE corner of the NW 1/4 of Section 31, Township 53 South, Range 41 East, >>Miami-<<Dade County, Florida; thence S 87° 20' 34.4" W a distance of 920.11 feet; thence N 10° 42' 02" W a distance of 670.40 feet; thence S 87° 04' 03" W a distance of 10,310 feet to the west end of the runway and the point of beginning; thence N 87° 04' 03" E a distance of 13,000 feet to the east end of the runway.
- (c) >>Runway 12/30 << Commencing at the SE corner of the NW 1/4 of Section 31, Township 53 South, Range 41 East, >>Miami-<<Dade County, Florida; thence N 69° 45' 53" E a distance of 986.62 feet to the southeasterly end of the runway and the point of beginning; thence N 60° 51' 27" W a distance of 9,355 feet to the northwesterly end of the runway.

* * *

>>(7.1) Non-instrument runway means a runway other than an instrument runway. The non-instrument runway at Miami International Airport is designated as Runway 8L/26R. Its centerline is described as follows:

- (a) Runway 8L/26R: Commencing at the Northwest corner of Section 25, Township 53 South, Range 40 East, Miami-Dade County, Florida; thence southward along the west line of said Section 25 a distance of 3245.23 feet; thence N 87° 22' 38" E a distance of 1138.87 feet to the west end of the runway and the point of beginning; thence N 87° 22' 44" E a distance of 8,600 feet to the east end of the runway.

(7.2) Obstruction means any structure, growth, or other object including a mobile object, which exceeds the height limitation as set forth in this article.<<

* * *

- (10) Runway means [[a]] >> the <<[[paved surface of uniform width used by aircraft by aircraft for]] >>defined area on an airport prepared for << landing and [[taking-off]] >> take-off of aircraft along its length.<<

- (11) Primary surface, sometimes hereinafter called "landing district," means a surface longitudinally centered on a runway and extending two hundred (200) feet beyond each end of that runway. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface >>for instrument runways<< is one thousand (1,000) feet. >>The width of the primary surface for non-instrument runways is five hundred (500) feet.<<

* * *

Section 4. Section 33-333 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-333. Establishment of airport zoning area for Miami International Airport (Wilcox Field).

For the purpose of this article there is hereby created and established the airport zoning area for Miami International Airport (Wilcox Field), and it is hereby ordained that such area shall include, and that the provisions of this article shall be applicable to and embrace, all of the unincorporated and incorporated land and water area lying, situate and being in those certain portions of

>>Miami-<<Dade County, Florida, within the following described boundaries:

- (1) *Northern boundary.* Commencing at the intersection of the >>Miami-<< Dade County-Broward County line and the centerline of U.S. Highway 27, proceed easterly along the County line to the range line between Range 42 and Range 43 East.
- (2) *Eastern boundary.* Commencing at the intersection of the >>Miami-<< Dade County-Broward County extended, and the range line between Range 42 East and Range 43 East, proceed southerly along said range line to the intersection of theoretical S.E. 152 Street.

* * *

Section 5. Section 33-334 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

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

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

- (1) *L or Landing districts >>(Primary Surfaces)<<.* A "landing district" (also known as "primary surface") is established for each instrument >>and non-instrument<< runway. A landing district for an instrument runway shall have a uniform width of one thousand (1,000) feet[~~];~~] >>. A landing district for a non-instrument runway shall have a uniform width of five hundred (500) feet. All landing districts<< shall extend for the full length of such runway plus a distance of two hundred (200) feet beyond each end thereof and shall include such runway and be symmetrical about the centerline thereof. Each landing district shall embrace and include all of the land and water area lying

vertically beneath an imaginary surface referred to as the primary surface which shall have an elevation equal to the elevation of the nearest point on the runway centerline.

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

The instrument approach surface shall begin on a base one thousand (1,000) feet wide, such base to be at a position two hundred (200) feet beyond the end of the runway and from such base the approach surface shall widen uniformly to sixteen thousand (16,000) feet at a horizontal distance of fifty thousand ~~>>two hundred<<~~ (50, ~~[[000]]>>200<<~~) feet beyond the ~~[[base of the approach surface,]]~~ ~~>>end of the runway<<~~ the centerline of ~~[[such approach]]~~ ~~>>this<<~~ surface being the ~~[[continuation]]~~ ~~>>extension<<~~ of the centerline of the runway.

The instrument approach surface shall extend outward and upward from its one thousand-foot-wide base, the elevation of which base is ten (10) feet MSL.

- (a) For runways 8R, 26L, 12 and 30, the approach surface shall slope upward one (1) foot vertically to sixty-five (65) feet horizontally for the first ten thousand (10,000) feet of its length, and from thence it shall slope upward one (1) foot vertically to forty (40) feet horizontally for the remaining forty thousand (40,000) feet.
- (b) For runways 9 and 27, the approach surface shall slope upward one (1) foot vertically to fifty (50) feet horizontally for

the first ten thousand (10,000) feet of its length, and from thence it shall slope upward one (1) foot vertically to forty (40) feet horizontally for the remaining forty thousand (40,000) feet.

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- (5) *DZ or Departure zone district.* A "departure zone district" is hereby established adjacent to each instrument runway, and it is further established that each departure zone district shall embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which shall hereafter, for the purpose of this article, be referred to and described as departure ~~[[zoning area; criteria for review of land use and zoning modifications in airport zoning area]]~~ >>zone surface 1 and departure zone surface 2 as depicted on the Airport Height Zoning Area Map for Miami International Airport as defined herein.. The high structure set-aside district, which is hereinafter established and described, shall not be a part of and is hereby specifically excluded from the departure zone district <<.

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- (8) ~~[[Critical Area Approach Departure Surface. The first ten thousand (10,000) feet of an IA or instrument approach district is also classified as a critical area approach departure surface, and land uses in the area lying beneath the imaginary inclined surface of the critical area approach departure surface shall not include places of public assembly, schools, churches, hospitals, single and multiple family residences.-]]~~

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

inclined surface which shall hereafter, for the purposes of this article, be referred to and described as the non-instrument approach surface.

The non-instrument approach surface shall begin, and shall have a base five hundred (500) feet wide, at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond the end of the runway, the centerline of this surface being the continuation of the centerline of the runway.

The non-instrument approach surface shall extend outward and upward from its five hundred-foot-wide base, the elevation of which is base is ten (10) feet MSL.

(a) For Runways 8L and 26R, the approach surface shall slope upward one (1) foot vertically to thirty-four (34) feet horizontally for its entire length <<

(B) Criteria included in the ~~[[Miami International Airport Compatibility Study, dated December 1971, and the]]~~ Miami-Dade County Comprehensive Development Plan shall be utilized in the review of land use and zoning modifications which are requested in the hereinbefore established airport zoning area.

* * *

Section 6. Section 33-335 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:

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

Except as otherwise provided elsewhere in this article, no structure shall be erected or altered and no tree shall be allowed to grow or be maintained in any district created and established by this article to a height in excess of the height limits herein established for such district >>, as established by the Airport Height Zoning Area Map for Miami International Airport defined

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

>>The Board of County Commissioners hereby adopts, approves and ratifies the map entitled "Airport Height Zoning Area Map for Miami International Airport" as prepared by the Miami-Dade Aviation Department, dated August 26, 2003, reflecting the above-defined height limitations, which is on file in the Office of the Miami-Dade County Department of Planning and Zoning. Such map shall be the official height zoning map for the Miami International Airport, shall establish the maximum height of the structures and shall be applicable to and controlling of such height limitations established herein.<<

Such limitations are hereby established for the districts as follows:

- (1) ~~[[Landing districts: Structures and trees will not be permitted in landing districts except as required, necessary and pertinent to the operation and maintenance of Miami International Airport (Wileox Field) and then only to the extent permitted or authorized by applicable rules or regulation promulgated by Miami Dade County and the Federal Aviation Administration, or its successor counterpart]]~~ >>For Runways 8R, 26L, 12 and 30: One (1) foot vertically for each sixty-five (65) feet horizontally beginning at a point two hundred (200) feet from the end of each instrument runway and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway.<<

- (2) ~~[[Instrument approach districts:~~
 - (a) ~~For Runways 9L, 27R, 12 and 30: One (1) foot vertically for each sixty five (65) feet horizontally beginning at a point two hundred (200) feet from the end of each instrument runway and extending for a distance of ten thousand two hundred (10,200) feet~~

~~from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway.~~

(b)] For Runways 9 [[R]] and 27 [[L]], one (1) foot vertically for each fifty (50) feet horizontally beginning at a point two hundred (200) feet from the end of these instrument runways and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway.

* * *

>>(8) Non-Instrument approach districts:

(a) For Runways 8L and 26R, the non-instrument approach surface shall extend outward and upward from its base, the elevation of which shall be the same as that of the runway end adjacent thereto, with a slope of one (1) foot vertically to thirty-four (34) feet horizontally for its entire length.<<

Section 7. Section 33-336 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:

Sec. 33-336. ~~[[Zone classification district boundary map for the airport zoning area]]~~ >>Establishment of land use zoning classification maps, criteria and use restrictions for Miami International Airport and surrounding area.<<

The Board of County Commissioners hereby adopts, approves and ratifies >>the map "Airport Land Use Zoning Map for Miami International Airport and Surrounding Area," as prepared by the Miami-Dade Aviation Department, dated July 19, 2004, reflecting the location and identifying Miami International Airport and other topographic data pertinent thereto depicting the boundaries of the airport zoning area and the airport zone sub-areas. Such map establishes the boundaries of the airport zoning area and sub-areas, and all prohibitions, restrictions and limitations on uses permitted thereon. The above defined map, which is on

file in the Miami-Dade County Department of Planning and Zoning, shall be an official land use zoning map for the Miami International Airport and surrounding area, shall evidence the boundaries of the areas and sub-areas depicted thereon, and shall be applicable to and controlling of zoning for such area and sub-areas.<< ~~[[a drawing "Airport Zoning Area Map Miami International Airport Aircraft Arrival/Departure Districts," the original of which is on file with the Clerk of the Board. Such drawing shall locate and identify Miami International Airport (Wilcox Field) and other topographic data pertinent thereto and to the purposes of this article, and shall truly and faithfully depict the boundary of the airport zoning area and the boundaries and by contour lines, the height limitations, for the several zone classification districts therein as the same are established herein and as the same may be changed, varied, amended or supplemented by resolution as provided and prescribed in Chapter 33 of the Code of Miami Dade County, Florida. Copies or prints of such drawing shall be maintained and kept on file in the offices of the Miami Dade County Aviation Department and the Department and shall be prima facie evidence of the boundaries of the zone classification districts and the height limitations applicable thereto and therein.]]~~

>>(A) For the purpose of this article all of the land use zoning criteria for Miami International Airport, and surrounding area, as the same is created established and described hereinbefore, is hereby divided into zones as follows:

- (1) Inner Safety Zone (ISZ), also referred to as the Runway Protection Zone (RPZ). For Miami International Airport, the ISZ is defined as an area which is centered about the extended runway centerline and begins 200 feet beyond the end of the area usable for take-off or landing. The ISZ dimension for Runways 12/30, 9R/27L, 9L/27R and 8/26 begin at a width of 1,000 feet and extends 2,500 feet to a width of 1,750 feet. The ISZ dimension for Runways 8/26 begin at a width of five hundred (500) feet and extends one thousand seven hundred (1,700) feet to a width of one thousand ten (1,010) feet.
- (2) Outer Safety Zone (OSZ). The OSZ is described as an area that extends outward from the ISZ to a point that is five thousand (5,000) feet from the runway end. The OSZ dimensions for Runways 12/30, 9R/27L and 9L/27R begin at a width of 1,750 feet and extend

outward 2,300 feet to a width at 2,440 feet. The OSZ dimensions for Runways 8/26 begin at a width of one thousand ten (1,010) feet and extend outward three thousand one hundred (3,100) feet to a width at one thousand nine hundred forty (1,940) feet.

- (3) *Inner Land Use Zone (ILZ).* An ILZ for Miami International Airport is considered to be within the 75 decibel and greater Day Night Noise Level (DNL) Noise Contour which depicts concentrations of aircraft noise around an airport based on day night noise levels averaged over a year. The ILZ is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area defined herein.
- (4) *Outer Land Use Zone (OLZ).* The OLZ for Miami International Airport is within the 65 to 74 decibel Day Night Noise Level (DNL) Noise Contour, which depicts concentrations of aircraft noise around an airport based on day night noise levels averaged over a year. The OLZ is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area defined herein.
- (5) *Critical Area Approach Zone (CA).* A CA for each runway at Miami International Airport covers an area that extends five (5) statute miles from the end of a runway in a direct line along the extended centerline of the runway, and has a width measuring one-half (1/2) the length of the longest runway at Miami International Airport. The CA for each runway consist of a CA-A, a CA-B and a CA-C sub-zone. The CA-A is the area closest to the runway and extends out two (2) miles from the end of the runway; the CA-B extends out the next one-and-one-half miles from the end of the CA-A; and the CA-C extends out the remaining one-and-one-half miles from the end of the CA-B. The CA is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area.
- (B) No land, body of water or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in the Miami International Airport (Wilcox Field) Zoning Area, which is

designed, arranged, or intended to be used or occupied for any purpose otherwise permitted in the underlying zoning district, except in compliance with the following restrictions, limitations and prohibitions:

- (1) Inner Safety Zone (ISZ). New residential construction, educational facilities (excluding aviation related schools), and buildings for public assembly in excess of 1000 persons are prohibited within this land use zone. It is provided, however, that the prohibition on buildings for public assembly shall not apply to hotels, motels, or hospitals and their ancillary uses. Additionally, the prohibition on buildings for public assembly as provided herein shall not apply to structures used in connection with public transportation. In no event shall this prohibition be varied.
- (2) Outer Safety Zone (OSZ). New residential construction, educational facilities (excluding aviation related schools), and buildings for public assembly in excess of 1000 persons are prohibited within this zone. It is provided, however, that the prohibition on buildings for public assembly shall not apply to hotels, motels, or hospitals and their ancillary uses. Additionally, the prohibition on buildings for public assembly as provided herein shall not apply to structures used in connection with public transportation. There shall be no variance pertaining to the residential and educational uses prohibited herein nor any variance permitting a use for public assembly other than as permitted in this paragraph.
- (3) Inner Land Use Zone (ILZ). New residential construction and educational facilities (excluding aviation related schools) are prohibited within this zone. In no event shall this prohibition be varied.
- (4) Outer Land Use Zone (OLZ). New residential construction constructed after the effective date of this ordinance and educational facilities (excluding aviation related schools) within this land use zone are only permitted where not otherwise prohibited and where a minimum of 25 decibel (db) Noise

Level Reduction (NLR) materials are incorporated in the design and construction of the structure.

- (5) Critical Area Approach Zone (CA). Educational facilities in the CA (excluding aviation related schools) are subject to the following prohibitions, restrictions and limitations. Exceptions listed in this paragraph shall be applicable to all sub-zones, except when particular sub-zones are expressly indicated.

Nothing in this subsection shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in former section 235.19, Florida Statutes, as of July 1, 1993. It is provided, however, that applicants for new structures or modifications to existing structures shall be subject to all other zoning regulations in this code applicable to charter schools and private schools.

A new public educational facility site proposed or selected after the effective date of this ordinance (February 24, 2005), when located partially within the CA-B or CA-C sub-zone, shall not be subject to the requirements of this subsection, where no more than 49% of the site is within the CA and no portion of the site within the CA is designated or will be used for classroom space.

The requirements of this subsection shall not apply to replacement or modification of an existing public educational facility where there is no increase in the total number of student stations authorized for such facility as of the effective date of this ordinance (February 24, 2005) and there is no expansion of the site.

CA-A. No new educational facilities (except aviation related schools and except as provided above) are permitted in the CA-A sub-zone. In no event shall this prohibition be varied.

Educational facilities existing as of the effective date of this ordinance (February 24, 2005), except as otherwise provided in this section, shall be permitted to expand, upon demonstration that the requirements and standards established in section 33-337 (A), the underlying applicable zoning district standards, and all other standards in this Chapter have been met. In no event shall this provision be varied.

CA-B. Except as otherwise provided in this section, establishment of an educational facility is permitted in the CA-B sub-zone, after public hearing upon demonstration that the requirements and standards established in section 33-337(A), the underlying applicable zoning district standards, and all other standards in this Chapter applicable to educational facilities have been met. Expansions and modifications of an educational facility shall be permitted in the CA-B sub-zone, upon application for building permit pursuant to section 33-340 of this code, when otherwise in compliance with the zoning regulations, including all prior zoning approvals, where any of the following is proposed:

- (i) any on-site expansion or modification of non-occupied space, including but not limited to bus drop-offs, parking lots, and playing field improvements;
- (ii) any on-site expansion or modification of non-classroom occupied space, up to 40% above the square footage of the educational facility as of the effective date of this ordinance (February 24, 2005);
or
- (iii) any on-site expansion or modification of classroom space, up to 40% above the number of student stations at a traditional public educational facility authorized as of the effective date of this ordinance (February 24, 2005), or in the case of private and charter educational facilities, the number of students lawfully authorized for the facility as of the effective date of this ordinance (February 24, 2005)

by zoning action or building permit, whichever is less restrictive.

Any applicant for a building permit pursuant to the foregoing shall certify that the proposed expansion or modification, together with all prior expansions or modifications after the effective date of this ordinance (February 24, 2005), does not exceed the limitations prescribed, and with such certification shall provide a listing of all building permits issued after such date authorizing expansions or modifications.

All other applications for expansions or modifications of an educational facility in the CA-B sub-zone shall be permitted upon demonstration that the requirements and standards established in section 33-337(B)(2), (3) and (4) have been met.

A new traditional public educational facility proposed in this sub-zone for the sole purpose of relieving overcrowding at an existing traditional public educational facility shall be deemed an expansion and subject to the requirements and standards of Section 33-337(B) (2), (3), and (4), where the School Board has provided assurances by interlocal agreement that:

- (i) the existing public educational facility is at or exceeds 115% of the Florida Inventory of School Houses capacity, as of the effective date of this ordinance (February 24, 2005), and that the existing and new educational facilities shall not cumulatively provide for a greater number of students than enrolled in the existing educational facility as of the effective date of this ordinance (February 24, 2005);
- (ii) the new reliever public educational facility will provide for a number of students equal to or fewer than the reduction of the number of students at the existing educational facility, and

- (iii) the new reliever school will be located in a sub-zone no more restrictive than the sub-zone of the existing educational facility.

Any facility not in compliance with the foregoing shall be deemed a new school subject to the requirements of the sub-zone for which it is proposed.

CA-C. Except as otherwise provided in this section, establishment of an educational facility is permitted in the CA-C sub-zone, when in compliance with the requirements of section 33-337(B), the underlying applicable zoning district standards, and all other standards in this Chapter applicable to educational facilities. Expansions and modifications of an educational facility shall be permitted in the CA-C sub-zone, upon application for building permit pursuant to section 33-340 of this code, when otherwise in compliance with the zoning regulations, including all prior zoning approvals, where any of the following is proposed:

- (i) any on-site expansion or modification of non-occupied space, including but not limited to bus drop-offs, parking lots, and playing field improvements;
- (ii) any on-site expansion or modification of non-classroom occupied space, up to 40% above the square footage of the educational facility as of the effective date of this ordinance (February 24, 2005); or
- (iii) any on-site expansion or modification of classroom space, up to 40% above the number of student stations at a traditional public educational facility authorized as of the effective date of this ordinance (February 24, 2005), or in the case of private and charter educational facilities, the number of students lawfully authorized for the facility as of the effective date of this ordinance (February 24, 2005) by zoning action or building permit, whichever is less restrictive.

Any applicant for a building permit pursuant to the foregoing shall certify that the proposed expansion or modification, together with all prior expansions or modifications after the effective date of this ordinance (February 24, 2005), does not exceed the limitations prescribed, and with such certification shall provide a listing of all building permits issued after such date authorizing expansions or modifications.

All other applications for expansions or modifications of an educational facility in the CA-C sub-zone shall be permitted upon demonstration that the requirements and standards established in section 33-337(B)(2), (3) and (4) have been met.

A new traditional public educational facility proposed in this sub-zone for the sole purpose of relieving overcrowding at an existing traditional public educational facility shall be deemed an expansion and subject to the requirements and standards of Section 33-337(B) (2), (3), and (4), where the School Board has provided assurances by interlocal agreement that:

- (i) the existing public educational facility is at or exceeds 115% of the Florida Inventory of School Houses capacity, as of the effective date of this ordinance (February 24, 2005), and that the existing and new educational facilities shall not cumulatively provide for a greater number of students than enrolled in the existing educational facility as of the effective date of this ordinance (February 24, 2005);
- (ii) the new reliever public educational facility will provide for a number of students equal to or fewer than the reduction of the number of students at the existing educational facility, and
- (iii) the new reliever school will be located in a sub-zone no more restrictive than the sub-zone of the existing educational facility.

Any facility not in compliance with the foregoing shall be deemed a new school subject to the requirements of the sub-zone for which it is proposed.

(C) Additional limitations. Any use otherwise permitted under this section or pursuant to the underlying zoning district shall be prohibited in the L, T, and TR Districts and within the inner ten thousand (10,000) feet of any IA District and the adjoining portions of TR Districts, all as depicted in the Airport Height Zoning Area Map defined herein, where such use constitutes or includes any of the following uses:

- (1) establishments or uses that emit smoke, gases, or dust in quantities or densities sufficient to jeopardize the safe use of the airport;
- (2) any establishment or use within the airport zoning area that may create electrical interference with radio communications between the airport and aircraft; make it difficult for aircraft pilots and tower control operators to distinguish between airport lights, aircraft and others; result in glare in the eyes of aircraft pilots using the airport, or in the eyes of the tower control operators; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft;
- (3) landfills and associated uses that emit smoke gases, or dust or any use that may attract birds, within 10,000 feet of any runway; and
- (4) aircraft touch and goes.

(D) The prohibitions, restrictions and limitations in this section are minimum standards. Compliance with these standards shall not serve as a conclusive basis to approve a land use not otherwise in conformity with the CDMP, nor as a basis to amend the CDMP. <<

Section 8. Section 33-337 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:

Sec. 33-337. ~~[[Use—restrictions.]]~~ >>Educational facilities standards. <<

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

~~(a) Prohibited uses:~~

- ~~(1) Establishment or uses that emit smoke, gases, or dust in quantities or densities sufficient to jeopardize the safe use of the airport.~~
- ~~(2) Notwithstanding any other provisions of this article, no use may be made of land or water within the airport zoning area in such a manner as to create electrical interference with radio communications between the airport and aircraft; make it difficult for aircraft pilots and tower control operators to distinguish between airport lights, aircraft and others; result in glare in the eyes of aircraft pilots using the airport, or in the eyes of the control tower operators; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft.]]~~

>>(A) CA-B.

- (1) Required information. Except as otherwise provided in section 33-336(B)(5), all applicants for educational facilities in the CA-B sub-zone shall submit the following applicable information to the Department in accordance with the filing provisions of Article XXXVI of this Chapter for review by the Department and for consideration at public hearing.

(a) Written information.

- (1) Total size of the site. Gross and net figures shall be provided.
- (2) Maximum number of students to be served

- (3) Maximum number of teachers and administrative and clerical personnel
- (4) Maximum number of classrooms and total square footage of classroom space
- (5) Total square footage of non-classroom space
- (6) Amount and location of exterior recreational/play area in square footage
- (7) Maximum number and type of vehicles that will be used in conjunction with the operation of the facility
- (8) Number of parking spaces provided for staff, visitors, and transportation and operation vehicles, and justification that those spaces are sufficient for this facility
- (9) Grades or age groups that will be served
- (10) Days and hours of operation, weekly and annually
- (11) An explanation of any such activities anticipated to be conducted in association with the educational facility but typically conducted outside of the hours of operation of the educational facility
- (12) Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any Federal or State regulations applicable to the specific application

- (13) A copy of the charter approved by the Miami-Dade County Public School Board in the case of a charter school.
- (14) Where an educational facility is to be operated in a structure simultaneously used as a residence, religious facility or other type of facility, the area which will be specifically used for the educational facility during the hours of operation shall be clearly defined.
- (15) The applicant for approval of an educational facility shall additionally provide explanation regarding any activities anticipated to be conducted in conjunction with the educational facility, including but not limited to adult education classes, community outreach facilities, and civic building use. Such uses not determined by the Director to be directly associated with the educational facility operation shall require approval as otherwise specified within this code.
- (b) Graphic information. The following graphic information shall be prepared by design professionals, such as registered Florida architects and landscape architects:
- (1) A plan indicating existing zoning on the site and adjacent areas
- (2) A plan indicating the applicable and adjacent sub-zones of the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area and distances from the application property line to the nearest property line of each sub-zone, and a plan depicting the maximum structure height in the applicable Airport Height Zoning

Area Map for Miami International Airport.

(3) A dimensioned site plan drawn to scale indicating the following:

(a) Location of all structures and setback dimensions from all property lines

(b) Parking area layout, automobile stacking area for drop-off and pick-up of children, and drives

(c) Walkways

(d) Location of recreation areas and play equipment which shall include surrounding fences and/or walls

(e) Any other features which can appropriately be shown in plan form.

4. Floor plans and elevations of all proposed structures.

5. Landscape development plan listing quantities, size, height and names of all plants.

(2) Exception Standards. Except as otherwise provided in section 33-336(B)(5), the establishment of an educational facility is permitted in the CA-B sub-zone after public hearing upon demonstration that the following standards have been met, when not otherwise in conflict with the requirements for school districts established by the Florida Statutes:

a. Public policy standard. For each new educational facility or an expansion or modification to an existing educational facility, there shall be specific findings made that the public policy reasons for allowing construction of such a facility or expansion

outweigh health and safety concerns of such construction at the specified location. The phrase "public policy reasons" includes the need for additional student stations to serve the immediate population within a specified area, as determined by data supplied by Miami-Dade County Public Schools.

- b. No comparable site. Evidence that no suitable comparable site exists outside of the CA-B sub-zone where the facility could be located.
- c. Impact on aviation related industrial or commercial operations and activities. Where educational facilities are proposed in or adjacent to industrial or commercial areas it shall be clearly demonstrated, in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques, traffic control methods and/or operational modifications. In particular it shall be clearly demonstrated how the impact on operations of those commercial and/or industrial areas whose primary mode of transport for goods is Miami International Airport is minimized.
- d. Operation of the airport. No public hearing approval, or any condition or restriction on such approval, shall impose or result in any limitation or operational modification associated with the operation of the airport.
- e. Objection of transportation authorities. Objections to the application by the Federal Aviation Administration (FAA) or the Florida Department of Transportation (FDOT) have been satisfactorily addressed.
- f. Ingress, egress and traffic compatibility. Traffic generated by the users of the facility shall be controlled to an extent so that congestion is not created on adjoining rights-of-way and so that the ingress or

egress of vehicles and/or pedestrians to, or associated with, the lawful use of adjoining properties is not impeded. The applicant shall demonstrate in its application how such control will be implemented and maintained through the use of traffic control measures, including by not limited to, traffic enforcement officers, hours of operation, speed limits and signalization.

- g. Auto Stacking. Designated area(s) for auto stacking shall be included on any site plan for an educational facility and shall be located the farthest distance possible from the principal points of ingress/egress to the site. Sufficient auto stacking spaces shall be provided on site to eliminate any spillover of waiting vehicles onto adjacent rights-of-way or adjacent properties.
- h. Hours of operation. The hours of operation of the facility shall not cause or create pedestrian and/or vehicular conflicts with the lawful use of adjoining properties. The hours of operation of all activities associated with the educational facility shall be limited to those reasonable hours deemed compatible with the use of adjoining properties.
- i. Environmental hazard potential. The educational facility, expansion or modification shall not be located on any site that poses an environmental hazard potential to users of, or visitors to, the facility.
- j. CDMP standards. The educational facility, its site and operations, shall be consistent with the goals objectives and policies of the Comprehensive Development Master Plan, in particular those polices which seek to maximize compatibility of land use around airports.
- k. Transportation Safety Analysis. Historical transportation safety data shall be provided

to demonstrate that the transportation of students via bus to a reasonable alternative educational facility site may place students at a greater safety risk than if the proposed educational facility is located in the CA-B sub-zone. Such data shall include but not be limited to, data on school bus accidents as compiled by Miami-Dade County Public Schools.

l. Noise. Educational facilities with outdoor recreational areas shall not be located in the vicinity of any nonresidential property from which noise exceeding sixty (60) decibels at the property line is produced.

m. Gas transmission or fuel facilities. Educational facilities shall not be located on a site within one hundred (100) feet of any gas transmission line or fuel facilities.

n. Emergency access. Unobstructed on-site access for emergency equipment shall be provided.

o. Circulation. Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the educational facility should be routed in such a manner as to minimize impact on surrounding development.

p. Signs and outdoor lighting. All lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with the building design and shall not interfere with the continued use and operation of Miami International Airport.

q. Roof installations and facilities. All permitted installations housing mechanical or other equipment located on the roof shall be screened from ground view and from the

view at the level at which the installations are located, and shall not interfere with the continued use and operation of Miami International Airport.

(B) CA-C.

- (1) Public policy determination. The establishment, expansion or modification of an educational facility is permitted in the CA-C sub-zone without a public hearing. As to new educational facilities or expansions of existing educational facilities within the CA-C sub-zone, the Board finds that the public policy reasons for allowing construction of such facilities or expansions outweigh health and safety concerns of such construction, where the requirements of this subsection are met. The phrase "public policy reasons" is defined as the need for additional student stations to serve the immediate population within a specified area, as determined by data supplied by Miami-Dade County Public Schools.
- (2) Required information. All applicants for educational facilities in the CA-C sub-zone shall submit to the department the information required in paragraph (A)(1)(a) and (b) above.
- (3) Site Plan Review Criteria. Except as otherwise provided in section 33-336(B)(5) and when not in otherwise in conflict with requirements for public school districts established by the Florida Statutes, for both unincorporated and incorporated areas, the Department shall review plans and required information for new educational facilities, and expansions and modifications to existing educational facilities for compliance with the zoning regulations and for compliance with the site plan review criteria. The decision of the Department pursuant to the site plan review criteria may be appealed to the Board of County Commissioners within thirty (30) days after decision is rendered in writing. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its

compatibility with the surrounding and adjacent areas. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

The following criteria shall be utilized by the Department and by the Board, upon appeal, in the review process, when not otherwise in conflict with requirements for school districts established by the Florida Statutes:

- (1) *CDMP standards.* The educational facility, its site and operations, shall be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan, in particular those polices contained within the Land Use Element which seek to maximize compatibility of land use around airports.
- (2) *Planning studies.* Planning studies approved by the Board of County Commissioners that include development patterns or environmental and other design criteria shall be considered in the plan review process.
- (3) *Landscape.* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen non-compatible uses and ameliorate the impact of noise.
- (4) *Compatibility.* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent uses.
- (5) *Impact on industrial or commercial operations and activities.* Where educational facilities are proposed in or adjacent to, industrial or commercial areas it

shall be clearly demonstrated in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques, traffic control methods and/or operational modifications. In particular it shall be clearly demonstrated how the impact on operations of those commercial and/or industrial areas whose primary mode of transport for goods is Miami International Airport is minimized.

- (6) Environmental hazard potential. The educational facility, expansion or modification shall not be located on any site that poses an environmental hazard potential to users of or visitors to the facility.
- (7) Emergency access. Unobstructed on-site access for emergency equipment shall be provided.
- (8) Circulation. Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the educational facility should be routed in such a manner as to minimize impact on surrounding development.
- (9) Ingress, egress and traffic compatibility. Traffic generated by the users of the facility shall be controlled to an extent so that congestion is not created on adjoining rights-of-way and so that the ingress or egress of vehicles and/or pedestrians to, or associated with, the lawful use of adjoining properties is not impeded. The applicant shall demonstrate in its application how such control will be implemented and maintained through the use of traffic control measures, including by not limited to, traffic enforcement officers, hours of operation, speed limits and signalization.
- (10) Transportation safety analysis. Historical transportation safety data shall be provided to demonstrate that the transportation of students via bus to a reasonable alternative educational facility site outside the CA-C may place students at a greater safety risk than if the proposed educational facility is located at the application site in the CA-C

sub-zone. Such data shall include but not be limited to, data on school bus accidents as compiled by Miami-Dade County Public Schools.

- (11) Hours of operation. The hours of operation of the facility shall not cause to create pedestrian and/or vehicular conflicts with the lawful use of adjoining properties. The hours of operation of all activities associated with the educational facility shall be limited to those reasonable hours deemed compatible with the use of adjoining properties.
- (12) Auto Stacking. Designated area(s) for auto stacking shall be included on any site plan for an educational facility and shall be located the farthest distance possible from the principal points of ingress/egress to the site. Sufficient auto stacking spaces shall be provided on site to eliminate any spillover of waiting vehicles onto adjacent rights-of-way or adjacent properties.
- (13) Signs and outdoor lighting. All lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with the building design and shall not interfere with the continued use and operation of Miami International Airport.
- (14) Roof installations and facilities. All permitted installations housing mechanical or other equipment located on the roof shall be screened from ground view and from the view at the level at which the installations are located, and shall not interfere with the continued use and operation of Miami International Airport.
- (4) Notice. Published notice of an application for site plan review shall be provided in the manner prescribed for laymans' notice prescribed in section 33-310 (c)(1)(B) of this code. Within fifteen (15) days after the decision on the application, notice of the Director's decision shall be published in a newspaper of general circulation. Any aggrieved person may appeal the Director's decision pursuant to section 33-314 within thirty (30) days after the date of newspaper publication.

- (C) Upon execution of an interlocal agreement with a municipality, the County may delegate to such municipality the powers and duties of the Department of Planning and Zoning or the Board of County Commissioners under this section pertaining to the CA-B and CA-C sub-zone. Any such agreement shall provide for the application of all requirements, standards and procedures contained herein.<<

Section 9. Section 33-338 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-338. Nonconforming uses, regulations not retroactive.

The regulations prescribed by this article or any amendment thereto shall not be construed to require the removal, lowering, or other change or alteration of any permanent structure or tree or use lawfully in existence not conforming to the regulations as of ~~[[the effective date hereof]]~~ >> July 19, 1969, << or otherwise interfere with the continuance of any nonconforming use. After the effective date ~~[[hereof]]~~ >> of this ordinance << property owners shall not be permitted to >> erect any structure or to << grow or maintain trees to heights in excess of those provided herein >> << ~~[[Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was lawfully begun prior to the effective date of this article, and is diligently prosecuted and completed within the time limit as prescribed by the South Florida Building Code]]~~ Notwithstanding the preceding provisions of this article, the owner of any such nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such marking, or marking and lighting, as shall be deemed necessary by the Director of the Miami-Dade County Aviation Department, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazard. Such marking, or marking and lighting, and the installation, operation and maintenance thereof, or such disposition of the hazard as may be agreed upon by and between the owner and the Director of the Miami-Dade County Aviation Department in lieu of such marking, or marking and lighting, shall be at the expense of the Miami-Dade County Aviation Department.

Section 10. Section 33-339 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-339. Administration and enforcement.

It shall be the duty of the Director >>of the Department of Planning and Zoning of Miami-Dade County, Florida,<< to administer ~~[[and enforce]]~~ the regulations prescribed herein in accordance with Section 2-~~[[105]]~~>>118<<, Code of Miami-Dade County, Florida >>within unincorporated Miami-Dade County<<. It shall be the duty of Team Metro to enforce these regulations >>within unincorporated Miami-Dade County. The appropriate municipal official shall administer and enforce these regulations for Miami-Dade County in the incorporated areas.<<

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

Section 11. Section 33-340 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-340. Permits.

~~[[Applications for permits under this article shall be obtained from the appropriate Building and Zoning Department or agency.~~

~~Applications for permits for all construction, for adding height to any existing structures, and for all alterations, repairs, or additions that will change the use of the structure from the existing use to any commercial or industrial use in any airport zone classification district lying within unincorporated areas of Miami-Dade County, shall be obtained from the Director and from the~~

~~Building Department. Application for permits shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is to be used during construction.~~

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

~~Permits will be approved by the Director and Building Official or their duly authorized representatives unless the proposal fails to meet the requirements of all applicable zoning regulations and building codes, including the provisions of this article.~~

~~Permits, when applied for by applicants intending to use derricks, draglines, cranes and other boom equipped machinery for such construction, reconstruction or alteration as is consistent with the provisions hereof, shall, when the machine operating height exceeds the height limitations imposed by this article, require the applicant to mark, or to mark and light the machine to reflect conformity with the Federal Aviation Administration's or the Miami Dade County Aviation Department's standards for marking~~

~~and lighting obstructions, whichever is the more restrictive, and shall require the applicant in such cases to obtain approval from the Director of the Miami Dade County Aviation Department of the location, height and time of operation for such construction equipment use prior to the issuance of a construction permit to the applicant.~~

~~Any decision of the Director may be appealed as provided and prescribed under Article XXXVI, of Chapter 33, Code of Miami Dade County, Florida.]]~~

>>In the incorporated areas of Miami-Dade County, approval of permits under this article shall be obtained from the appropriate municipal building department director for the purpose of assuring compliance with the minimum zoning standards as set forth in this article. In the unincorporated areas, approval of permits under this article shall be obtained from the Directors of the Miami-Dade County Building Department and the Department of Planning and Zoning. In all instances, a copy of the application for permit shall be provided to the Director of the Miami-Dade Aviation Department and the Director of the Planning and Zoning Department at the time said permit application is submitted. All permits for traditional public educational facility projects will be issued through the Miami-Dade Public School Building Department. Proof of notice to the Miami-Dade Aviation Department shall be submitted to the appropriate building department prior to issuance of a permit. The Director of Miami-Dade Aviation Department shall have seven (7) business days after receipt of such notice to submit written objections to the requested permit application, if any, to the permit applicant, and to the Director of Planning and Zoning or to the appropriate building department.

Approval of permits is required for all new construction, for adding height to any existing structure, for all alterations, repairs, or additions that will change the use of the structure from the existing use to any commercial, industrial, educational or residential use in any airport zone district lying within both the unincorporated as well as the incorporated areas of Miami-Dade County, for which airport zone boundaries have been established herein. Such applications for permits shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is used during construction. No person shall operate such equipment until approval from the Director of the Miami-Dade Aviation Department is obtained.

Notwithstanding any provisions of this ordinance in approving any permit under this article, the Director of the Miami-Dade Aviation Department shall require the owner of the structure or tree for which a permit is being sought, to install, operate and maintain thereon at the owner's sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction, such marking and lighting to conform to the specific standard established by rule of the Department of Transportation.

Any decision of the Miami-Dade County Department of Planning and Zoning shall be appealed, pursuant to the provisions of this article, as provided and prescribed under Article XXXVI, of this Chapter. Any decision of the Miami-Dade County Department of Planning and Zoning or municipal building official regarding the application of airport zoning regulations shall be appealed to the Miami-Dade County Board of County Commissioners in accordance with the same provision of this Chapter. The Director of the Planning and Zoning Department or designee is authorized to appeal decisions of a municipality granting permits pursuant to this section in accordance with the procedures of Miami-Dade County, to challenge issuance of the permit for failure to comply with the provisions of this article. <<

Section 12. Section 33-341 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-341. Nonconforming uses abandoned or destroyed.

Whenever the ~~[[Director]]~~ >>appropriate zoning<< official determines that the height limits or use standards of this article will be violated by the reconstruction, substitution or replacement of an existing nonconforming use, structure or tree, no permit shall be granted for such reconstruction, substitution or replacement. Whether application is made for a permit under this paragraph or not, the >>appropriate zoning official<< ~~[[Director]]~~ may by appropriate action require the owner of the nonconforming structure or tree to permit the Miami-Dade County Aviation Department at its expense to lower, remove, or mark, or mark and light such object as may be necessary to conform to these regulations. >> No permit shall be granted that would allow the establishment or creation of an airport hazard or would permit a nonconforming structure or tree or nonconforming use to be made or become higher or to become a greater hazard to air navigation

that it was when this ordinance was adopted or than when the application for permit is made. <<

Section 13. Section 33-342 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-342. Variances >>and exceptions<< limited.

>>(1)<<Any person desiring to erect or increase the height of any structure, or permit the growth of any tree >>₂<< or otherwise use ~~[[his]]~~ property~~[[;]]~~ not in accordance with the regulations prescribed in this article, ~~[[may apply to the appropriate zoning board]]~~ >>shall follow the procedures set forth below<< for a variance >>or exception<< from such regulations. ~~[[as provided and prescribed under Article XXXVI of Chapter 33, Code of Miami-Dade County, Florida. Allowance of such variances shall be limited only to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty and unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation or establishment of airport and airspace hazards, thereby protecting the lives and property of users of the Miami International Airport(Wilcox Field) and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.]]~~

>>(2) Applications expressly for variances, exceptions, or any other authorization for any structure or use not expressly authorized by this article shall be submitted and determined in accordance with the procedures provisions and requirements set forth herein and in Florida Statutes, Section 333.03 and Sections 333.07 through and including 333.11 (1998), as may be amended from time to time. Notwithstanding any other provisions of the Code of Miami-Dade County to the contrary, for the purpose of zoning applications within the incorporated and the

unincorporated area filed under this Article, the Board of County Commissioners shall constitute the board of adjustment pursuant to Florida Statutes, Section 333.10, and shall utilize the procedures for processing zoning applications pursuant to this article.

- (3) Prior to filing any application for variance or exception, the applicant shall forward to the Florida Department of Transportation by certified mail, return receipt requested, a copy of the application for review and comment, if any, by the Florida Department of Transportation. Copies of the return receipt must be filed with the Director of the Department of Planning and Zoning at the time of filing the application. No public hearing on the application may commence less than forty-six (46) days after receipt of the application by the Florida Department of Transportation. Notwithstanding any other provision of this code, failure to comply with the requirements of this subsection shall be grounds for appeal as set forth in section 333.07(2)(a), Florida Statutes.

The applicant shall submit with the application documentation showing compliance with the federal requirement for notification of the proposed construction and a valid aeronautical evaluation of the application.

- (4) Approval of variances, when not specifically prohibited by this article, shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in unnecessary hardship and the relief granted would not be contrary to the public interest but granting thereof would do substantial justice and be in accordance with the intent and purpose of this article. The intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Miami International Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein. Any variance may be subject to any reasonable conditions necessary to effectuate the purposes of this Chapter.

- (5) In determining whether the standard set forth in paragraph (4) above has been met, the following factors pertaining to the public interest shall be considered:
- (a) the nature of the terrain and height of existing structures;
 - (b) public and private interest and investments;
 - (c) the character of flying operations and planned future development of Miami International Airport;
 - (d) federal airways as designated by the Federal Aviation Administration;
 - (e) whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at Miami International Airport;
 - (f) technological advances;
 - (g) the safety of persons on the ground and in the air;
 - (h) land use density;
 - (i) safe and efficient use of navigable airspace; and
 - (j) the cumulative effects on navigable airspace of all existing structures, proposed structures identified in the Comprehensive Development Master Plan, and all other known proposed structures and uses in the area.

No variance shall be approved solely on the basis that the proposed structure or use will not exceed federal obstruction standards, or any other federal aviation regulation.

- (6) Notwithstanding the foregoing provisions of this section, in granting any variances or any other authorization for any structure or use not expressly authorized herein, the Board of County Commissioners shall require the owner of the structure or tree for which such authorization is being sought to install, operate and maintain thereon, at the owner's sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction, such marking and lighting to conform to the specific standards established by rule of the Florida Department of Transportation.<<

Section 14. Section 33-343 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-343. Conditions to >>site plan approvals, public hearing approvals and <<variances.

Any site plan approval, public hearing approval or variance granted under this article may, if such action is deemed advisable to effectuate the purposes of this article and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain >>at his or her expense<<, or to permit the Miami-Dade County Aviation Department to install, operate, and maintain thereon at the owner's expense, such marking, or marking and lighting, as may be necessary to indicate to aircraft pilots the presence of an airport hazard. >> Such other reasonable conditions may also be imposed as to ensure compliance with the intent of this article. <<

* * *

Section 15. Section 33-303.2 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-303. Exclusive procedure.

* * *

>> Sec. 33-303.2. Airport Developmental Impact Committee.

There is hereby established an Airport Developmental Impact Committee Executive Council. When a zoning application under Article XXXVII of this code (Miami International Airport (Wilcox Field) Zoning) is for property located entirely in the unincorporated area of Miami-Dade County, the Airport Developmental Impact Committee Executive Council shall be composed of the County's Developmental Impact Committee Executive Council established by section 33-303.1 of this code. When a zoning application under Article XXXVII of the code is for property located in whole or in part in the incorporated area of any municipality, the Airport Developmental Impact Committee Executive Council shall be composed of the persons described above and the Mayor of the municipality, if not a voting member of the municipal governing body, or if the Mayor is a voting

45

member, then the City Manager of said municipality serving as the representative from the municipality where the application property is located. The Airport Developmental Impact Committee Executive Council shall, in accordance with the procedures in section 33-303.1 of this code, review and make recommendations to the Board of County Commissioners on all applications for exceptions, variances and appeals of decisions on applications for site plan approval under Article XXXVII of this code.

Mailed notice of meetings of the Airport Developmental Impact Committee Executive Council shall be provided in the manner prescribed for notice of applications for special exceptions under section 33-310(d)(2) of this code. Mailed notice of meetings shall also be provided simultaneously to any municipality in which an application site is located. Applications shall comply with the procedural requirements of section 33-304 of this code.<<

Section 16. 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:

* * *

>>(12) Hear application for and, upon recommendation of the Airport Developmental Impact Committee Executive Council, grant or deny applications for those special exceptions and variances pursuant to Article XXXVII of this code (Miami International Airport (Wilcox Field) Zoning).<<

Section 17. Section 33-343.1 of the Code of Miami-Dade County, Florida is hereby created as follows:

>>**Sec. 33-343.1. Notice of airport proximity**

All approval of uses in the CA-A sub-zone, including but not limited to approvals of permits, site plans, exceptions and variances, shall include the following notice prominently displayed:

NOTIFICATION OF AIRPORT PROXIMITY

The property that is the subject of this zoning approval is located in proximity to Miami International Airport and is therefore subject to certain impacts as a result of such proximity. Among the potential impacts are increased noise levels associated with aircraft and airport operations, overhead aircraft flights at reduced altitudes, and frequent overhead aircraft flights throughout the day and night.

Application for and utilization of any approval under Article XXXVII of the Code of Miami-Dade County (Miami International Airport (Wilcox Field) Zoning), shall constitute acknowledgment of the above-described conditions, and acknowledgement that the owner of the property and successors in title are not entitled to any present or future relief or compensation from Miami-Dade County or any other party to mitigate or ameliorate such impacts.

Additionally, each approval of a new educational facility, or an expansion or modification of an existing educational facility, in the Critical Approach (CA) Zone shall contain notification that the facility is located within 5 miles of a Miami International Airport runway.<<

Section 18. 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 19. 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," or "article," or other appropriate word.

Section 20. This ordinance shall become effective upon the earlier of (1) final execution of the first interlocal agreement pursuant to the provisions of Section 8 above (to be codified as section 33-337(C), Code of Miami-Dade County, Florida), or (2) March 31, 2005, unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board. The provisions of this ordinance shall apply only to applications for building permit, zoning hearing, or site plan review submitted on or after the effective date of this ordinance.

PASSED AND ADOPTED: NOV 30 2004

Approved by County Attorney as to form and legal sufficiency:

RAG

Prepared by:

Jae

Joni Armstrong Coffey

Sponsored by Commissioner Jose "Pepe" Diaz

**AIRPORT LAND USE ZONING MAP FOR MIAMI INTERNATIONAL AIRPORT AND
SURROUNDING AREA**

&

AIRPORT HEIGHT ZONING AREA MAP FOR MIAMI INTERNATIONAL AIRPORT

MAPS ARE AVAILABLE FOR INSPECTION DURING REGULAR BUSINESS HOURS AT:

- 1. MIAMI-DADE DEPARTMENT OF PLANNING & ZONING
111 N.W. 1ST STREET
FLOOR 11
MIAMI FLORIDA 33128
TELEPHONE: 305 375-2800**

- 2. MIAMI-DADE COUNTY AVIATION DEPARTMENT
OFFICE OF AIRCRAFT NOISE AND ENVIRONMENTAL PLANNING
BUILDING 845
5600 N.W. 36TH STREET
MIAMI, FLORIDA
TELEPHONE: 305 876-0569**

- 3. CLERK OF BOARD OF COUNTY COMMISSIONERS
111 N.W. 1ST STREET
FLOOR 17
MIAMI FLORIDA 33128
TELEPHONE: 305 375-1295**

MEMORANDUM

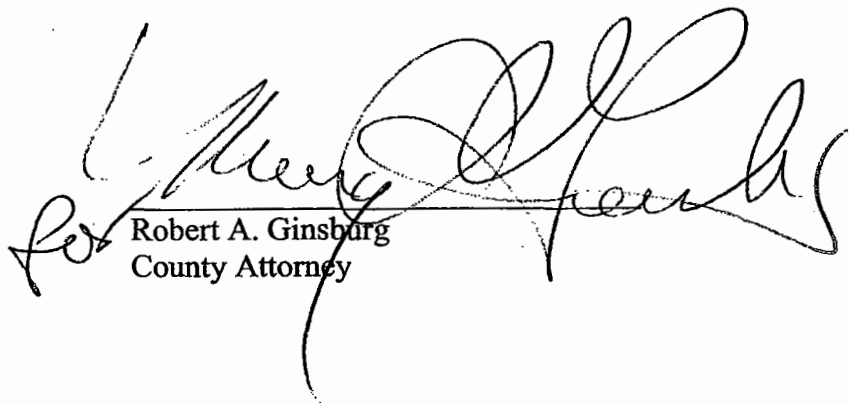
Agenda Item No. 6(P)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** November 30, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance relating to
Naranja Community Urban
Center Zoning District

04 217

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


Robert A. Ginsburg
County Attorney

RAG/bw


04 217

Memorandum



Date: November 30, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance relating to Naranja Community Urban Center Zoning District

This ordinance relating to the Naranja Community Urban Center Zoning District will have no fiscal impact on the County.

Fiscal00605



04 217

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(P)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(P)
11-30-04

ORDINANCE NO. 04-217

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE NARANJA COMMUNITY URBAN CENTER ZONING DISTRICT; CREATING SECTIONS 33-284.66 THROUGH 33-284.76 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-311, 33-313 AND 33-314 OF THE CODE; 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. Sec. 33-284.66 of the Code of Miami-Dade County, Florida, is hereby created as follows:¹

>> ARTICLE XXXIII (J)

NARANJA COMMUNITY URBAN CENTER DISTRICT

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. 33-284.66. Purpose and applicability.

1. The Comprehensive Development Master Plan (CDMP) contains directives to promote urban centers in places where mass transit, roadways, and highways are highly accessible. The CDMP provides for three types of urban centers: community (CUC), metropolitan (MUC) and regional (RUC). CUCs are a mechanism by which those CDMP directives can be addressed, because CUCs are compact, mixed-use, and pedestrian-friendly areas. In the Naranja CUC area these CDMP directives are intended to be achieved by the following means:
 - A. allocating development intensities within the Naranja CUC according to proximity to mass transit, and by creating Core, Center and Edge sub-districts to allocate the various development intensities within the CUC; and
 - B. by organizing an interconnected network of tree-lined streets and sidewalks to improve pedestrian access to transit, jobs, and shopping; and
 - C. by providing for open space with specific square, green and/or plaza locations, and by shaping the way buildings front onto open space and streets.
2. The regulations contained in this chapter and Chapter 18-A, Code of Miami-Dade County, Florida, shall apply to this article, except as otherwise added to or modified herein.
3. The Illustrative Plan (Figure 1), shall be used to assist in interpreting this article. Where there is conflict between the Illustrative Plan and the text of this article, the text shall govern.
4. The boundaries shown in Figure 1 shall constitute the Naranja CUC Boundary Plan and are generally described as follows: from the northwest corner of the intersection of SW 137 Avenue and SW 272 Street, north along the west side of SW 137 Avenue to the south side of SW 256 Street, then west along the south side of SW 256 Street to the UDB line, as reflected on the maps on file with the Department of Planning and Zoning dated September 22, 2003, then south and west along the UDB to the centerline of SW 149 Avenue, then south along the centerline of SW 149 Avenue to the C-103N canal, then southeast along the canal to the north side of SW 272 Street,

then east along the north side of SW 272 Street to the west side of SW 142 Avenue, then north along the west side of SW 142 Avenue to the south side of SW 270 Street, then east along the north side of SW 270 Street to the east side of the FEC easement, then southeast along the east side of the FEC easement to the north side of SW 272 Street, then east along the north side of SW 272 Street to the west side of SW 137 Avenue. The exact location of the UDB line as of the effective date of this ordinance is on file with the Department of Planning and Zoning. An approximate delineation of the UDB line is depicted in the Regulating Plans. Any amendment to the CDMP resulting in a movement of the UDB line following the effective date of this ordinance shall be followed by an amendment to this section of the code to reflect the new UDB line or the westernmost boundaries of the NCUC in compliance with the half-a-mile radius CDMP requirement for Community Urban Centers.

A more detailed legal description of the boundaries follows:

Begin at the NE corner of the SE ¼ of Section 27-56-39. Thence W. along the centerline of SW 256 St for a distance of 1877' + to the centerline of State Hwy. #5. Thence SW/ly along the centerline of State Hwy. #5 for 285'+/- to a point. Thence N47°-04'-12"W for 300'+/- to the centerline of SW 256 St. Thence W. along SW 256 St. centerline for 1600'+/- to a point. Thence S40°34'07"W for 2380'+/- to the theoretical W/ly R/wy of SW 147 Ave. Thence S. along the theoretical W/ly R/wy of SW 147 Avenue for 850' +/- to the N/ly R/wy of SW 264 St. Thence W. along the N/ly line of SW 264 St. for 1287'+/- to theoretical centerline of SW 149 Ave. Thence S. along SW 149 Ave for 1030'+/- to the N/ly R/wy of Canal C-103 N. Thence SE/ly along the N. line of canal for 2450'+/- to the centerline of SW 272 St. Thence E. along SW 272 St centerline for 2340'+/- to the centerline of SW 142 Ave. Thence N. along 142 Ave for 682'+/- to the centerline of SW 270 St. Thence E. for 1050'+/- to the W/ line of FEC EASEMENT. Thence SE/ly along the W. line of FEC EASTMENT 895'+/- to the centerline of SW 272 St. Thence E. 1080'+/- to SW 137 Ave. Thence N. along 137 Ave for a distance of 5280'+/- to the point of beginning.

Full scale maps of the Illustrative Plan presented in Figure 1, as well as all the Regulating Plans and Street Development Parameters figures in this article, are on file with the Miami-Dade Department of Planning and Zoning.

5. No provision in this article shall be applicable to any property except lands lying within the boundaries of the Naranja Community Urban Center District as described herein. No property lying within the boundaries of the Naranja Community Urban Center shall be entitled to the uses or subject to the regulations provided in this article until an application for a district boundary change to the Naranja Community Urban Center District has been heard and approved in accordance with the provisions of this chapter.

Section 2. Sec. 33-284.67 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.67. Definitions.

Terms used throughout this Article shall take their commonly accepted meaning unless otherwise defined in Chapters 18-A, 28 or 33 of the Code of Miami-Dade County. Terms requiring interpretation specific to this Article are as follows:

1. *Anchor point*: the location depicted on the Open Space Plan on which some portion of a plaza, green, or square must be situated.
2. *Bike lane*: a corridor dedicated specifically for bicycle use.
3. *Block*: a combination of building lots, the perimeter of which abuts public rights-of-way or an open space.
4. *Block face*: the right-of-way line or easement line that delineates a block edge.
5. *Boulevard*: a roadway traversing a neighborhood, flanked with sidewalks, on-street parking, street trees and buildings.
6. *Building height*: definition provided in section 33-1(17) of the code. In addition, building height shall not apply to clock towers, cupolas, chimneys, or church steeples and shall be in accordance with the Street Type Development Parameters.
7. *Build-to line*: a line parallel to the block face, along which a building shall be built. A forecourt may be used to vary the build-to line in the Core and Center sub-districts.
8. *Busway*: a limited access right of way for the exclusive use of buses.
9. *Civic use*: civic uses in this zoning district shall be in compliance with section 33-284.51(B) of this code.
10. *Clear zone*: an area within the curb radius, which shall be kept clear of all objects to a prescribed height to provide vehicle clearance.

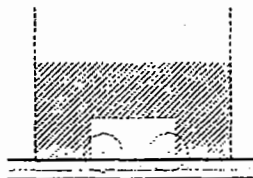
11. Colonnade: a roofed structure, extending over a private walkway, open to the street and sidewalk except for supporting columns or piers. Colonnades shall have a minimum clear height of ten (10) feet (including lighting) and a minimum clear width of ten (10) feet (on the first floor from build-to line to exterior building face excluding supporting structures). Awnings are permitted but shall not count towards the required colonnades. Colonnades shall not cause roof drainage into the public right-of-way. Colonnades shall be attached to buildings.

12. Cornice line: a molded and projecting horizontal member that crowns an architectural composition. A cornice line shall project a minimum of 2 inches from the front elevation of the structure.

13. Designated open space: an outdoor, at grade space, including greens, squares, plazas and colonnades as indicated on the Designated Open Space Plan.

14. Fenestration: design and position of windows, entrances, and other structural openings in a building.

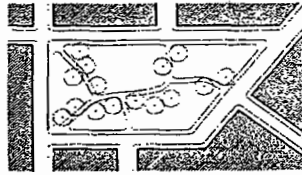
15. Forecourt: the space between the principal building and the right-of-way where the building façade is set back and replaced by a low wall at the frontage line. The forecourt is suitable for gardens and outdoor seating and is required to be fronted by buildings on three sides.



Forecourt

16. Front property line: the property line abutting the higher ranking street right-of way. For equal ranking street rights-of-way, either frontage shall be the front property line.

17. Green: an outdoor open space, mostly surrounded by residential uses, that shall not be hard surfaced for more than 20 percent of the area exclusive of dedicated rights-of-way. Greens shall be located according to the Designated Open Space Plan. Its landscaping shall consist primarily of lawn, trees and garden structures.



Green

18. Greenway or linear park: an outdoor open space along a natural edge, such as a river front, a canal, a scenic road, or other route. Greenways provide passage for pedestrians or bicycles and are used to link nature reserves, cultural features, other parks and open spaces and/or historic sites.

19. Habitable space: building space whose use involves regular human presence with direct view of the streets, service roads or open space on which it fronts. Habitable space shall not include parking garages, self-service storage facilities, or warehouses.

20. Home office: an allowed professional office use within a residential use as provided in section 33-284.68 of this code.

21. Irregularly shaped lot: a lot in areas designated Residential (R) and Residential Modified (RM) with an irregular shape due to its location on a corner or intersection or at the end of a grouping of single-family detached or attached units. The dimensions of the front yard of such lot shall be similar to the dimensions of the front yards of adjacent homes.

22. Live-work unit: a mixed-use building type with one single-family residential dwelling located above a single work space.

23. Main street: a vehicular and pedestrian thoroughfare lined primarily with mixed-use buildings as depicted on the Street Types Regulating Plan.

24. Minor street: a street predominantly residential in character as depicted on the Street Types Regulating Plan.

25. Mixed-use building: a building that includes a combination of two or more uses, such as retail and/or office, on the ground floor, with residential above.

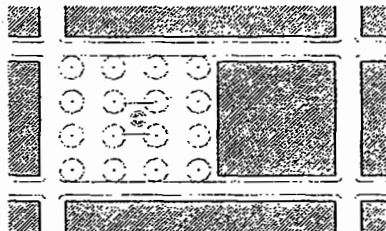
26. Off-street parking: garage parking or surface parking not on a public or private street.

27. On-street parking: parking on a public or private street.

28. Outdoor produce market: an outdoor commercial establishment where produce and hand crafted items are offered for sale.

29. Pedestrian passages: interconnected paved walkways that provide pedestrian passage through blocks and that connect directly with the network of sidewalks and open spaces.

30. Plaza: an outdoor open space on which retail and office uses front. A minimum of 50 percent and a maximum of 75 percent of the plaza's area, exclusive of dedicated rights-of-way, shall be hard surfaced. Plazas shall be located according to the Designated Open Space Plan. Its landscaping shall consist primarily of hard surfaced areas, permanent architecture or water-oriented features, and trees that are placed in an orderly fashion and that are regularly spaced as shown below.

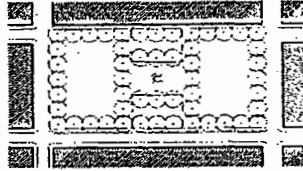


Plaza

31. Rowhouse: a single-family attached dwelling unit of a group of 3 to 7 units, each separated from the adjoining unit by a common party fire wall. A minimum space of 15 feet between building groups shall be provided. Each common party fire wall shall extend to the roof line or above the roof of units that it serves and shall have no openings therein. Each rowhouse unit shall be constructed upon a separate platted lot. Each rowhouse unit shall be serviced with separate utilities and shall otherwise be independent of any other unit.

32. Service road: a private or public vehicular passageway providing primary, secondary, or service access to the sides or rear of building lots.

33. Square: an outdoor open space that shall be flanked by streets on at least 3 sides and shall not be hard surfaced for more than 50 percent of the area exclusive of dedicated rights-of-way. Squares shall be located according to the Designated Open Space Plan. Its landscaping shall consist primarily of hard surfaced walks, lawns, and trees that are placed in an orderly fashion and that are regularly spaced as shown below.



Square

34. Storefront: the portion of a building at the first story of a frontage that is made available for retail use.

35. Street network: a system of intersecting and interconnecting streets and service roads.

36. Street vista: a view through or along a street centerline with a termination of a significant visual composition of an architectural structure or element placed in the view. Garages and blank walls are not significant visual compositions.

37. Weather protection elements: architectural elements that provide protection from the sun and the rain, such as colonnades, awnings, bus shelters, or projecting roofs.

Section 3. Sec. 33-284.68 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.68. Uses.

No land, body of water, or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Naranja Community Urban Center (NCUC) District except as provided in this article. The uses delineated herein shall be permitted only in compliance with the Regulating Plans and General Requirements provided in this article.

A. Permitted Uses.

1. Residential uses.

a. Residential uses are permitted in the areas designated in the Land Use Regulating Plan as Residential (R), Residential Modified (RM), Mixed-Use U.S. 1 (M1), and Mixed-Use Main Street (MM) as provided in the table below. Limited residential uses are also permitted in areas designated Industrial District (ID), pursuant to sub-paragraph (3) and the table below.

<u>Land Use Areas</u>					<u>Permitted Residential Uses</u>
<u>R</u>	<u>RM</u>	<u>M1</u>	<u>MM</u>	<u>ID</u>	
<u>X</u>					<u>detached single family dwelling</u>
<u>X</u>	<u>X</u>				<u>duplex</u>
<u>X</u>	<u>X</u>				<u>rowhouse</u>
<u>X</u>	<u>X</u>				<u>family day care (upon compliance with the applicable requirements of the RU-1 zoning district regulations)</u>
<u>X</u>	<u>X</u>				<u>group home (upon compliance with the applicable requirements of the RU-1 zoning district regulations)</u>
<u>X</u>	<u>X</u>				<u>municipal recreation building, playground or park owned and operated by a municipality, county, state, or the federal government</u>
<u>X</u>	<u>X</u>				<u>public assembly uses: only on sites no greater than three acres and only in accordance with the Street Types Development Parameters. Parking for public assembly uses shall be provided in compliance with section 33-284.51(B)(4).</u>
	<u>X</u>	<u>X</u>	<u>X</u>		<u>Multiple family apartment units are permitted in RM and when vertically integrated with other lawful uses in M1 and MM.</u>
				<u>X</u>	<u>Limited residential uses are permitted in areas designated Industrial District (ID), pursuant to sub-paragraph (3) below.</u>
<u>(X) permitted in the Land Use Area</u>					

b. The following uses are permitted in the rear as ancillary uses to a lawful residential unit in the areas designated Residential (R) and Residential Modified (RM):

- (1) the following accessory buildings and uses (non-habitable): workshop, garage, utility shed, gazebo, cabanas, garden features, basketball hoops and carports which uses shall not count against required open space.

- (2) for a detached single family dwelling or rowhouse unit only, a single accessory dwelling unit of no more than 600 square feet of habitable space under the same ownership as the primary structure
- (3) home office

2. Mixed uses.

a. The following uses are permitted in a structure located in the areas designated in the Land Use Regulating Plan as Mixed-Use Main Street (MM) and Mixed-Use U.S. 1 (M1) in accordance with the provisions of the Land Use Regulating Plan. All structures in the MM and M1 areas shall provide at least the minimum residential component as per the Land Use Regulating Plan.

- (1) Multiple family apartment units are permitted when vertically integrated with other lawful uses, in the areas designated in the Land Use Regulating Plan as Mixed-Use Main Street (MM) and Mixed-Use U.S. 1 (M1)
- (2) professional offices as allowed in the RU-5 zoning district
- (3) civic uses
- (4) schools
- (5) governmental offices
- (6) hotels and apartment hotels
- (7) the following business uses:

antique shops

apparel store new and used merchandise, provided such establishments contain no more than 4,000 square feet of gross floor area

appliance and electrical fixture stores

art goods stores, artist studios, galleries, and museums

auditoriums, convention halls, and theaters

bait and tackle shops

banks, excluding drive-in teller services

banquet halls and convention halls

beauty parlors

bakeries

barber shops

bicycle sales, rentals, and repairs (non-motorized)

billiard rooms

card shops and book stores
confectionary, ice cream stores, and dairy stores
conservatories and music and dance studios
dairy stores
department stores, provided such establishments contain no more than
40,000 square feet of ground floor area
drugstores
dry-cleaning establishments where cleaning is not done onsite, offering
drop-off and pick-up service only, but allowing other services such as
clothing alterations, tailoring and shoe repair, provided such
establishments contain no more than 4,000 square feet of floor area
florist shops and garden shops
furniture stores and upholstery shops
grocery stores, fruit stores, health food stores, delicatessen, meat and fish
markets, and other similar food stores
handcrafted products shops and hobby shops, including related workshops
hardware stores
health and exercise clubs
information booths
interior design shops
jewelry stores
leather goods and luggage shops
locksmith
mail order offices, without storage of products sold
meeting halls
movie theaters (not including drive-in theaters)
municipal recreation buildings
newsstands
night clubs
office and stationery supplies
optical stores
paint and wallpaper stores
photography studios, photo supply shops, and photo galleries
physical training schools with indoor training facilities up to 5,000 square
feet in size, such as, but not limited to, gymnastics, martial arts, and
dance academies
police and fire substations

post office

pottery shops

printing shops

schools

libraries

transit stations

pubs and bars provided that these establishments comply with the distance requirements in section 33-150 of this code as they apply to schools and churches only

religious facilities

restaurants, coffee houses. Outdoor table service and outside walk-up window service in conjunction with restaurants and coffee houses may be provided with the following requirements:

a. The restaurant furniture located on the sidewalk shall maintain a minimum five-foot wide obstacle-free corridor for pedestrian circulation along the sidewalk and shall be stored inside the property during nonoperating hours.

b. Alcoholic beverages may be served outdoors only where such service is strictly incidental to the service of food.

c. No drive-through restaurants are permitted.

second hand stores and flea markets (inside building only)

shoe stores and shoe repair shops

souvenir shops and gift shops

sporting goods stores

tailor shops

tobacco shops

variety stores.

b. On the east side of U.S. 1, Residential Modified (RM) lots abutting designated Mixed Use U.S. 1 (M1) lots on at least one side, are allowed to have uses permitted in the M1 area for a depth from U.S. 1 not to exceed that of the M1 lots.

3. Industrial uses.

The following uses are permitted in the Industrial District (ID) area:

These uses shall be allowed in conformance with the Land Use Regulating Plan and the Street Types Development Parameters.

- a. all uses permitted in the IU-1 zoning district
- b. all uses permitted in the IU-C zoning district after public hearing pursuant to section 33-311(A)(3) of this code
- c. In any sub-district, live-work units with the following permitted uses:

a single-family residential unit in connection with one of the following permitted uses for its workshop area:

- antique shops
- art goods stores, artist studios, galleries
- artisanal use
- bait and tackle shops
- bakeries
- cabinet shops
- dance studios
- dry cleaning and dyeing establishments
- engines, sales and service
- glass installation
- health and exercise clubs
- interior design shop
- leather goods manufacturing, excluding tanning
- locksmith shops, sharpening and grinding shops
- mail order offices and storage
- office use
- photography labs
- pottery shops
- printing shops
- rare books sales
- restaurants, excluding drive-through service
- secondhand stores
- shoe stores and shoe repair shops
- upholstery and furniture shops
- veterinarian and air conditioned pet hospital
- wholesales salesrooms

- d. the following limited residential uses are permitted on the following conditions: (1) when buffered by a street, a service road or live-work units, and (2) when fronting an "A" Street:

1. in the Edge sub-district, the residential uses permitted in the Residential (R) areas at a minimum density of 8 dwelling units per acre net to a maximum density of 18 dwelling units per acre net
2. in the Center sub-district, the residential uses permitted in the Residential Modified (RM) areas at a minimum density of 12 dwelling units per acre net to a maximum density of 36 dwelling units per acre net
- e. in the Core and Center sub-districts only, on lots fronting on US 1, all uses permitted in Mixed-Use U.S.1 (M1) at a minimum residential density of 12 dwelling units per acre net to a maximum density of 52 dwelling units per acre net without the use of Severable Use Rights (SUR's) or a maximum density of 60 dwelling units per acre net with the use of SUR's
- f. in the Edge and Center sub-districts, except for properties along US 1, automobile service stations when in compliance with the requirements of paragraph (B)(3) below
- g. in the Edge and Center sub-districts, except for properties along US 1, drive-through facilities when in compliance with the requirements of paragraph (B)(4) below

4. Market District uses.

The following uses are permitted in the Market District (MD) areas:

These uses shall be allowed in conformance with the Land Use Regulating Plan and the Street Types Development Parameters.

- a. outdoor produce markets, and
- b. all uses permitted in the Mixed-Use U.S. 1 (M1) except for residential.

B. Conditionally Permitted Uses.

The following land uses are permitted upon approval by the Director of a site plan and any accompanying plans necessary to assure compliance with the requirements established herein:

1. Bed and breakfast inn: a single-family dwelling unit used as a bed and breakfast inn shall be permitted in the Residential Modified (RM) and Residential (R) areas only when it is demonstrated that:
 - a. The dwelling unit has a minimum air conditioned floor area of 2,000 square feet.
 - b. Each bedroom of the dwelling unit is a minimum of 150 square feet.
 - c. The dwelling unit is owner-occupied.
 - d. All required parking for the dwelling unit is located at the rear of the dwelling unit, provided that where on-street parking is permitted it is located in front of the lot. A minimum of one space per rentable room of lodging is required. Two parking spaces are required for owner/operator.

2. The sale of alcoholic beverages, including but not limited to liquor or package stores, shall be permitted only in the MM, M1, MD and ID areas in the Core sub-district and only in compliance with the applicable requirements of section 33-150 of this code pertaining to spacing from schools and churches only.

3. An automobile service station shall be permitted only in the Industrial District (ID) areas in the Edge and Center sub-districts and shall be exempt from the minimum height requirement, and shall provide a continuous street façade consisting of buildings or walls along all rights-of-way except driveways. Walls, if provided, shall not exceed 3'-6" in height, shall be a minimum of 75 percent transparent so as not to preclude visibility for drivers, and shall not exceed 60 percent of the length of the frontage.

4. Drive-through facilities shall be permitted only in the Industrial District (ID) areas in the Edge and Center sub-districts, and shall provide a continuous street façade consisting of buildings or walls along all rights-of-way except driveways. Walls, if provided, shall not exceed 3'-6" in height, shall be a minimum of 75 percent transparent so as not to preclude visibility for drivers, and shall not exceed 60 percent of the length of the frontage.

C. Temporary Uses.

The following temporary structures and uses shall be permitted:

1. Construction trailers used in conjunction with construction projects, when located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed. All construction trailers shall be located at least 10 feet from all street rights-of-way.
2. At any construction site where there is a valid building permit, one or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same requirements as for construction trailers are met.
3. Uses of less than 45 days' duration and occurring no more than 3 times per year at a particular location, and only when associated with a permanent use, shall apply for a seasonal permit. Upon completion and submittal of an application, the Director of the Department of Planning and Zoning shall grant a seasonal permit for the temporary uses such as Christmas trees sales, pumpkin sales, firework sales, and shows for civic and youth organizations.

Section 4. Sec. 33-284.69 of the Code of Miami-Dade County, Florida, is hereby created as follows:

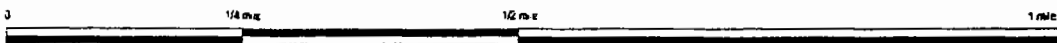
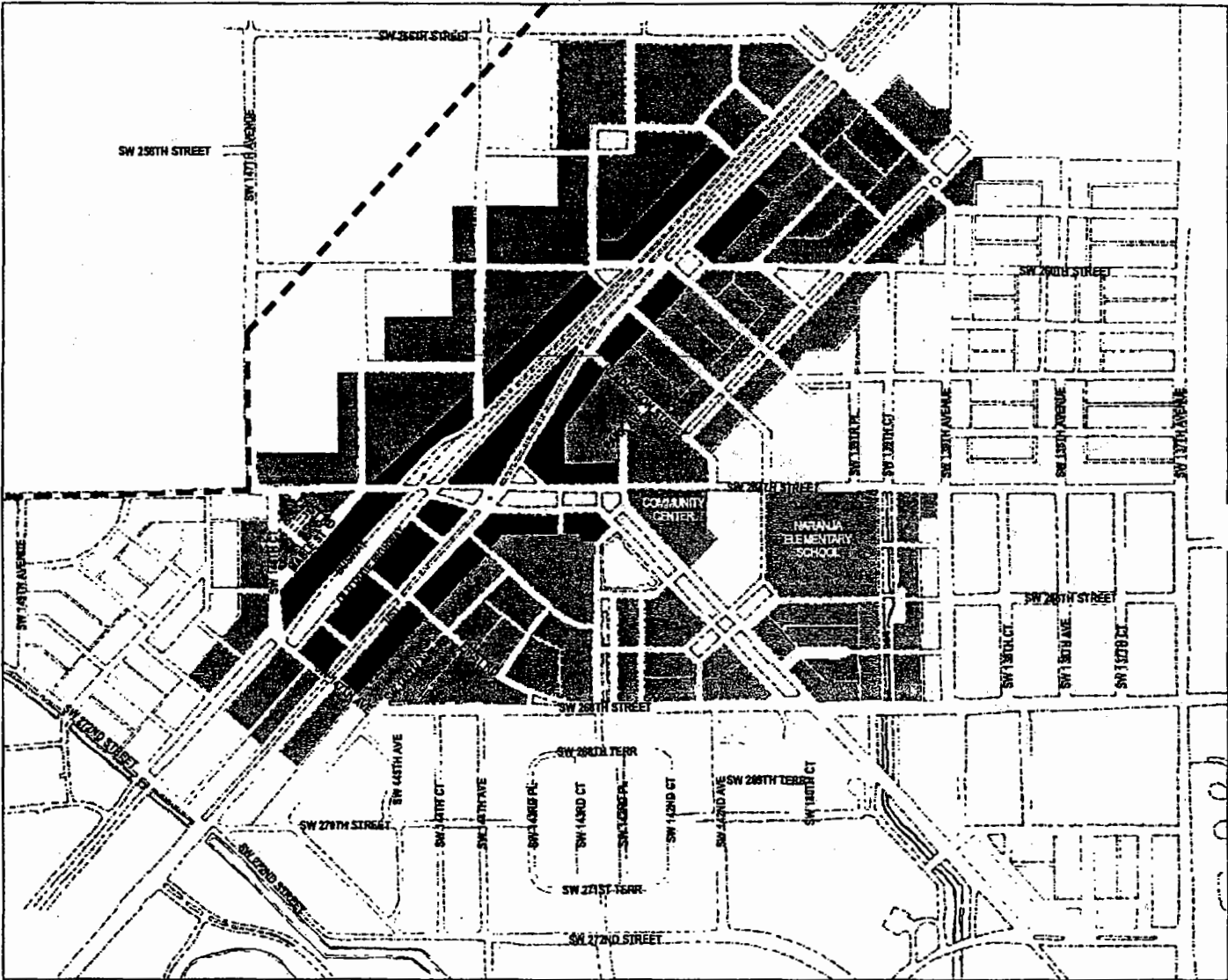
Sec. 33-284.69. Regulating Plans.

The Regulating Plans consist of the following controlling plans as defined and graphically depicted in this section.

- a. The Street Types Plan establishes a hierarchy of street types in existing and future locations that shall be provided and shown in all development plans. The five (5) Street Types and the hierarchy of streets (from most important to least important in accommodating pedestrian traffic) are U.S. 1, Boulevard, Main Street, Minor Street, and Service Road.
- b. The Sub-districts Plan delineates three (3) sub-districts: the Core, Center and Edge. These sub-districts regulate the allowable intensity of development in accordance with the Comprehensive Development Master Plan and this article.
- c. The Land Use Plan delineates the areas where specified land uses and development of various types and intensities will be permitted.

- d. The Building Heights Plan establishes the minimum and maximum allowable number of floors.
- e. The Designated Open Space Plan designates open spaces, which shall be shown in all development plans. The designated open spaces are controlled by anchor points.
- f. The New Streets Plan shows the location and the number of new streets needed to create the prescribed network of streets within the NCUC District. All new A streets are required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in section 33-284.71(F) of this code.
- g. The Bike Route Plan depicts the designated bike routes, which shall be shown in all development plans.

II. Sub-districts Plan



KEY

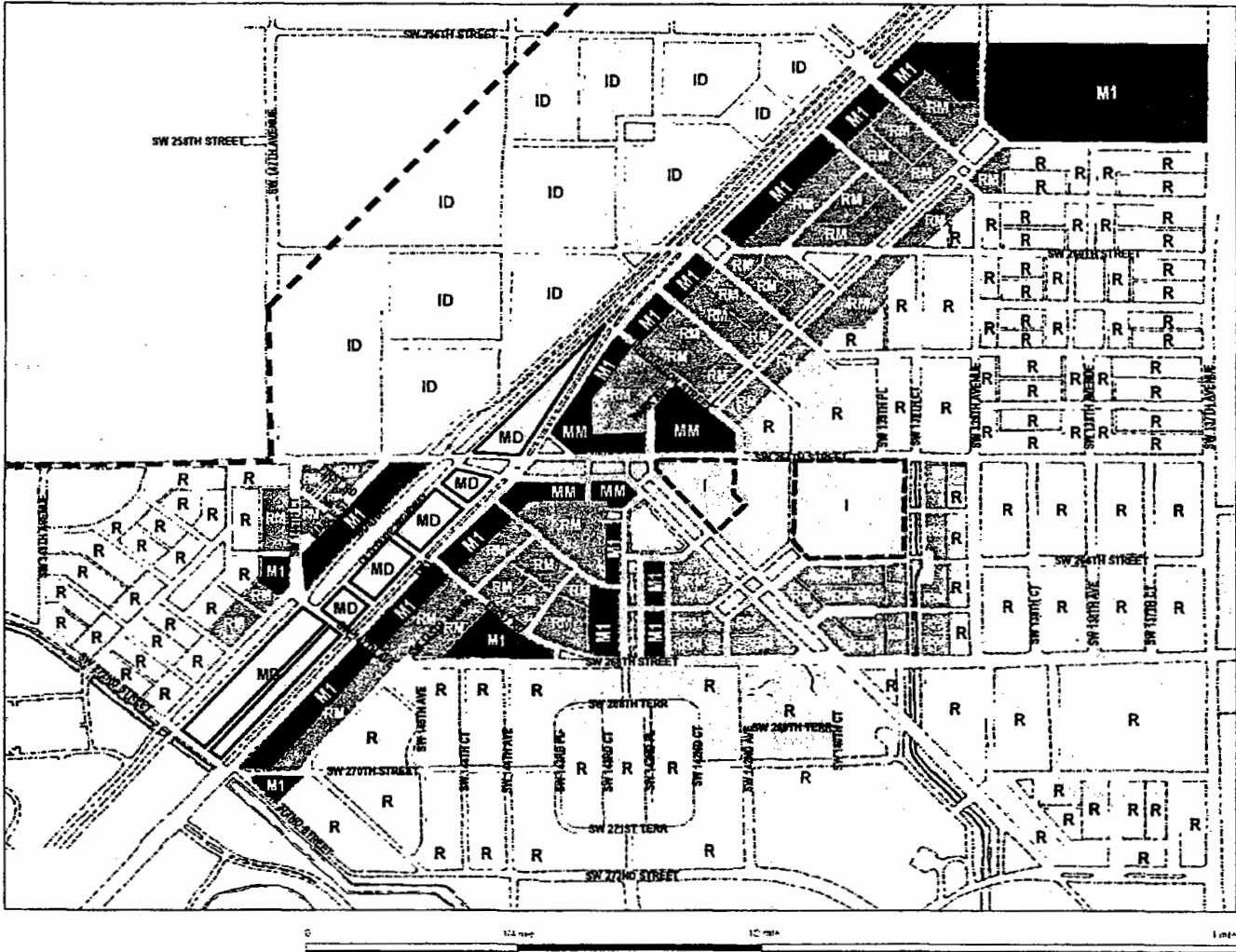
- Core Sub-District
- Center Sub-District
- Edge Sub-District
- Urban Development Boundary







23





III. Land Use Plan

See Section 33-284.68 on this Code for specific permitted uses in each land use area.



KEY

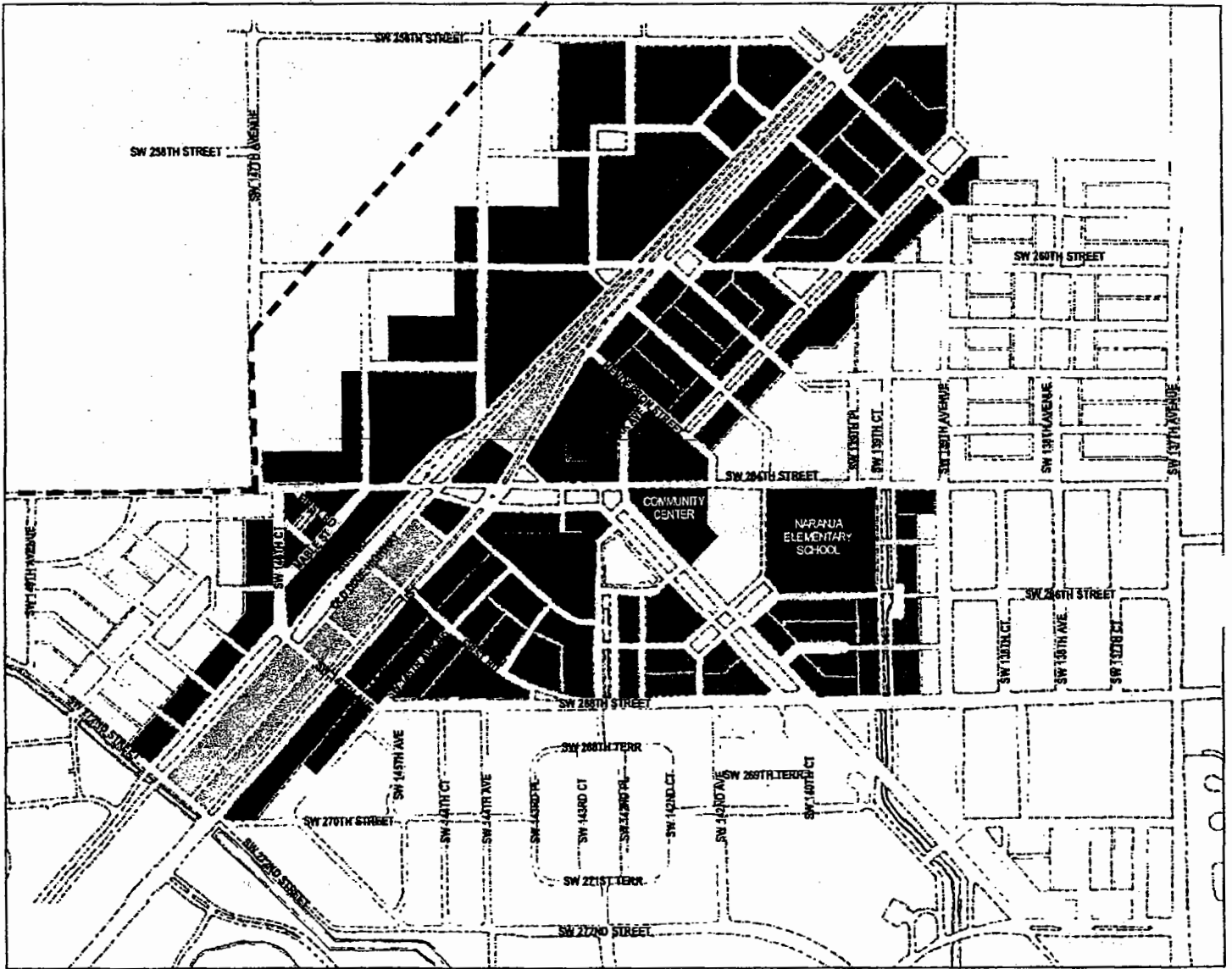
-  **MM: Mixed-use (Main Street):** 1st floor - businesses, professional offices, civic, education and government offices; 2nd floor and above - residential; and live-work units (Min. 12 units/acre net, Max. 52 units/acre net without the use of SUR* or a Max. 60 units/acre net with the use of SUR*)
-  **M1: Mixed-use U.S.1:** minimum 1 floor - residential; all other floors - businesses, professional offices, civic, education and government offices; and live-work units (Min. 12 units/acre net, Max. 52 units/acre net without the use of SUR* or a Max. 60 units/acre net with the use of SUR*)
-  **RM: Residential Modified:** Duplex, row-house, and small apartments (Min. 12 units/acre net, Max. 36 units/acre net)
-  **R: Residential:** Single family detached, duplex and rowhouse dwellings (Min. 8 units/acre net, Max. 18 units/acre net)

-  **MD: Market District:** all floors - outdoor produce markets are permitted. In addition, all uses permitted in the Mixed-use U.S.1 (M1) except for residential are allowed.
-  **ID: Industrial District:** In all floors and all Sub-districts - IU-C uses and live-work units. In addition, for properties facing US1 in the Core and Center Sub-districts, all uses permitted in the Mixed-use Special/Single Use; in the Center Sub-district, all uses and density permitted in the Residential Modified (RM); and in the Edge Sub-district, all uses and density permitted in the Residential (R) are allowed as per Sec. 33-284.68 A3.
-  **I: Institutional:** Civic, education and government offices. Community center is designated to be publicly developed. If community center is privately developed then the Mixed-use (Main Street) criteria shall apply.
-  **Urban Development Boundary**






* SUR: Severable Use Right when and to the extent permitted by sections 33B-41 to 33B-47 of this code.

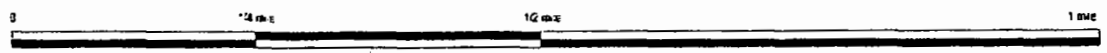
24

IV. Building Heights Plan

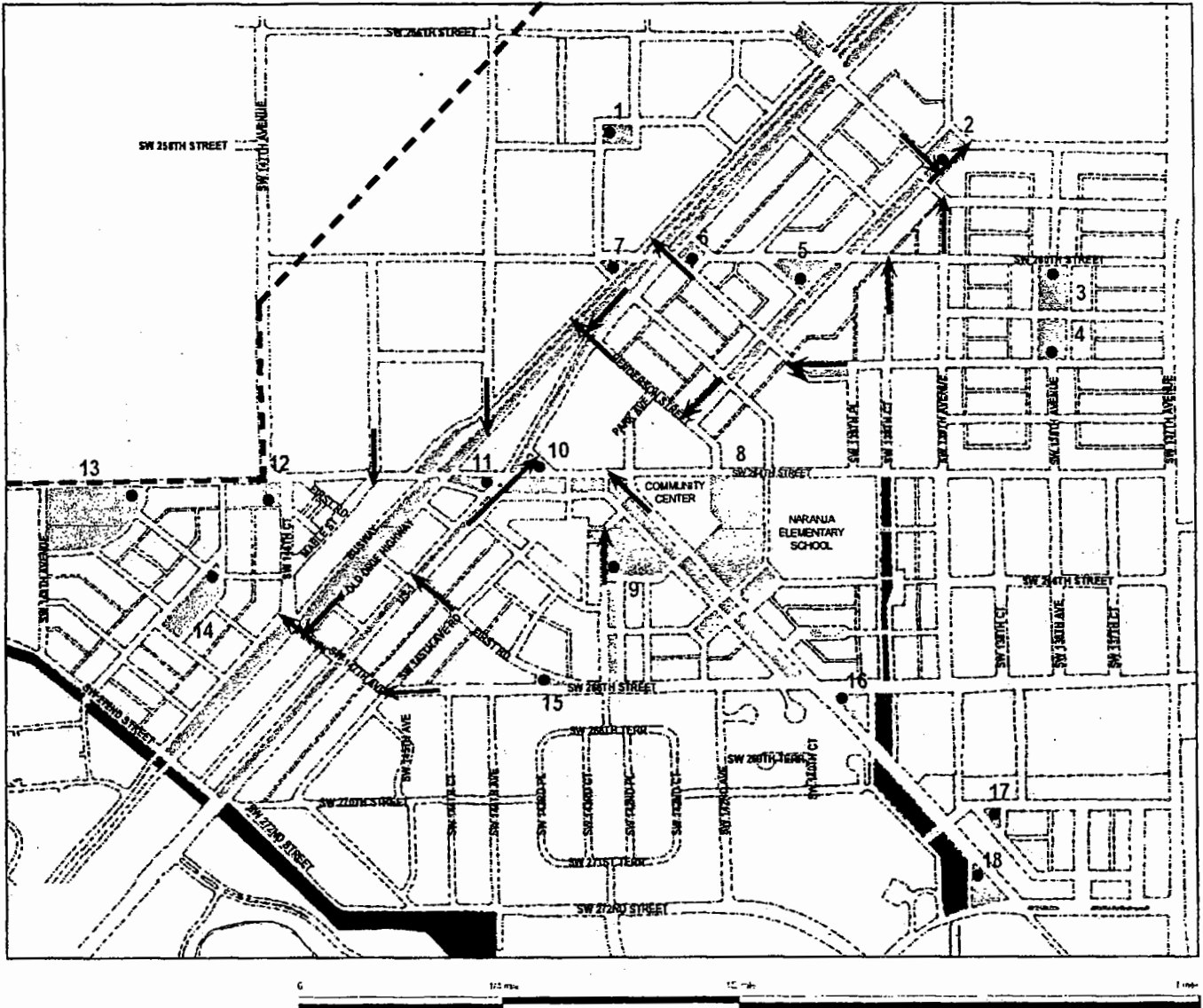


KEY

-  Minimum 3 - Maximum 6 Floors
-  Minimum 2 - Maximum 4 Floors
-  2 Floors
-  Minimum 1 - Maximum 2 Floors
-  Urban Development Boundary



V. Designated Open Space Plan



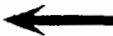
KEY



Open Space: G: Green; S: Square; P: Plaza



Existing Water Bodies



Street Vista



Anchor Point



Urban Development Boundary

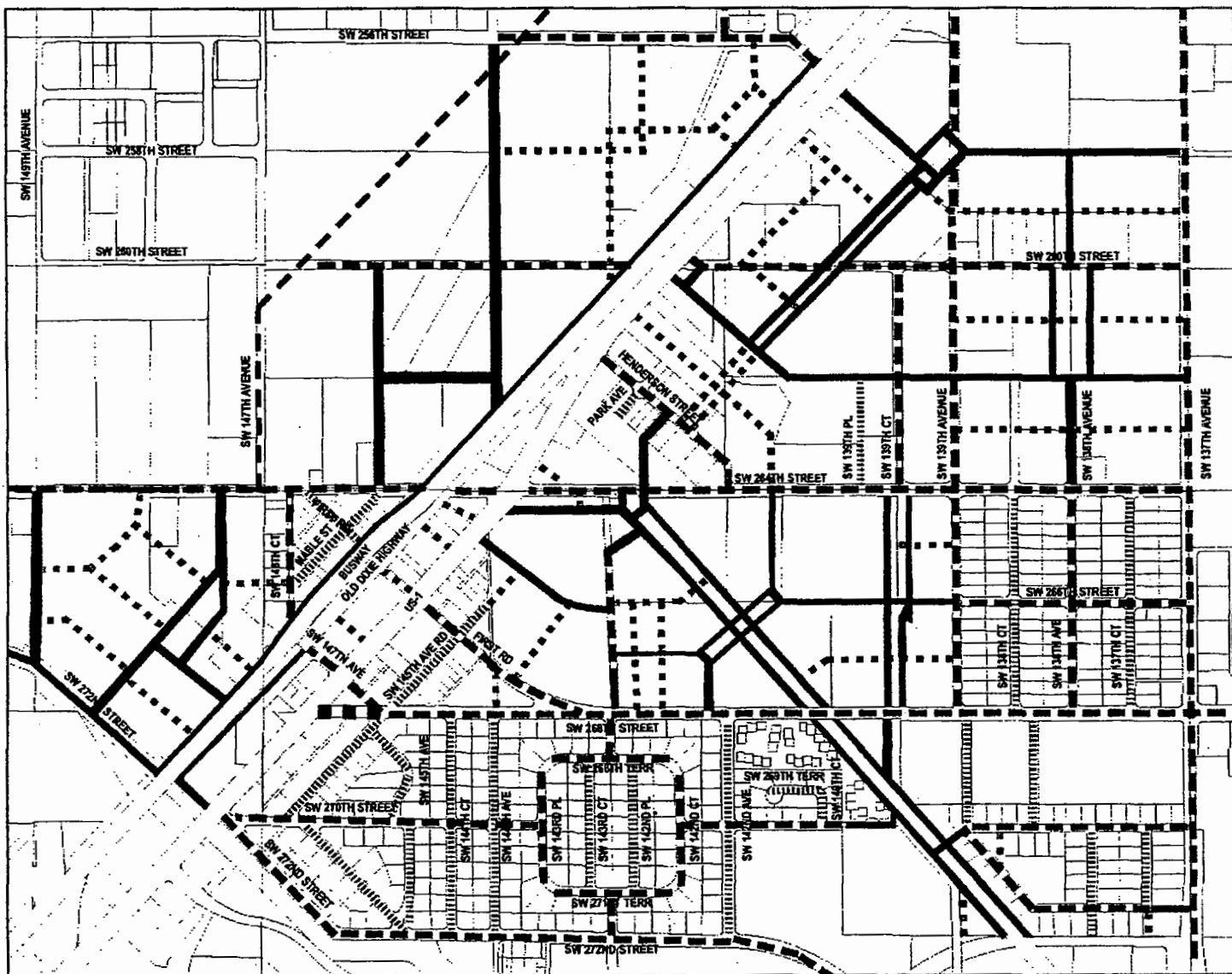
No	Type	Area
1.	S	15,000 sqft
2.	S	17,000 sqft
3.	G	32,200 sqft
4.	G	28,000 sqft
5.	G	25,000 sqft
6.	P	10,000 sqft
7.	P	5,000 sqft
8.	G	Existing
9.	S	50,200 sqft
10.	P	5,400 sqft
11.	P	7,000 sqft
12.	G	9,600 sqft
13.	G	120,500 sqft
14.	G	35,000 sqft
15.	G	2,600 sqft
16.	G	7,000 sqft
17.	G	4,000 sqft
18.	G	18,000 sqft

An open space where an anchor point is shown shall provide the general square footage shown in this Designated Open Space Plan.







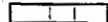
An open space where an anchor point is not shown shall be developed according to the Street Type Development Parameters.

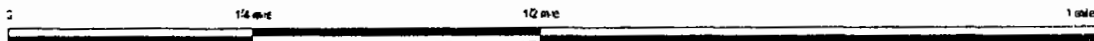
Moody Drive (SW 268 Street) green in the Center Sub-District (number 15) may be developed residentially under the RM criteria or business under the M1 or MD criteria and shall be developed according to the Open Space Regulations.

VII. New Streets Plan



KEY

-  New "A" Streets
-  Existing "A" Streets
-  New "B" Streets
-  Existing "B" Streets
-  Streets to be Removed
-  Urban Development Boundary
-  Property Ownership Pattern at time of charrette



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Section 5. Sec. 33-284.70 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.70. Street Type Development Parameters.

The following diagrams establish design parameters based on street type and Sub-district.

U.S. HIGHWAY 1/S.R. 5 CENTER

<p>STREET SECTION</p> <p>US-1 R.O.W.: 116'</p> <p>Building Height: Min: 3 stories Max: 6 stories</p> <p>Market District: Max: 2 stories when developed as a produce market</p> <p>KEY: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bl: bike lane col: colonnade PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p>	<p style="text-align: center;">* Note: Actual dimensions of South Miami-Dade Busway extension shall take precedence over dimensions depicted here.</p>
<p>BUILDING PLACEMENT</p> <p>Key:</p> <ul style="list-style-type: none"> — Build to Line - - - Property Line Habitable Space Parking and/or allowable building area 	
<p>LAND USES</p>	<p>For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.</p>
<p>BUILDING FRONTAGE</p>	<p>80 Percent Minimum at build-to line.</p>
<p>PARKING</p>	<p>All on-site parking shall be accessed from the service road or adjacent minor street. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses. Up to 60% of required parking may be provided off site within a 500' radius.</p>
<p>LANDSCAPE/ OPEN SPACE</p>	<p>Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in an 8' min. continuous landscape strip. Permanent irrigation is required.</p>
<p>SETBACK</p>	<p>The side setback shall be 0' or 6' in order to implement urban design principles. The front and rear setback shall be as shown above.</p>
<p>OTHER ELEMENTS</p>	<p>The front setback shall be hard surfaced and weather protection elements provided on the building facade when the build-to line is 10' from the front property line. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. The above section is typical for all busway and US-1 frontages. * Note is inserted to depict rounded off dimensions of the Busway. It will not change required dedication.</p>

U.S. HIGHWAY 1/S.R. 5

EDGE

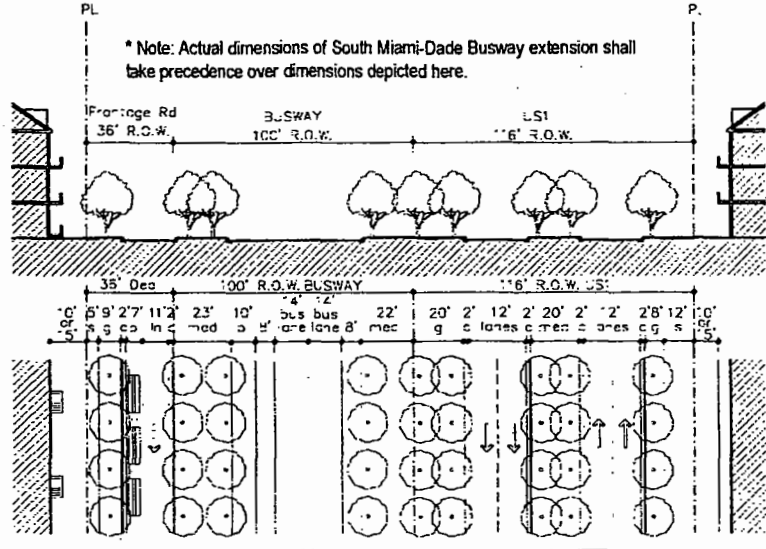
STREET SECTION

US-1
R.O.W.: 116'

Building Height:
Min: 2 stories
Max: 4 stories

Market District:
Max: 2 stories when developed as a produce market

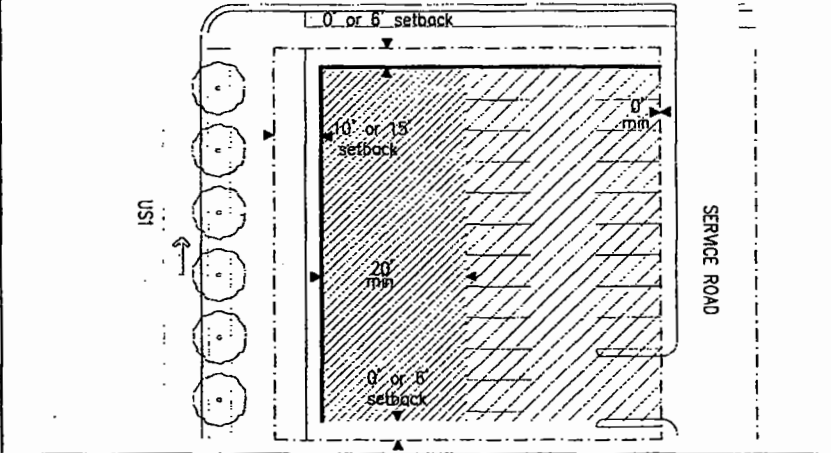
KEY:
s: sidewalk
g: green
c: curb and gutter
ln: lane
med: median
p: parking
bl: bike lane
col: colonnade
PL: property line
Min: Minimum
Max: Maximum
Req: Required
Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▨ Parking and/or allowable building area



LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	80 Percent Minimum at build-to line.
PARKING	All on-site parking shall be accessed from the service road or adjacent minor street. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses.
LANDSCAPE/ OPEN SPACE	Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in an 8' min. continuous landscape strip. Permanent irrigation is required.
SETBACK	The front setback shall be 10' or 15' and the side setback shall be 0' or 6' in order to implement urban design principles. The rear setback shall be as shown above.
OTHER ELEMENTS	The front setback of buildings along US1 shall be hard surfaced and weather protection elements provided on the building facade when the build-to line is 10' from the front property line. When the build to line is 15' from the front property line, the remainder 5' shall be landscaped. The front setback of buildings along the busway shall be landscaped. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. The above section is typical for all busway and US-1 frontages. * Note is inserted to depict rounded off dimensions of the Busway. It will not change required dedication.

MAIN STREET (SW 264th Street East of US1)

CORE

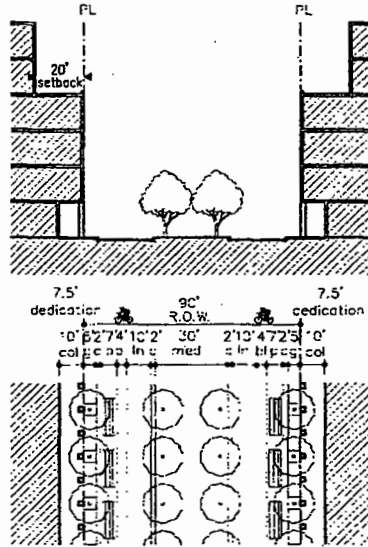
STREET SECTION

R.O.W.: 90'

Building Height:
Min: 3 stories
Max: 6 stories

KEY:

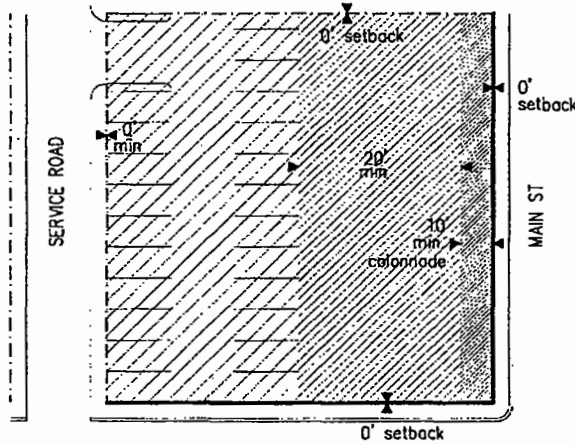
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- ▨ Required Colonnade
- ▧ Habitable Space
- ▩ Parking and/or allowable building area



LAND USES

For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.

BUILDING FRONTAGE

100 Percent Minimum at build-to line.

PARKING

All on-site parking shall be accessed from the service road. On-street parking shall count towards the minimum required parking. Up to 60% of required parking may be provided off site within a 500' radius.

**LANDSCAPE/
OPEN SPACE**

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required. Street trees are optional but if provided, shall be planted in 5'x5' tree grates.

SETBACK

The front, side, and rear setback shall be as shown above.

OTHER ELEMENTS

A colonnade shall be required on both sides of the Main Street when build-to line is 0' and shall occupy the full length of the building frontage.
Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.
On all Main Street intersections, the median shall have a mountable curb.

MAIN STREET (SW 264th Street East of US1)
CENTER

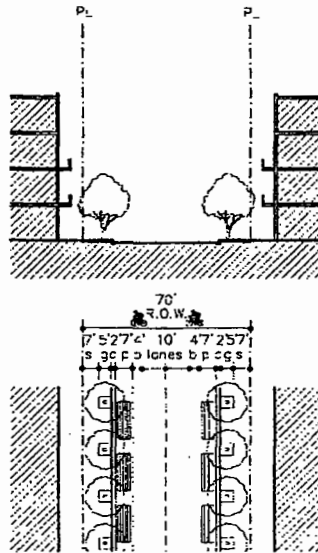
STREET SECTION

R.O.W.: 70'

Building Height:
Min: 2 stories
Max: 4 stories

KEY:

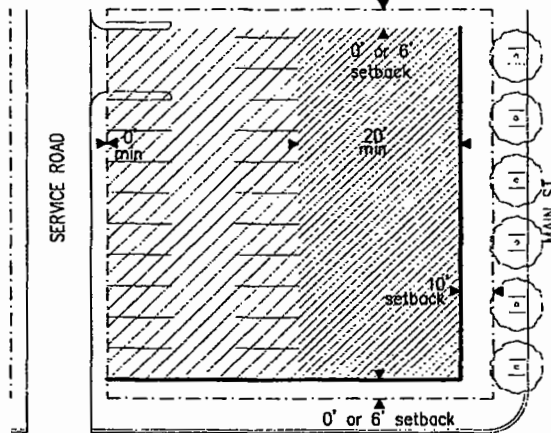
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- Habitable Space
- Parking and/or allowable building area



LAND USES

For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.

BUILDING FRONTAGE

80 Percent Minimum at build-to line.

PARKING

All on-site parking shall be accessed from the service road. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses. Up to 60% of required parking may be provided off site within a 500' radius.

**LANDSCAPE/
OPEN SPACE**

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in 5' x 5' tree grates. Permanent irrigation is required.

SETBACK

The side setback shall be 0' or 6' in order to implement urban design principles. The front and rear setback shall be as shown above.

OTHER ELEMENTS

The front setback shall be hard surfaced and weather protection elements provided on the building facade when the build-to line is 10' from the front property line. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

MAIN STREET (SW 264th Street East of US1)

EDGE

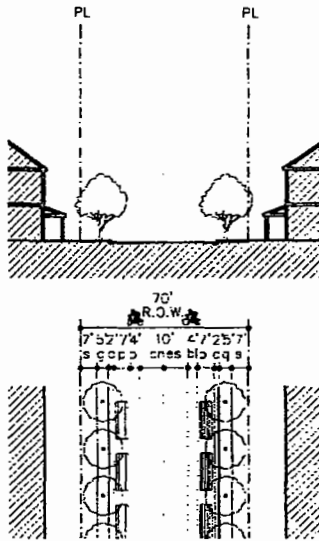
STREET SECTION

R.O.W.: 70'

Building Height:
Max: 2 stories

KEY:

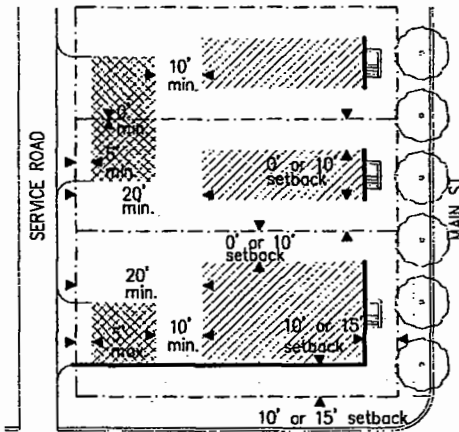
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- Habitable Space
- Accessory Bldg/Dwelling or Parking Area



LAND USES

For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.

BUILDING FRONTAGE

60 percent minimum at build-to line. For single family attached only, 100 percent at build-to line.

PARKING

For single family attached, all on-site parking shall be accessed from the service road.

**LANDSCAPE/
OPEN SPACE**

Landscape shall meet all requirements of Chapter 18-A of this Code and this Article. Street trees shall be planted in a 5' minimum continuous landscape strip.

SETBACK

The front setback shall be 10' or 15' in order to implement urban design principles. The side and rear setbacks shall be as shown above.

OTHER ELEMENTS

The front setback shall be landscaped. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

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MAIN STREET, BOULEVARD, & MINOR STREET

OPTIONAL EDGE (NO SERVICE ROAD)

STREET SECTION

R.O.W.: Varies

Building Height:
Max: 2 stories

KEY:

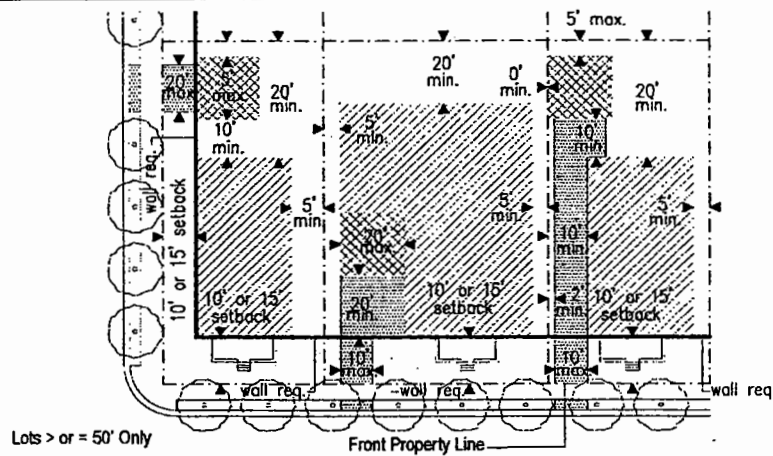
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication

Please refer to the specific street type for street configuration.

BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory Bldg/Dwelling or Parking Area
- ▧ Driveway



LAND USES

For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.

BUILDING FRONTAGE

60 percent minimum at build-to line on all frontages. The garage shall not count towards the frontage requirements.

PARKING

All on-site parking for single family detached units on lots a minimum of 50 feet wide and in the Edge Sub-district only, shall be accessed from the service road or from the street as shown above.

**LANDSCAPE/
OPEN SPACE**

Please refer to the specific street type for landscape and street tree requirements.

SETBACK

The front setback shall be 10' or 15' in order to implement urban design principles. The side and rear setbacks shall be as shown above.

OTHER ELEMENTS

Please refer to the specific street type for other requirements.
Where a driveway intersects a sidewalk, the sidewalk shall remain at a continuous level.

BOULEVARD	
CORE	
<p>STREET SECTION</p> <p>R.O.W.: Varies</p> <p>Building Height: Min: 3 stories Max: 6 stories</p> <p>KEY: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bl: bike lane col: colonnade PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p>	
<p>BUILDING PLACEMENT</p> <p>Key:</p> <ul style="list-style-type: none"> — Build to Line - - - Property Line ▨ Required Colonnade ▧ Habitable Space ▩ Parking and/or allowable building area 	
LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	100 Percent at build-to line.
PARKING	All on-site parking shall be accessed from the service road. On-street parking shall count towards the minimum required parking. Up to 60% of required parking may be provided off site within a 500' radius.
LANDSCAPE/ OPEN SPACE	Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required.
SETBACK	The front, side, and rear setbacks shall be as shown above.
OTHER ELEMENTS	A colonnade shall be required on both sides of the boulevard when build-to line is 0' and shall occupy the full length of the building frontage. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. On all Boulevard intersections, the median shall have a mountable curb.

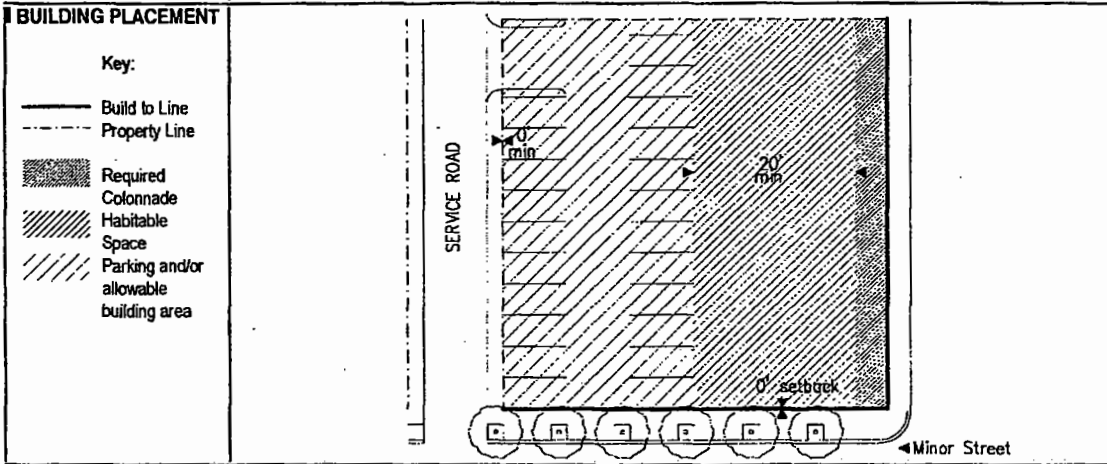
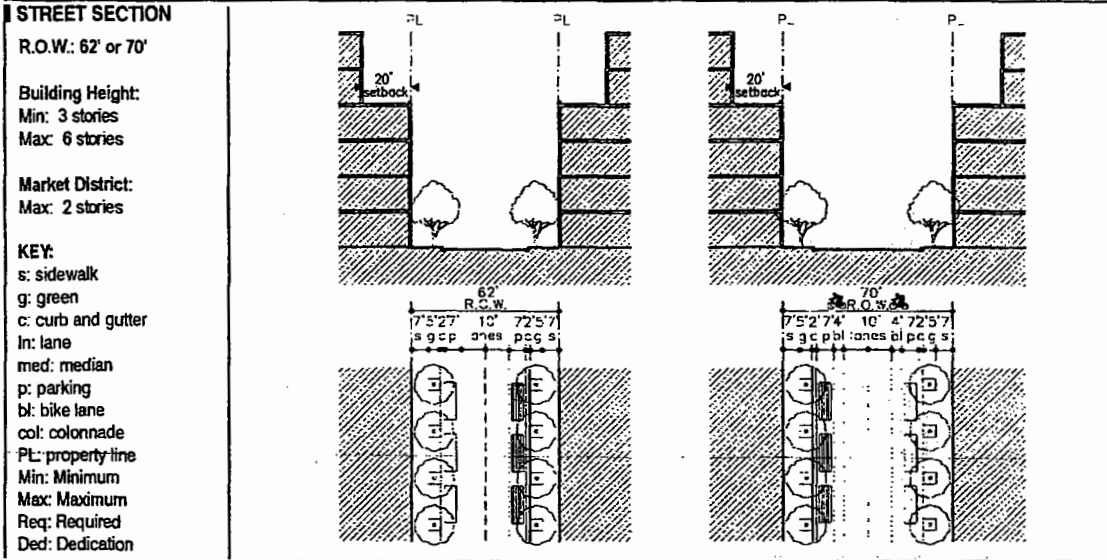
BOULEVARD	
CENTER (A) MIXED-USE	
<p>STREET SECTION</p> <p>R.O.W.: Varies</p> <p>Building Height: Min: 2 stories Max: 4 stories</p> <p>KEY: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bl: bike lane col: colonnade PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p>	
<p>BUILDING PLACEMENT</p> <p>Key:</p> <ul style="list-style-type: none"> — Build to Line - - - Property Line Habitable Space Parking and/or allowable building area 	
LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	80 Percent Minimum at build-to line.
PARKING	All on-site parking shall be accessed from the service road. On-street parking shall count towards the minimum required parking. Up to 60% of required parking may be provided off site within a 500' radius.
LANDSCAPE/ OPEN SPACE	Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in 5' x 5' tree grates. Permanent irrigation is required.
SETBACK	The side setback shall be 0' or 6' in order to implement urban design principles. The front and rear setbacks shall be as shown above.
OTHER ELEMENTS	The front setback shall be hard surfaced and weather protection elements provided on the building facade when the build-to line is 10' from the front property line. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. On all Boulevard intersections, the median shall have a mountable curb.

BOULEVARD	
CENTER (B) RESIDENTIAL	
<p>STREET SECTION</p> <p>R.O.W.: Varies</p> <p>Building Height: Min: 2 stories Max: 4 stories</p> <p>KEY: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bl: bike lane col: colonnade PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p>	
<p>BUILDING PLACEMENT</p> <p>Key:</p> <ul style="list-style-type: none"> — Build to Line - - - Property Line Habitable Space Accessory Building/Dwelling or Parking Area 	
LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	75 percent minimum at build-to line. For single family attached only, 100 percent at build-to line.
PARKING	All on-site parking shall be accessed from the service road. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses.
LANDSCAPE/ OPEN SPACE	Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in a 5' minimum continuous landscape strip. Permanent irrigation is required.
SETBACK	The front setback shall be 0' or 10' in order to implement urban design principles. The side and rear setbacks shall be as shown above.
OTHER ELEMENTS	The front setback shall be landscaped. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. For rowhouses, the side setback shall be 0' and for all other residential uses the side setback shall be 6'. On all Boulevard intersections, the median shall have a mountable curb.

BOULEVARD	
EDGE	
<p>STREET SECTION</p> <p>R.O.W.: Varies</p> <p>Building Height: Max: 2 stories</p> <p>KEY: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bl: bike lane col: colonnade PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p>	
<p>BUILDING PLACEMENT</p> <p>Key:</p> <ul style="list-style-type: none"> — Build to Line - - - Property Line Habitable Space Accessory Building/Dwelling or Parking Area 	
LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	60 percent minimum at build-to line. For single family attached only, 100 percent at build-to line.
PARKING	For single family attached all on-site parking shall be accessed from the service road.
LANDSCAPE/ OPEN SPACE	Landscape shall meet all requirements of Chapter 18-A of this Code and this Article. Street trees shall be planted in a 7' minimum continuous landscape strip.
SETBACK	The front setback shall be 10' or 15' in order to implement urban design principles. The side and rear setbacks shall be as shown above.
OTHER ELEMENTS	The front setback shall be landscaped. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. On all Boulevard intersections, the median shall have a mountable curb.

MINOR STREET (With two parking lanes)

CORE



LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	100 Percent Minimum at build-to line.
PARKING	All on-site parking shall be accessed from the service road or minor street. On-street parking shall count towards the minimum required parking. Up to 60% of required parking may be provided off site within a 500' radius.
LANDSCAPE/ OPEN SPACE	Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required. Street trees shall be planted in 5' x 5' tree grates.
SETBACK	The front, side, and rear setbacks shall be as shown above.
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

MINOR STREET (With two parking lanes)

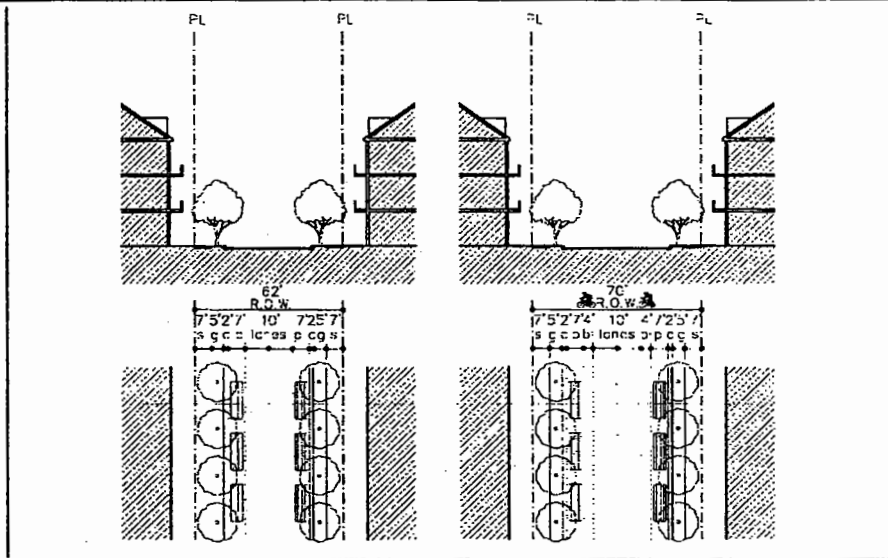
CENTER

STREET SECTION
R.O.W.: 62' or 70'

Building Height:
Min: 2 stories
Max: 4 stories

Market District:
Max: 2 stories

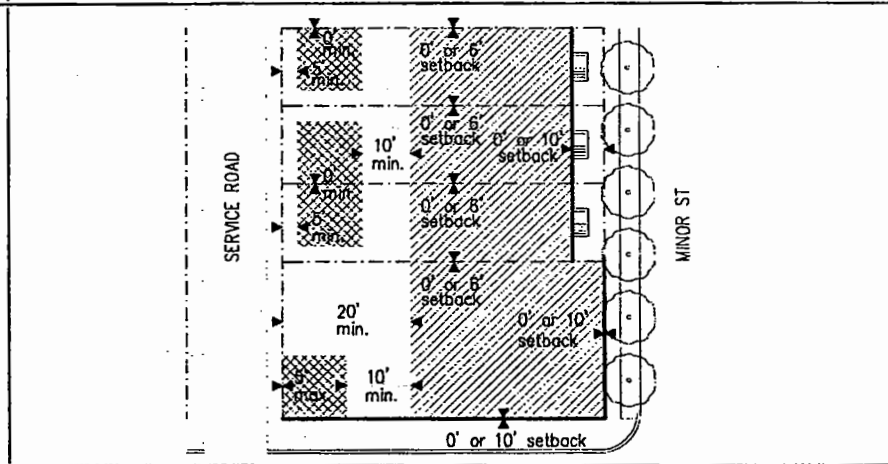
KEY:
s: sidewalk
g: green
c: curb and gutter
ln: lane
med: median
p: parking
bt: bike lane
col: colonnade
PL: property line
Min: Minimum
Max: Maximum
Req: Required
Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory Building/Dwelling or Parking Area



LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	75 percent minimum at build-to line. For single family attached only, 100 percent at build-to line.
PARKING	All on-site parking shall be accessed from the service road. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses.
LANDSCAPE/ OPEN SPACE	Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required. Street trees shall be planted in a 5' minimum continuous landscape strip.
SETBACK	The front setback shall be 0' or 10' in order to implement urban design principles. The side and rear setbacks shall be as shown above.
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. The front setback shall be landscaped.

MINOR STREET (With two parking lanes)

EDGE

<p>STREET SECTION</p> <p>R.O.W.: 62' or 70'</p> <p>Building Height: Max: 2 stories</p> <p>KEY: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bt: bike lane col: colonnade PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p>	
<p>BUILDING PLACEMENT</p> <p>Key:</p> <ul style="list-style-type: none"> — Build to Line - - - Property Line Habitable Space Accessory Building/Dwelling or Parking Area 	
<p>LAND USES</p>	<p>For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.</p>
<p>BUILDING FRONTAGE</p>	<p>40 Percent Minimum at build-to line.</p>
<p>PARKING</p>	<p>All on-site parking shall be accessed from the service road where provided. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses.</p>
<p>LANDSCAPE/ OPEN SPACE</p>	<p>Landscape shall meet all requirements of Chapter 18-A of this Code and this Article. Street trees shall be planted in a 7' minimum continuous landscape strip.</p>
<p>SETBACK</p>	<p>The front setback shall be 10' or 15' in order to implement urban design principles. The side and rear setbacks shall be as shown above.</p>
<p>OTHER ELEMENTS</p>	<p>Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. The front setback shall be landscaped.</p>

MINOR STREET (Along Canal)

EDGE

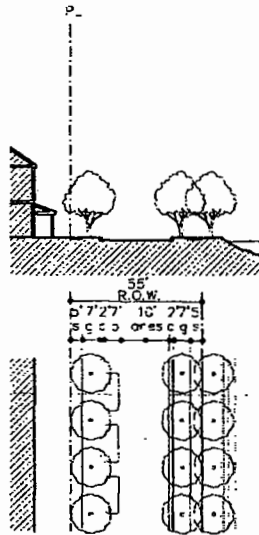
STREET SECTION

R.O.W.: 55'

Building Height:
Max: 2 stories

KEY:

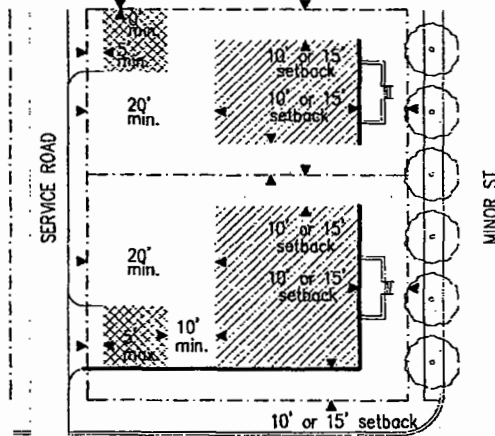
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- Habitable Space
- Accessory Building/Dwelling or Parking Area



LAND USES

For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.

BUILDING FRONTAGE

40 Percent Minimum at build-to line.

PARKING

All on-site parking shall be accessed from the service road. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses.

**LANDSCAPE/
OPEN SPACE**

Landscape shall meet all requirements of Chapter 18-A of this Code and this Article. Street trees shall be planted in a 7' minimum continuous landscape strip.

SETBACK

The front setback shall be 10' or 15' in order to implement urban design principles. The side and rear setbacks shall be as shown above.

OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.
The front setback shall be landscaped.

MINOR STREET (Optional: with no parking)

CORE

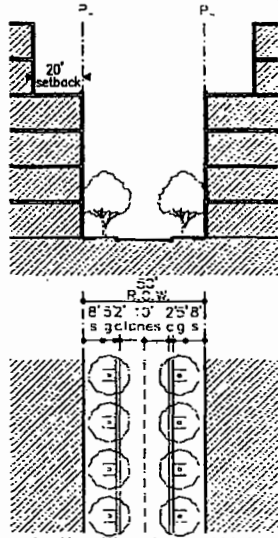
STREET SECTION

R.O.W.: 50'
Building Height:
Min: 3 stories
Max: 6 stories

Market District:
Max: 2 stories

KEY:

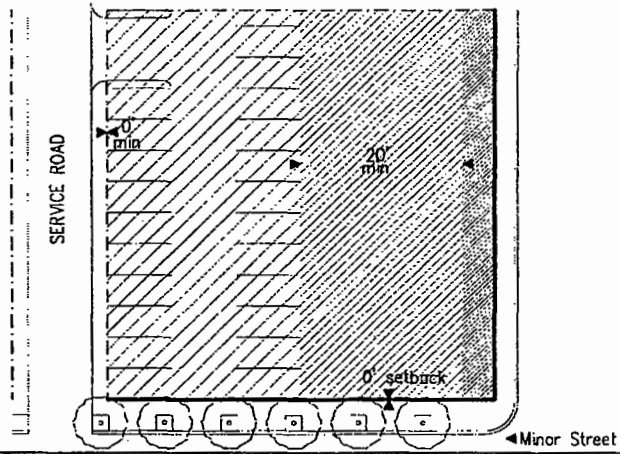
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- ▨ Required Colonnade
- ▧ Habitable Space
- ▩ Parking and/or allowable building area



LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	100 Percent Minimum at build-to line.
PARKING	All on-site parking shall be accessed from the service road or minor street. On-street parking shall count towards the minimum required parking. Up to 60% of required parking may be provided off site within a 500' radius.
LANDSCAPE/ OPEN SPACE	Parking lot buffers and street trees shall meet all requirements of Chapter 18-A and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required. Street trees shall be planted in 5' x 5' tree grates.
SETBACK	The front front, side, and rear setbacks shall be as shown above.
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

45

MINOR STREET (Optional: with no parking)

CENTER

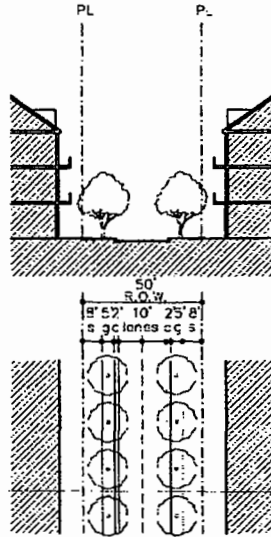
STREET SECTION

R.O.W.: 50'

Building Height:
Min: 2 stories
Max: 4 stories

Market District:
Max: 2 stories

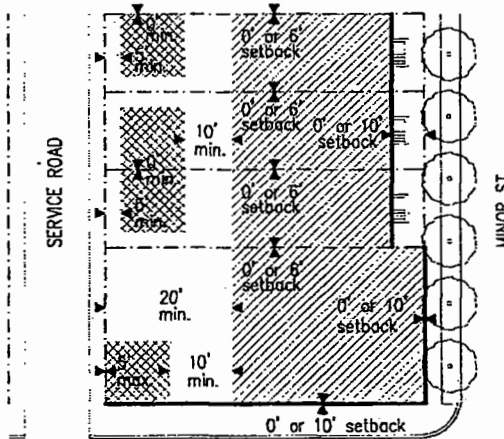
KEY:
s: sidewalk
g: green
c: curb and gutter
ln: lane
med: median
p: parking
bl: bike lane
col: colonnade
PL: property line
Min: Minimum
Max: Maximum
Req: Required
Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- Habitable Space
- Accessory Building/Dwelling or Parking Area



LAND USES

For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.

BUILDING FRONTAGE

75 percent minimum at build-to line. For single family attached only, 100 percent at build-to line.

PARKING

All on-site parking shall be accessed from the service road. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses.

**LANDSCAPE/
OPEN SPACE**

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Permanent irrigation is required. Street trees shall be planted in a 5' minimum continuous landscape strip.

SETBACK

The front setback shall be 0' or 10' in order to implement urban design principles. The side and rear setbacks shall be as shown above.

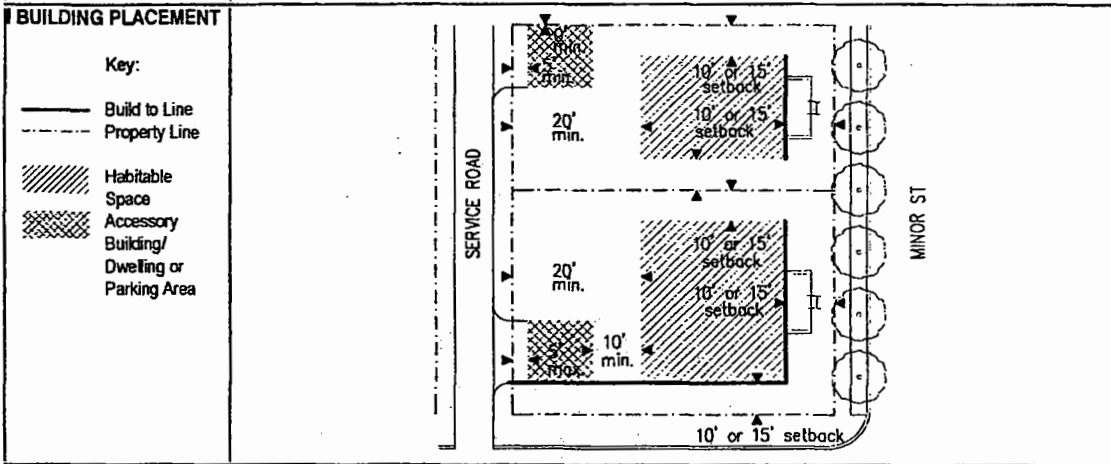
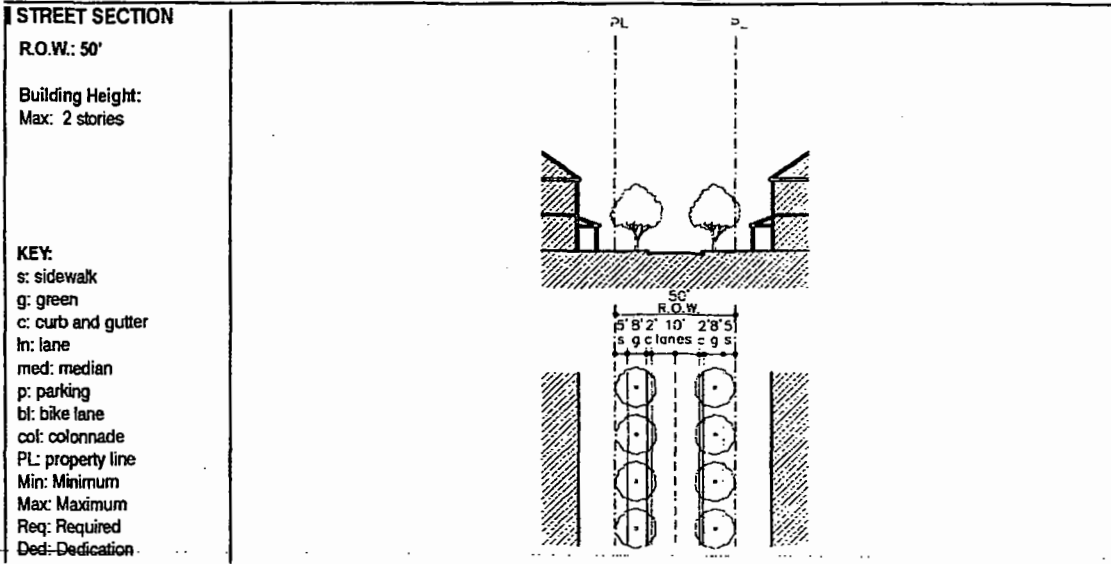
OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.
The front setback shall be landscaped.

46

MINOR STREET (Optional: with no parking)

EDGE



LAND USES	For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.
BUILDING FRONTAGE	40 Percent Minimum at build-to line.
PARKING	All on-site parking shall be accessed from the service road where provided. On-street parking shall count towards the minimum required parking except for single family attached and detached residential uses.
LANDSCAPE/ OPEN SPACE	Landscape shall meet all requirements of Chapter 18-A of this Code and this Article. Street trees shall be planted in a 7' minimum continuous landscape strip.
SETBACK	The front setback shall be 10' or 15' in order to implement urban design principles. The side and rear setbacks shall be as shown above.
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. The front setback shall be landscaped.

47

SERVICE ROAD

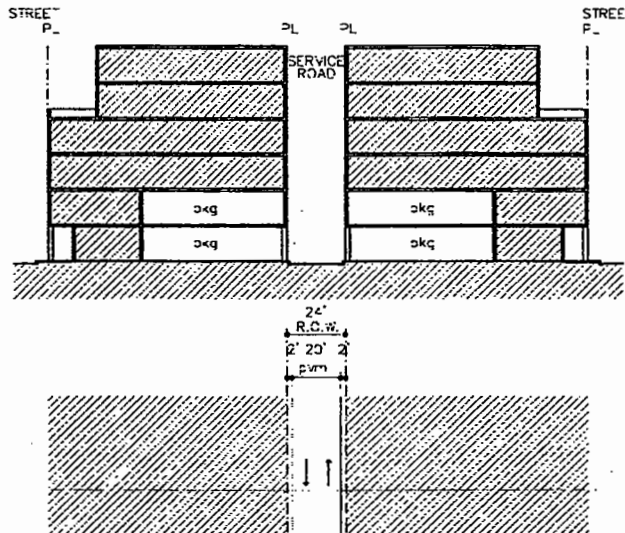
CORE

STREET SECTION

R.O.W.: 24'

KEY:

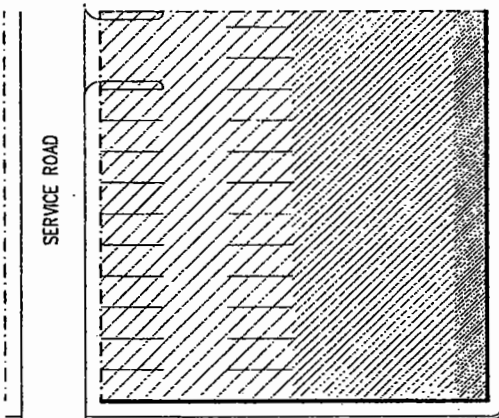
- s: sidewalk
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- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory Building/Dwelling or Parking Area



LAND USES

Multi-story garages, parking courts, and surface parking. These uses are permitted along service roads only.

BUILDING FRONTAGE

N/A

PARKING

All on-site parking shall be accessed from the service road.

**LANDSCAPE/
OPEN SPACE**

N/A

SETBACK

N/A

OTHER ELEMENTS

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

SERVICE ROAD CENTER	
<p>STREET SECTION R.O.W.: 24'</p> <p>KEY: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bl: bike lane col: colonnade PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p>	
<p>BUILDING PLACEMENT</p> <p>Key:</p> <ul style="list-style-type: none"> — Build to Line - - - Property Line Habitable Space Accessory Building/Dwelling or Parking Area 	
LAND USES	Multi-story garages, parking courts, surface parking, single family garages, accessory dwellings, and accessory buildings. These uses are permitted along service roads only.
BUILDING FRONTAGE	N/A
PARKING	All on-site parking shall be accessed from the service road.
LANDSCAPE/ OPEN SPACE	N/A
SETBACK	N/A
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

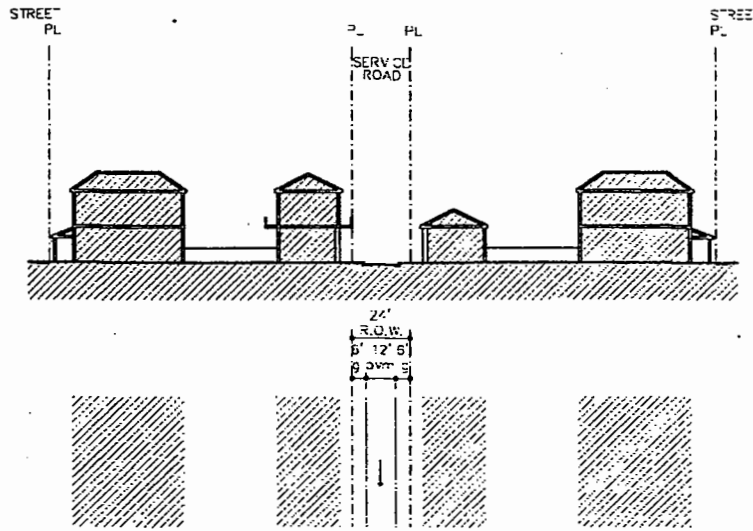
SERVICE ROAD

EDGE

STREET SECTION

R.O.W.: 24'

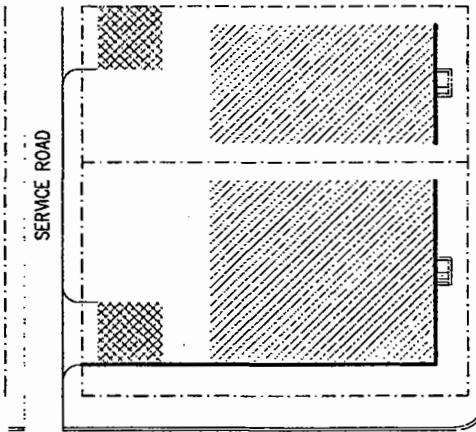
- KEY:**
s: sidewalk
g: green
c: curb and gutter
ln: lane
med: median
p: parking
bl: bike lane
col: colonnade
PL: property line
Min: Minimum
Max: Maximum
Req: Required
Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory Building/Dwelling or Parking Area



LAND USES	Single family garages, accessory dwellings, and accessory buildings. These uses are permitted along service roads only.
BUILDING FRONTAGE	N/A
PARKING	Service roads are optional in the Edge Sub-district for detached single family only.
LANDSCAPE/ OPEN SPACE	Landscape shall meet all requirements of Chapter 18-A of this Code and this Article. A 6' landscaped strip is required on both sides of paved area.
SETBACK	N/A
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

50

PEDESTRIAN PASSAGE

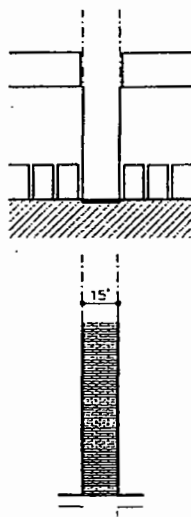
CORE/CENTER

STREET SECTION

R.O.W.: 15'

KEY:

- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bt: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

N/A

LAND USES

For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.

BUILDING FRONTAGE

50 Percent Minimum for mixed-use buildings only

PARKING

N/A

**LANDSCAPE/
OPEN SPACE**

Landscape shall meet all requirements of Chapter 18-A of this Code and this Article. Trees are optional and shall be planted in a 5' x 5' minimum tree grate or individual planter.

SETBACK

The setback along the passage shall be 0'.

OTHER ELEMENTS

The hard surfaced area shall be 15' and enhanced with a material different from the sidewalk.
The pedestrian passages are optional and shall be interconnected with the sidewalks and public open spaces and provide pedestrian access to parking areas, through blocks, from street to street.

PEDESTRIAN PASSAGE

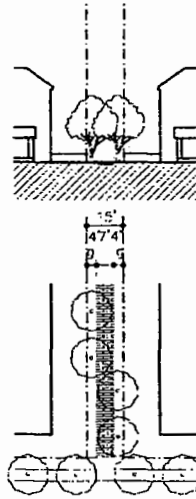
EDGE

STREET SECTION

R.O.W.: 15'

KEY:

- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

N/A

LAND USES

For permitted uses please refer to Sec. 33.284.68 and Sec 33.284.69.

BUILDING FRONTAGE

N/A

PARKING

N/A

**LANDSCAPE/
OPEN SPACE**

Landscape shall meet all requirements of Chapter 18-A of this Code and this Article. Trees shall be planted in a 4' minimum continuous landscape strip in a random pattern.

SETBACK

The setback along the passage shall be 10' or 15' in order to implement urban design principles.

OTHER ELEMENTS

The hard surfaced area shall be a maximum of 7' and enhanced with a material different from the sidewalk.
The pedestrian passages are optional and shall be interconnected with the sidewalks and public open spaces and provide pedestrian access through blocks from street to street.

Section 6. Sec. 33-284.71 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.71. General Requirements.

Setbacks, building frontage and building placement shall be as set forth in the Street Types Development Parameters except as specifically provided herein.

A. Lots and blocks.

The following shall be required:

Minimum Lot Requirements			
		Size (Square Feet)	Frontage (Feet)
1.	<u>Single-family attached</u>	<u>2,000</u>	<u>20</u>
2.	<u>Single-family detached and duplex</u>	<u>5,000</u>	<u>50</u>
3.	<u>Live-work units</u>	<u>1700</u>	<u>20 (max 40)</u>
4.	<u>Irregularly shaped lots</u>		<u>15 (*)</u>
5.	<u>All lots shall share a frontage line with a street or an open space</u>		
	<u>(*) such lots shall be located only at the end of a series of lots.</u>		
Maximum Block Requirements			
		Length (Feet)	
6.	<u>Maximum length (**)</u>	<u>500</u>	
	<u>(**) unless otherwise provided in the Regulating Plans.</u>		

B. Buildings.

1. Storefronts shall be provided on the first floor of mixed-use buildings, directly accessible from a street frontage or an open space as follows:

a. For properties with two or more frontages, storefronts shall be located on a minimum of two frontages with priority given to frontages on an open space and the highest ranking street; and

b. Storefronts shall have a transparent clear glazed area of not less than 70 percent of the facade area. The first floor shall be occupied by habitable uses that generate pedestrian activity and provide a view of the street. Ground floor windowsills shall be placed at a minimum height of 24 inches and a maximum of 48 inches above

- grade. Security enclosures, if any, shall be of the mesh type that pedestrians can see through, and shall be located behind storefront displays.
2. Where colonnades are provided, the finished floor elevation of the colonnade shall match the adjoining sidewalk.
 3. Building streetwall surfaces shall have a minimum of 30 percent of all first floor facades fenestrated with windows. Mirror type glass shall not be allowed. All glazing shall be of a type that permits a view of human activities and spaces within. Colonnade column spacing, windows, and doors shall have a vertical proportion in order that the height dimension is greater than the width dimension of each opening. At least 50 percent of the area of security screens and gates shall be transparent.
 4. In the Core and Center sub-districts in areas where mixed-use is permitted, the build-to line shall be maintained in accordance with the street type development parameters but the building may be set back to accommodate a forecourt. In such circumstance, the building shall be set back no more than 25 feet.
 5. The height of an accessory building shall not exceed the height of the principal building.
 6. An open, covered or paved connection between a principal building and an accessory building may be built within the minimum required 10 feet spacing as shown in the Street Types Development Parameters.
 7. In the Center and Edge sub-districts, awnings, balconies, stoops, stairs, open porches, and bay windows shall be permitted to extend into the minimum front setback, to a maximum of:

	<u>In a setback of 10 feet</u>	<u>In a setback of 15 feet</u>
<u>Bay windows</u>	<u>3 feet</u>	<u>3 feet</u>
<u>Balconies</u>	<u>6 feet</u>	<u>6 feet</u>
<u>Awnings</u>	<u>6 feet</u>	<u>6 feet</u>
<u>Stoops</u>	<u>6 feet</u>	<u>6 feet</u>
<u>Stairs</u>	<u>6 feet</u>	<u>8 feet</u>
<u>Porches</u>	<u>6 to 8 feet</u>	<u>6 to 12 feet</u>

Roof eaves, chimneys, signs, and ramps may encroach into all setbacks. Porticoes, canopies, and colonnades shall be guttered and drainage shall be deposited onsite. In the Center sub-district, awnings may encroach into the right-of way a maximum of 4 feet beyond the property line and signs may encroach a maximum of 2 feet beyond the property line. There shall be a minimum clear height of 8 feet above the sidewalk.

8. In the Core sub-district, bay windows and balconies may encroach beyond the property line a maximum of 3 feet. In the Core sub-district, awnings may encroach into the rights-of-way but shall not extend a distance closer to the street than 6 inches from the face of the curb. All right-of-way encroachments shall be a minimum 8 feet above the sidewalk. Encroachments shall not be taller than the building.
9. In the Edge sub-district, accessory buildings are allowed to have balconies or bay windows that encroach a maximum of 3 feet into the rear yard setback.
10. A cornice line is required on all building facades on U.S. 1 and the Main Street frontages as follows: at the top of the first story of buildings in the Mixed-Use Main Street (MM) area and the top of the second story of buildings in the Mixed-Use U.S.1 (M1) area.
11. Service areas shall be screened and so located as not to be visible at eye-level from adjacent properties or from the street.
12. The primary entrance of a building shall provide access to a public right-of-way or an open space. The primary entrance to the upper levels of mixed-use building with colonnades shall be through the colonnaded area along the front property line.
13. Free-standing colonnades shall not satisfy the build-to line requirement.
14. Colonnades are required along all building frontages facing U.S. 1 and Main Street in the Core sub-district.
15. Each story shall be a maximum of 16 feet clear from floor to ceiling. Each 16-foot portion of a floor in excess of 16 feet, as measured from floor to ceiling, will count as an additional floor, except that one floor may exceed 16 feet, as measured from floor to ceiling, up to 30 feet, provided no mezzanine area exceeds 10 percent of the floor area of that floor.
16. In the Edge sub-district, rowhouses may have up to 3 stories when fronting a green.
17. A live-work unit shall have two components: a workshop and a residential unit. The workshop shall be located on the first floor and shall be directly accessible from the primary street frontage or an open space. The workshop's facade shall have a transparent clear glazed area of not less than 70 percent. The primary entrance of the residential component of a live-unit shall be separate from the workshop component of the unit and shall directly lead to a primary street frontage or an open space

C. Open Space.

Open spaces under this article are classified as (1) designated or (2) private open spaces.

1. Designated open spaces:

- a. The general location, area, and dimensions of designated open spaces shall conform with the Designated Open Space Plan.
- b. Designated open spaces shall (1) include the anchor point depicted on the Regulating Plan, and (2) be provided at grade level.
- c. Provided that all other parameters on the Designated Open Space Plan are met and that the entire designated open space area and an adjacent area are under one ownership, the final location of the designated open space may be pivoted around its anchor point onto the adjacent area, allowing the area previously designated as open space to be developed as permitted in the land use regulating plan.
- d. Designated open spaces shall be provided in the form of squares, greens, or plazas as provided in the Designated Open Space Plan. Lakes, golf courses, and parking lot buffers shall not count towards the open space requirement.
- e. No replatting or other land subdivision shall divide property in such a way that required designated open space is avoided or its location changed.
- f. Designated open spaces shall be shaded and their ground surface shall be a combination of paving materials, lawn or ground cover.
- g. If a lot or group of lots is designated entirely as open space in the Designated Open Space Plan, and is surrounded predominantly by residential parcels, half of the lot or group of lots shall be developable in a contiguous pattern at a density equal to the highest permitted density of any parcel surrounding the lot or group of lots. To achieve such density/intensity, up to two additional floors above the number of floors permitted in the sub-district and Building Heights Plans shall be allowed. Under this circumstance, the developable portion shall not be required to comply with the private open space requirement for residential development provided herein.
- h. If part of a lot or group of lots is designated as open space in the Designated Open Space Plan, the portion not designated as open space shall be developable in a contiguous pattern at a density/intensity which will equal the permitted density/intensity of the entire parcel based upon the density/intensity of the portion of the parcel not designated as open space. To achieve such density, an additional floor above the number of floors permitted in the Street Types Development Parameters shall be allowed.
- i. Around designated open spaces, a building's frontage, height and placement shall be in accordance with the Street Types Development Parameters for the adjacent street.

2. Private open spaces:

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- a. Private open spaces shall be provided in the form of colonnades, courtyards, terraces, and lawns. Lakes, golf courses, and parking lot buffers shall not count towards the open space requirement.
- b. All residential developments, except for multi-family residential and the live-work units, shall provide a minimum of 400 square feet of private open space per lot, in the form of courtyards, terraces, and lawns.
- c. All multi-family residential developments, including mixed-use developments, shall reserve a minimum of 10 percent of the site for common, private open space. Colonnades, where required, shall count towards this common, private open space requirement.
- d. Private open spaces shall be shaded and their ground surface shall be a combination of paving materials, lawn or ground cover. Enclosures of private open spaces shall be in compliance with paragraph (H) below.
- e. Properties in the Industrial District (ID) area shall provide a minimum of 10 percent of the net lot area as private open space.

D. Landscape.

Landscape shall meet all the requirements of Chapter 18-A of this code except that in the Core and Center sub-districts the following shall apply:

1. Street trees shall be planted at a maximum of 25 feet average on center, with a minimum four-inch diameter at breast height.
2. Street trees are not required when colonnades are being provided along the street.

E. Parking.

Parking shall be provided as required by section 33-124 of this code, except as follows:

1. Multi-story parking garages, parking lots and on-street parking shall count toward all parking requirements except in single family detached residential areas.
2. Parking requirements are as follows:

a.	Single Family Residential (off-street):
(1)	single family detached: 2 spaces/unit
(2)	rowhouse: 2 spaces/unit
(3)	duplex: 2 spaces/unit
b.	Multi-family Residential:
(1)	1.5 spaces/1 bedroom unit
(2)	1.75 spaces/2 bedroom unit
(3)	2 spaces/3 or more bedroom units
c.	Hotel: 1 space/2 guest rooms
d.	Retail: 1 space/250 square feet of building area
e.	Office: 1 space/400 square feet
f.	Restaurants: 1 space/ 50 square feet of patron area
g.	Live-work units: (1) residential component: 2 spaces/unit (2) workshop component: 1 space/325 square feet of workshop area
h.	All other uses shall comply with the parking standards provided in section 33-124 of this code.

3. The combined parking requirement for mixed-use development shall be 90 percent of the total parking otherwise required in this section; provided, however, that in the Core sub-district, the combined parking required for mixed-use development shall be 80 percent of the total parking otherwise required in this section.
4. Mixed-use developments in the Core and Center sub-districts may provide up to 60 percent of the required parking off-site, where the off-site parking is located on a minor street and within 500 feet of the development. Any certificate of use for Mixed-use shall immediately terminate in the event such parking area is not available. An applicant for approval of a Mixed-use development with off-site parking shall execute and record in the public records of this County a declaration of restrictions approved by the Director covenanting that such Mixed-use shall cease and terminate upon the elimination of such parking area, and that no Mixed-use requiring such parking shall be made of such property until the required parking area is available and provided.
5. Residential uses on a lot or group of lots entirely or partially designated as open space located in the Residential Modified (RM) and developed in accordance with paragraph C above, may provide off-site parking for up to 60 percent of the required parking. This off-site parking shall be located on a minor street and within 500 feet of the development. Such residential uses shall immediately terminate in the event such

parking area is not available. An applicant for approval of a RM development with off-site parking shall execute and record in the public records of this County a declaration of restrictions approved by the Director covenanting that such residential use shall cease and terminate upon the elimination of such parking area, and that no residential use requiring such parking shall be made of such property until the required parking area is available and provided.

6. Parking for individuals with disabilities and persons transporting strollers shall be provided in compliance with section 33-122 of this code.
7. Except for detached single-family homes and duplexes, all parking may be in the form of multi-story parking garage structures or parking lots that are located in the rear or on one side of the building and are screened from public right-of-way. Parking is not permitted in the front setback.
8. At a minimum, the first floor of Multi-story parking garage structures shall be screened along all frontages, except along a service road, by a liner building containing habitable space at a minimum depth of 20 feet. Surface parking lots shall be located to the rear of buildings. Parking lots shall be screened along all frontages, except rear.
9. In the Center sub-district, driveways shall be allowed only from service roads. In the Core sub-district, driveways shall be allowed only from service roads or minor streets.
10. Parking for detached single family homes and duplexes in the Edge sub-district shall be subject to the following:
 - a. Where there is no service road, parking shall be in the form of individual garages or carports accessed through a driveway from the street. Along the front property line the maximum width of the driveways in front of the build-to line shall be 10 feet. On any other frontage the maximum width of the driveway shall be 20 feet.
 - b. The parking area shall be screened at the build-to line through the use of walls, hedges or fences.
 - c. Attached garages and carports shall be placed a minimum of 20 feet behind the build-to-line and shall be setback a minimum of 5 feet from the nearest side property line and detached garages shall be placed as provided in the Street Types Development Parameters.
 - d. The sidewalk shall be continuous and remain at a constant level at all instances where a driveway intersects it.

F. Streets, service roads and utilities.

All streets shall be located according to the New Streets Plan and the Street Type Development Parameters. All new A streets shall be in the same general location shown on the New Streets Plan and may be modified with respect to alignment provided that the final alignment is in keeping with the principles of good urban design. All new B streets shall be in the same general location as shown on the New Streets Plan and may be modified only with respect to alignment and orientation provided that the final alignment and orientation are in keeping with the principles of good urban design and the criteria listed below. All streets shall allow general public access. Privately owned streets shall be subject to an approved plat restriction to allow general public access. No gates that impede through traffic are permitted along A or B streets. No new A and B streets shall be deleted. B streets may be modified by the Director so long as the following requirements are met:

- a. The modification shall be approved by the Director and the Director of Public Works who shall review the proposed modification for traffic and safety issues.
- b. The modification shall not diminish the general size and location of an open space shown in the Designated Open Space Plan.
- c. The street modification shall maintain connectivity to the surrounding area.
- d. The modification shall allow for the appropriate use of private property.

The design of new streets and modifications of existing streets shall also comply with the following requirements:

- 1. Street rights-of-way shall be in accordance with the Street Type Development Parameters.
- 2. All streets and service roads shall connect to other streets or service roads. Cul-de-sacs, T-turnarounds, and dead end streets are not permitted.
- 3. All sidewalks are required to comply with the following:

Sidewalks		
a.	<u>Minimum width</u>	<u>6 feet (*)</u>

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b.	<u>Minimum unobstructed area</u>	<u>60 inches</u>
c.	<u>Where a colonnade is required outside the right-of-way, free and clear use of sidewalk area shall be maintained and a continuous unobstructed area of 60 inches from the property line into the property shall be kept clear.</u>	
d.	<u>All sidewalks shall be unobstructed by utilities poles, fire hydrants or any other temporary or permanent structures.</u>	
<u>(* unless a different width is required by the Street Development Parameters</u>		

4. Where on-street parking is provided, parking lanes shall be no closer than 25 feet from the intersection measured from the outermost point of the nearest corner property line.

5. At intersections the following requirements apply:

	<u>Sub-district</u>	<u>Type of Streets</u>	<u>Required Curb Radii and Clear Zone Radius</u>
a.	<u>Core sub-district</u>	<u>All streets</u>	<u>20' curb radii 25' clear zone</u>
b.	<u>Center sub-district</u>	<u>Main Street</u>	<u>20' curb radii 25' clear zone</u>
c.	<u>Center sub-district</u>	<u>Minor Street and Boulevard</u>	<u>15' curb radii 25' clear zone</u>
d.	<u>Edge sub-district</u>	<u>All streets</u>	<u>15' curb radii 25' clear zone</u>

6. Curb and gutters are required at:

	<u>Sub-district</u>	
a.	<u>All</u>	<u>All intersections at roadway edges of US 1, Boulevards and Main Street.</u>
b.	<u>Core and Center</u>	<u>At all intersections and at roadway edges of minor streets.</u>

7. With the exception of fire hydrants, utilities shall run underground.

G. Street Lighting.

The following shall be required:

<u>1.</u>	<u>Street lighting shall be provided in these areas: commercial and live-work units driveways and parking areas, sidewalks and pedestrian passages, commercial establishments entryways, recreation areas, and multi-family residential common areas and entryways.</u>
<u>2.</u>	<u>Outdoor lighting of these areas shall be in compliance with section 33-4.1 of this code.</u>
<u>3.</u>	<u>All light fixtures shall be of a pedestrian scale with: Max. Height: 18' Max. Spacing: 40'</u>
<u>4.</u>	<u>The type and spacing of light fixtures shall be approved by the Department of Public Works. Approval shall be based on uniformity of types, location, right-of-way width and luminosity.</u>
<u>5.</u>	<u>Weather and vandalism resistant covers shall protect all light fixtures.</u>
<u>6.</u>	<u>Streetlamps shall be installed on both sides of streets.</u>
<u>7.</u>	<u>Cobra-head lights shall not be permitted.</u>

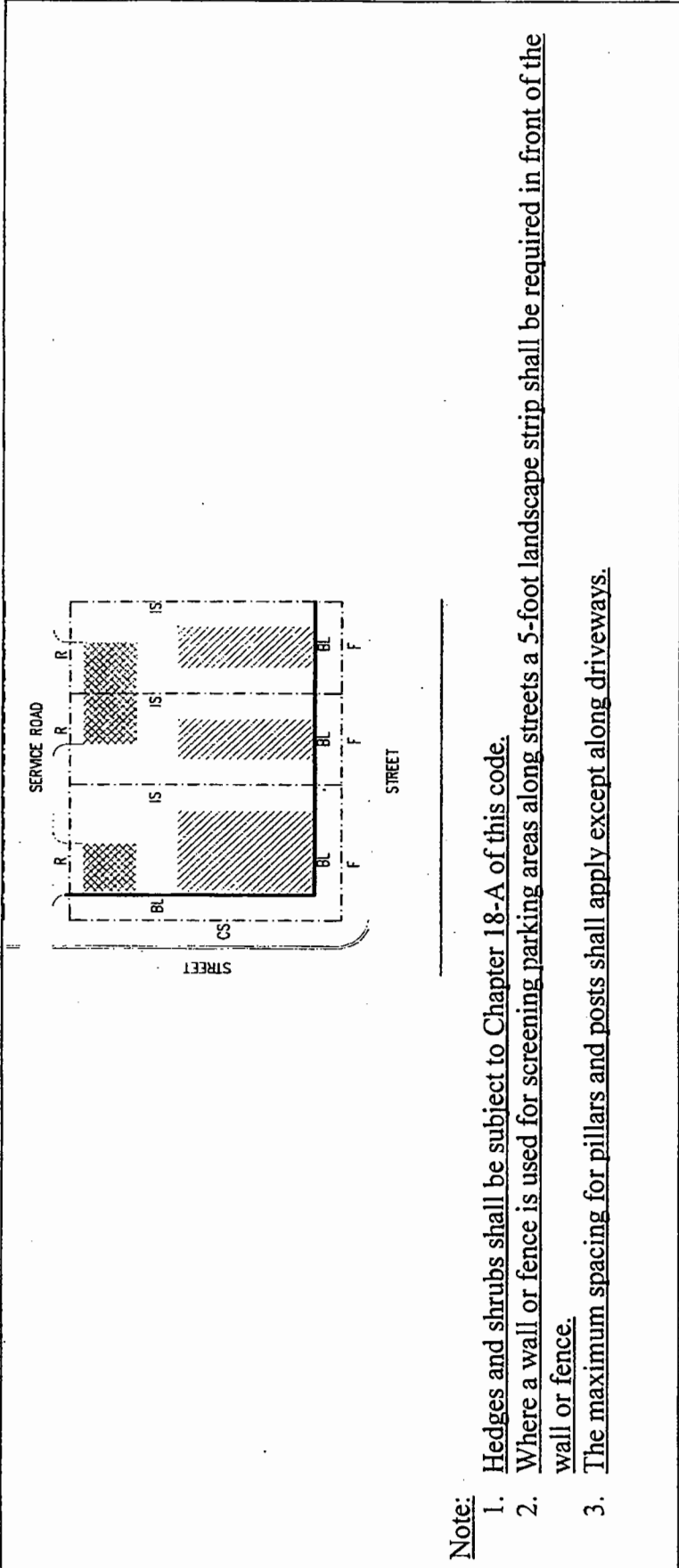
H. Walls, fences, and hedges.

The following shall be permitted:

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<u>Location</u>	<u>Type and Material</u>	<u>Posts and Pillars</u>	<u>Height</u>	<u>Transparency/Opacity</u>
<u>Around perimeter of designated open space</u>	<u>Walls and Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron</u>	<u>Max. 10' Apart</u>	<u>Max. 3'-6"</u>	<u>75% Minimum Transparent</u>
	<u>Hedges and shrubs</u>	<u>Max. 30" O.C.</u>	<u>At time of planting Min. 18"</u>	<u>N/A</u>
		<u>Max. 48" O.C.</u>	<u>Max. 3'-6"</u>	
		<u>Max. 10' Apart</u>	<u>Max. 3'-6"</u>	<u>75% Minimum Transparent</u>
	<u>Walls and Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron</u>	<u>Max. 30" O.C.</u>	<u>At time of planting Min. 18"</u>	<u>N/A</u>
	<u>Hedges and shrubs</u>	<u>Max. 48" O.C.</u>	<u>Max. 3'-6"</u>	
		<u>N/A</u>	<u>Min. 60"</u> <u>Max. 72"</u>	<u>75% Minimum Opaque</u>
	<u>Walls and Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron</u>	<u>Max. 30" O.C.</u>	<u>At time of planting Min. 18"</u>	<u>N/A</u>
	<u>Hedges and shrubs</u>	<u>Max. 48" O.C.</u>	<u>Max. 72"</u>	
		<u>N/A</u>	<u>Min. 60"</u> <u>Max. 72"</u>	<u>N/A</u>
	<u>Chain Link</u>	<u>N/A</u>	<u>Min. 60"</u> <u>Max. 72"</u>	<u>N/A</u>

<u>Location</u>	<u>Type and Material</u>	<u>Posts and Pillars</u>	<u>Height</u>	<u>Transparency/Opacity</u>
<u>Along the build-to-line (BL)</u>	<u>Walls and Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron</u>	<u>Max. 10' Apart</u>	<u>Min. 48"</u> <u>Max. 72"</u>	<u>75% Minimum Opaque</u>
	<u>Hedges and shrubs</u>	<u>Max. 30" O.C.</u>	<u>At time of planting Min. 18"</u> <u>Max. 72"</u>	<u>N/A</u>
<u>Parking Areas Along Streets</u>	<u>Walls and Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron</u>	<u>Max. 10' Apart</u>	<u>Min. 3'-6"</u>	<u>75% Minimum Opaque</u>
	<u>Hedges and shrubs</u>	<u>Max. 48" O.C.</u>	<u>At time of planting Min. 3'-6"</u> <u>N/A</u>	<u>N/A</u>
<u>Construction Areas</u> <u>Industrial Areas Along B Streets Only</u>	<u>Chain Link</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
	<u>Chain Link</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>



Note:

1. Hedges and shrubs shall be subject to Chapter 18-A of this code.
2. Where a wall or fence is used for screening parking areas along streets a 5-foot landscape strip shall be required in front of the wall or fence.
3. The maximum spacing for pillars and posts shall apply except along driveways.

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I. Outdoor uses/enclosed uses.

All uses shall be conducted within completely enclosed buildings, except outdoor uses expressly permitted in this article, and except that materials and products may be stored within an area completely enclosed within walls having a life expectancy of 20 years or more from the date of installation and of sufficient height to screen such materials and products from view at eye level. Storage shall not be visible above the height of the walls. Commercial trucks shall be stored or parked within an enclosed building or an area enclosed by a fence, wall, or hedge in a manner that precludes visibility at the eye-level from adjacent properties.

Section 7. Sec. 33-284.72 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.72. Signs.

Except as expressly provided herein, signage shall comply with section 33-284.63 of this code.

A. Temporary point of sale signs

Temporary point of sales are permitted when in compliance with the following:

<u>1.</u>	<u>Size:</u>	<u>1.5 square feet maximum</u>
<u>2.</u>	<u>Number of signs:</u>	<u>One sign per lot frontage</u>
<u>3.</u>	<u>Setback and spacing:</u>	<u>The outer edge of sign shall be no closer than 5 feet to an official right-of-way line unless attached to an existing building, and shall be no closer than 15 feet to an interior side property line or shall be centered on a lot between interior side property lines.</u>
<u>4.</u>	<u>Illumination/lighting:</u>	<u>Section 33-96 of this code shall apply.</u>
<u>5.</u>	<u>Maximum height:</u>	<u>The maximum height to top of sign shall be 6 feet for detached signs. For attached signs, minimum height shall be 5 feet above grade.</u>
<u>6.</u>	<u>Special conditions</u>	<u>No permit shall be required for signs that are less than 1.5 square feet and that are not electrically illuminated.</u>

B. Permanent Point of Sale Signs.

Permanent point of sale signs are permitted provided that:

<u>1.</u>	<u>The following permanent point of sale signs are permitted in all sub-districts in conjunction with permitted business and industrial uses: detached, flat attached, hanging, awning, and cantilever projecting.</u>			
<u>a.</u>	<u>Cantilever projecting signs shall be mounted and perpendicular to the building.</u>			
<u>b.</u>	<u>The copy of an awning sign shall be located only on the valance of the awning.</u>			
<u>c.</u>	<u>The bottom of a hanging sign shall be located at a minimum height of 8' from the finished floor.</u>			
<u>2.</u>	<u>Size, location and number shall be as follows:</u>			
<u>Sub-districts</u>	<u>Maximum Size</u>	<u>Uses</u>	<u>Street Frontage</u>	<u>Number of Signs</u>
<u>All</u>	<u>6 sq. ft.</u>	<u>Business/Mixed-Use/Live- Work</u>	<u>All Streets</u>	<u>one of each type per street frontage</u>
<u>All</u>	<u>6 sq. ft.</u>	<u>Industrial</u>	<u>A Streets</u>	<u>one of each type per street frontage</u>
<u>All</u>	<u>32 sq. ft.</u>	<u>Industrial</u>	<u>B Streets</u>	<u>one per street frontage</u>
<u>3.</u>	<u>Illumination/lighting:</u>		<u>Section 33-96 of this code shall apply.</u>	
<u>4.</u>	<u>Maximum height:</u>		<u>four feet maximum height above grade to top of sign for detached signs; no limits for flat attached signs. The maximum height of the copy for signs painted on the façade of a building or on the valance of an awning shall be 1 foot.</u>	

C. Prohibited Signs.

The following types of outdoor signs are not permitted: automatic electric changing signs, revolving, rotating, and otherwise moving signs, backlit awnings, backlit neon, banners, flags, roof signs and balloon signs.

Section 8. Sec. 33-284.73 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.73. Review Procedure/Administrative Site Plan and Architectural Review.

All new development within the NCUC District, except an individual single family home or duplex home, shall be consistent with the requirements of this article and with the site plan and architectural review criteria contained herein. Applications for administrative approval shall be processed and approved as follows: The review procedures for developments, except in the case of an individual single-family home and duplexes, shall include (A) a pre-submittal conference and (B) a site and architectural plan review.

A. Pre-submittal conference.

Except when related to the development of an individual single-family home or duplex home, all applicants for site plan approval shall meet with the Department prior to submittal of an application for administrative site and architectural plan review. The concepts of the applicant's proposal shall be evidenced schematically by sketch plans, elevations, and narrative information sufficient for a general understanding of the proposed development. Within 21 days after the pre-submittal conference, the Director shall provide the applicant with all written comments resulting from such conference, including appropriate recommendations to inform and assist the applicant to proceed with the development of the plans for subsequent review.

B. Administrative site plan and architectural plan review.

The Department shall review plans including the exhibits listed below for completeness and compliance with the provisions of this article, including the Regulating Plans, and for compliance with the site plan review criteria provided herein. All complete submissions to the Department shall be reviewed and approved or denied within 21 days after the date of submission. The applicant shall have the right to extend the 21-day period by an additional 21 days upon timely request made in writing to the Department. The Department shall have the right to extend the 21-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for the denial. Any final decision of

the Director may be appealed in accordance with the procedures established in this Chapter for appeals of administrative decisions.

Applications for administrative site plan and architectural plan review under this article shall be accompanied by exhibits prepared by registered architects and landscape architects which shall be submitted to the Department and shall include the following:

1. Site plan(s) including:
 - a. sub-district location;
 - b. street layouts and designations as per this article;
 - c. locations, shape, size, and height of existing buildings;
 - d. indication of street vistas;
 - e. lot lines, setbacks and build-to-lines;
 - e. location of open spaces including anchor points if applicable;
 - g. location of on-street and off-street parking, loading facilities, and waste collection areas;
 - h. indication of signage; and
 - i. indication of any site or building design methods used to conserve energy.

2. Landscape plans including specifications of species of plant material, location, and size in accordance with this article and Chapter 18A of this code.

3. Street cross sections including adjacent buildings and open space.

4. Floor plans, elevations and sections of all buildings, including total gross square feet of area for each floor and all dimensions relating to the requirements of this article. A pattern book may be submitted for detached and attached single-family units including, at a minimum, unit plans and elevations, elevation of unit groupings, and typical design details such as street lamps, benches, fencing, and paving details.

5. Figures indicating the following:
 - a. gross and net acreage;
 - b. total square footage for each of the use by types;
 - c. total number of dwelling units;
 - d. amount of passive and active open space in square feet; and
 - e. such other design data as may be needed to evaluate the project's compliance with the requirements of this article and Chapter.

Section 9. Sec. 33-284.74 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.74. Zoning relief from certain requirements.

Relief from the following requirements of this article shall be permitted only pursuant to the standards and requirements of section 33-311(A)(4)(a) of this code:

1. minimum and maximum densities;
2. required liner buildings used to screen parking;
3. colonnade requirements, including minimum horizontal and vertical clearances;
4. location and provision of A streets and B Streets;
5. requirements for street trees, greens, plazas, squares and medians;
7. maximum size of blocks;
8. curb requirement in the Core and Center sub-district; and
9. signage.

Section 10. Sec. 33-284.75 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.75. Conflicts with other chapters and regulations.

This article shall govern in the event of conflicts between this article and other zoning, subdivision, or landscape regulations of this code.

Section 11. Sec. 33-284.76 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Section 33-284.76. Non-conforming Structures, Uses, and Occupancies.

Nothing contained in this article shall be deemed or construed to prohibit a continuation of a legal nonconforming structure, use, and occupancy in the NCUC District that either (1) was existing as of the effective date of this ordinance (_____, 2004) or (2) on or before said date, had received final site plan approval through a public hearing pursuant

to this chapter or through administrative site plan review. However, any structure, use or occupancy in the NCUC District that is discontinued for a period of at least six months, or is superseded by a lawful structure, use or occupancy permitted under this chapter, or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall be subject to section 33-35(c) of this code.<<

Section 12. Sec. 33-311 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-311. Community Zoning Appeals Board – Authority and Duties.

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

* * *

(13) Hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution regulating any parcel of land located within the Downtown Kendall Urban Center >>or the Naranja Community Urban Center<< zoning district>>s<<, where and to the extent that modification or elimination of the condition or part thereof is necessary to allow development conforming in all respects to the Downtown Kendall Urban Center District, sections 33-284.55--33-284.65 of this code >>or the Naranja Community Urban Center District, sections 33-284.66--33-284.76 of this code<<.

Section 13. Sec. 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

* * *

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

* * *

>>(12) Applications for development approval or modifications thereof for projects located within the Center or Edge sub-districts of the Naranja Community Urban Center District.<<

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

* * *

>>(11) Applications for development approval or modifications thereof for projects located within the Core sub-district of the Naranja Community Urban Center District after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the project.<<

Section 14. 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 15. It is the intention of this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made 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.

Section 16. 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: DEC 0 2 2004

Approved by County Attorney as
to form and legal sufficiency:

AAZ

Prepared by:

JAC

Joni Armstrong Coffey

MEMORANDUM

Amended
Agenda Item No. 6(O)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE:

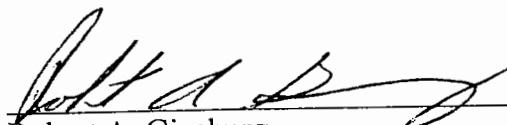
(Second Reading 12-2-04)
October 19, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
zoning regulation of
wireless supported
service facilities

O#04-216

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


Robert A. Ginsburg
County Attorney

RAG/bw

4 216

Memorandum



Date: December 2, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance pertaining to zoning regulation of wireless supported service facilities

This ordinance pertaining to zoning regulation of wireless supported service facilities will have no fiscal impact on the County.

fiscal00205



04 216

MEMORANDUM
(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 2, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 6(0)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor

Amended

Veto _____

Agenda Item No. 6(O)

Override _____

12-2-04

ORDINANCE NO. 04-216

ORDINANCE PERTAINING TO ZONING REGULATION OF WIRELESS SUPPORTED SERVICE FACILITIES; AMENDING SECTIONS 33-311(A)(3) AND 33-311(A)(18) OF THE CODE OF MIAMI DADE COUNTY REGARDING STANDARDS BY WHICH WIRELESS SUPPORTED SERVICE FACILITIES, INCLUDING ANTENNAS, ARE PERMITTED AFTER PUBLIC HEARING IN CERTAIN ZONING DISTRICTS; 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. Sec 33-311(A)(3) of the Code of Miami-Dade County, Florida is hereby amended as follows:

- 3) *Special exceptions, unusual and new uses.* Hear application for and grant or deny special exceptions; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for

exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.

>>(a) Hear application for and grant or deny unusual uses for Wireless Supported Service Facilities, which by the regulations are only permitted upon approval after public hearing; provided the applied for use, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area concerned and the compatibility of the applied for use with such area and its development, provided that:

- i. The applicant shall demonstrate that the proposed Wireless Supported Service Facility will cure:
 - a. signal interference problems; or
 - b. the applicant's lack of wireless service coverage or capacity in the area intended to be served by the proposed Wireless Supported Service Facility

- ii. The applicant shall provide information to permit independent verification of factual data relied upon by the applicant to establish 3(a)(i) above, including, but not limited to the following:
 - a. the purpose for the proposed Wireless Supported Service Facility; and

- 4 216
- b. the following technical data for the proposed Wireless Supported Service Facility and for each existing, authorized, pending and proposed adjacent facility:
 - i. site name or other reference;
 - ii. facility latitude and longitude;
 - iii. site elevation;
 - iv. for each antenna at each of the included facilities:
 - 1. height of antenna radiation center;
 - 2. antenna type and manufacturer;
 - 3. maximum effective radiated output power, including the maximum total power radiated from all channels;
 - 4. azimuth of main antenna lobe; and
 - 5. beam tilt and null-fill of each antenna.
 - c. a complete up- and down-link power budget for the proposed Wireless Supported Service Facility, including any differences that may exist with the power budgets of the adjacent facilities, to ensure that all of the gain and loss factors used by the applicant are included in a verification analysis.
 - d. complete descriptions of methodology, formulas, data presented in appropriate parameter data units (e.g., Erlangs, Watts, dBm, ft.), existing traffic studies and trend analyses if the proposed facility is intended to cure a lack of capacity, and any other information necessary for an independent engineer to verify statements concerning signal interference or lack of capacity or coverage; and
 - e. identification of any equipment that differs from industry standards.
- iii. that the applicant shall reimburse the department for fees charged to the department for independent verification of factual data relied upon by the applicant, as required pursuant to paragraph 3 a ii above.<<

Section 2. Sec. 33-311(A)(18) of the Code of Miami-Dade County, Florida, is hereby amended as follows:

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

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

* * *

(18) Wireless Supported Service Facilities, including Antenna Support Structures. This subsection provides for the establishment of criteria, after public hearing, to hear and grant applications to allow a Wireless Supported Service Facility, including Antenna Support Structures. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(a) *Purpose.* The purpose of this subsection is to create objective standards to regulate Wireless Supported Service Facilities, including Antenna Support Structures. Upon demonstration at public hearing that a zoning application for a Wireless Supported Service Facility, including Antenna Support Structures is in compliance with the standards herein and the underlying district regulations in section 33-36.2 and does not contravene the enumerated public interest standards established herein, the Wireless Supported Service Facility, including any Antenna Support Structure, shall be approved.

* * *

4. Necessity standards

- a. The applicant shall establish that there are no available existing Wireless Supported Service Facilities or buildings within the prospective provider's search area suitable for the installation of the provider's proposed Antennas due to one or more of the following circumstances:
 - (i) existing Wireless Supporting Service Facilities or buildings within the search area have insufficient

- structural capacity to support the proposed antennas and related equipment; or
- (ii) existing Wireless Supported Service Facilities or buildings within the search area are not of sufficient height to resolve the lack of wireless service coverage or capacity in the area intended to be served by the proposed Wireless Supported Service Facility or to cure the signal interference problem in that area; or
- (iii) the proposed Antenna would cause radio frequency interference or other signal interference problems with existing Wireless Supported Service Facilities or buildings, or the Antenna on the existing Wireless Supported Service Facilities or buildings may cause signal interference with the provider's proposed Wireless Supported Service Facility; or
- (iv) the owner of an existing building or Wireless Supported Service Facility located within the provider's search area that has existing height and structural capacity and would otherwise resolve the lack of wireless service coverage, a deficiency in capacity or signal interference problems, has rejected the provider's reasonable attempts to locate its Wireless Supported Service Facility on its building or facility.

The applicant shall provide evidence of one or more criteria listed in ~~[[12(a-d)]]~~ >>4(a)(i) - (iv)<< above with an affidavit from a radio frequency engineer, structural engineer, owner or authorized provider's representative acceptable to the Department, as applicable. For purposes of this section, search area shall mean the geographic area within which the provider can demonstrate that the Wireless Supported Service Facility must be located in order to resolve the lack of wireless service coverage, a deficiency in capacity or signal interference problems.

- b. The applicant shall demonstrate that the proposed Wireless Supported Service Facility will cure:
 - i. signal interference problems; or
 - ii. ~~[[the]]~~>>a total<< lack of wireless service coverage or capacity >>among all providers<< in the area intended to be served by the proposed Wireless Supported Service Facility; and

iii will allow its customers to make and maintain wireless calls on a reliable basis as defined by the provider's quality criteria; and

>> c. The applicant shall provide information to permit independent verification of factual data relied upon by the applicant to establish 4(b) above, including, but not limited to the following:

- iv. the purpose for the proposed Wireless Supported Service Facility; and
- v. the following technical data for the proposed Wireless Supported Service Facility and for each existing, authorized, pending and proposed adjacent facility:
 - a. site name or other reference;
 - b. facility latitude and longitude;
 - c. site elevation;
 - d. for each antenna at each of the included facilities:
 - i. height of antenna radiation center;
 - ii. antenna type and manufacturer;
 - iii. maximum effective radiated output power, including the maximum total power radiated from all channels;
 - iv. azimuth of main antenna lobe; and
 - v. beam tilt and null-fill of each antenna.
- vi. a complete up- and down-link power budget for the proposed Wireless Supported Service Facility, including any differences that may exist with the power budgets of the adjacent facilities, to ensure that all of the gain and loss factors used by the applicant are included in a verification analysis.
- vii. complete descriptions of methodology, formulas, data presented in appropriate parameter data units (e.g., Erlangs, Watts, dBm, ft.), existing traffic studies and trend analyses if the proposed facility is intended to cure a lack of capacity, and any other information necessary for an independent engineer to verify statements concerning signal interference or lack of capacity or coverage; and
- viii. identification of any equipment that differs from industry standards.

d. The applicant shall reimburse the department for fees charged to the department for independent verification of factual data relied upon by the applicant, as required pursuant to paragraph 4c above.<<

* * *

5. Mitigation standards

a. A non-camouflaged Antenna Support Structure or equipment building shall be located so that it does not obscure, in whole or in part, an existing view to any historically designated landmark, natural area, or natural water body (i.e., river, lake, ocean) from any residentially zoned property under different ownership.

* * *

>>k. If an alternative site exists, or could be constructed, for the Antenna Support Structure, that would provide substantially lesser impact upon residentially zoned districts located within the immediate vicinity of the proposed site and that would provide for a substantially equivalent level of coverage, interference or capacity mitigation as what the applicant demonstrated is necessary pursuant to 33-311(A)(18)(4)(b), then the applicant shall locate the proposed facility on the alternative site. <<

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.

PASSED AND ADOPTED: DEC 0 2 2004

Approved by County Attorney as
to form and legal sufficiency:

RAC

Prepared by:

DAK

Dennis A. Kerbel

Sponsored by Commissioner Dennis C. Moss and
Commissioner Natacha Seijas

MEMORANDUM

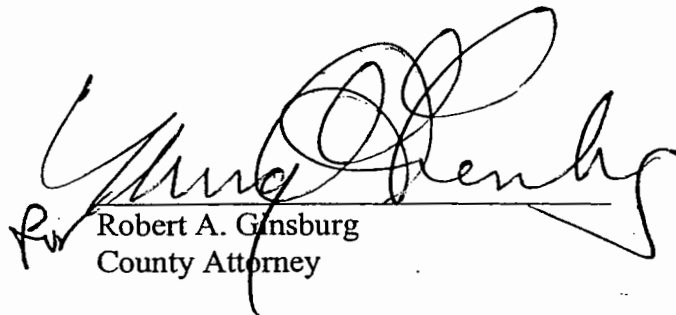
Amended
Agenda Item No. 6(N)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** December 2, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance relating to zoning; defining winery

O#04-215

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.


Robert A. Ginsburg
County Attorney

RAG/bw

FOR THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY
SUBJECT: WINERY ZONING



04-215

MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** December 2, 2004

FROM: George M. Burgess, County Manager *George M. Burgess* **SUBJECT:** Ordinance relating to zoning; defining winery

This ordinance related to zoning amends section 33-1, 33-279, and 33-150 of the Code of Miami-Dade County, defining winery uses, will not have a fiscal impact on Miami-Dade County.

fiscal/03904



04-215

MEMORANDUM
(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 2, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 6(N)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Amended

Veto _____

Agenda Item No. 6(N)

Override _____

12-2-04

ORDINANCE NO. 04-215

ORDINANCE RELATED TO ZONING; AMENDING SECTIONS 33-1, 33-279, AND 33-150 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING WINERY; PERMITTING WINERY AND ANCILLARY USES IN AU DISTRICT SUBJECT TO CONDITIONS; MODIFYING ALCOHOLIC BEVERAGE SPACING REQUIREMENTS FOR WINERIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, agriculture in Miami-Dade County has a significant positive impact on the economic health of the County; and

WHEREAS, agriculture is an integral part of the historical, cultural and aesthetic values of Miami-Dade County; and

WHEREAS, it is important for public policy to allow for alternative income opportunities that encourage and enhance innovative agricultural uses; and

WHEREAS, agriculture-based tourism in Miami-Dade County is an unexplored resource, that combines two of the County's most successful industries; and

WHEREAS, agriculture-based tourism may take many forms including roadside stands, self-harvest fields, farmer's markets, farm tours; and

WHEREAS, wineries may create, tourism and economic opportunities in Miami-Dade County,

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

4

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.

* * *

>>(115.01)Winery (farm related). An agricultural processing facility used for fermenting and processing fruit into wine made from locally grown produce and where such wine products may be tasted and sold. As used in this section 'locally grown produce' shall mean produce grown in Miami-Dade County.<<

* * *

Section 2. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-279. Uses Permitted.

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

* * *

>>(21) Wineries (farm related) as defined in Section 33-1, subject to the following conditions:

- (a) That the principal use of the property shall be a working grove or vineyard; and
- (b) That the farm winery shall be ancillary to the principal use of said grove or vineyard; and

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

- (c) That the property upon which the grove/vineyard and ancillary farm winery is located shall not be less than ten (10) acres gross; and
- (d) That no more than 250,000 gallons of wine shall be produced in any one calendar year; and
- (e) That notwithstanding the maximum lot coverage of 15% permitted by the district, the maximum lot coverage permitted for all structures related to the wine processing, wine storage, wine tasting and sales areas shall not exceed ten (10) percent of the net lot area; and
- (f) That such a farm winery may be open to the public for tours, wine tasting and for the sale of the wine products produced on the property; and
- (g) That off-street parking requirements for the wine tasting and sales areas shall be calculated at one parking space for every 250 square feet of gross floor area or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code. In addition to the aforementioned parking requirements, at the time of application for ZIP pursuant to paragraph (l) herein, parking for indoor or outdoor farm related winery festivals shall be determined by the Director and such requirements shall be based on the number of people that can reasonably be assumed to be on such premises at one (1) time. Said determination shall be calculated on a basis of one (1) parking space for each four (4) persons.
- (h) Food service must be accessory to the production of wine and limited to hors d'oeuvres and other snacks. All such food shall be prepared off-site. No commercial kitchen shall be allowed.
- (i) That the hours of operation for the farm related winery shall not extend beyond 10:00 p.m.
- (j) Outdoor farm related winery festivals shall be allowable on properties having a current Certificate of Use for a farm related winery provided the organization and nature of those festivals is related to the winery operation on the site for the purpose of promoting the farm winery concept and further provided:

- a. Written waivers of objection for outdoor farm related festival use shall be obtained from all property owners within five hundred (500) feet or eighty (80) percent of the owners of property within one thousand feet prior to the occurrence of the first festival. Festivals occurring subsequent to the initial festival shall not be subject to this requirement.
- b. That no such outdoor farm related festival shall be more than three (3) days long.
- (k) That farm related wineries shall be subject to all required permits and inspections.
- (l) A Zoning Improvement Permit (ZIP) for outdoor farm related winery festivals shall be obtained from the Department for each festival. No more than a total of six (6) outdoor farm related winery festivals shall be held per calendar year. Such outdoor farm related winery festivals shall be restricted to daylight hours only.
- (m) That the use shall conform to the requirements of the Miami-Dade County Department of Environmental Resources Management, and the special events requirements of the Miami-Dade County Police Department, if applicable.
- (n) That the use of mechanically amplified outdoor live entertainment shall be prohibited.
- (o) That the winery not be located in the East Everglades Area of Environmental Concern as that area is described in Chapter 33B, Code of Miami-Dade County.<<

* * *

Section 3. Section 33-150 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-150. Location of establishments.

(E) Exceptions to spacing and distance requirements. The restrictions and spacing requirements set forth in subsections (A) and (B) above shall not apply:

* * *

>>(14) Winery (farm related) as defined in Section 33-1 (115.01).<<

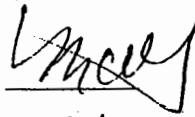
Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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

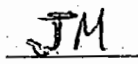
Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: DEC 02 2004

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



John McInnis

Sponsored by Commissioner Dennis C. Moss



MEMORANDUM

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA
Agenda Item No. 6(H)

(Second Reading 11-30-04)

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D
and Members, Board of County Commissioners

Date: July 27, 2004

From: George M. Burgess
County Manager

Subject: Ordinance Related to
Zoning to Reduce the Zoned
Right-of-way Width for a
Segment of SW 62 Avenue

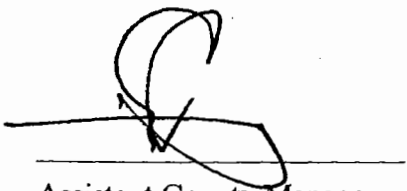
04 209

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance pertaining to zoning for the purpose of assigning a zoned right-of-way width of fifty (50) feet for SW 62 Avenue between SW 24 Street (Coral Way) and SW 30 Street.

BACKGROUND

Current zoning regulations assign a zoned right-of-way width of seventy (70) feet for SW 62 Avenue, a half-section line right-of-way. If approved, the attached ordinance would amend Chapter 33 of the Code of Miami-Dade County and reduce the width of the zoned right-of-way for SW 62 Avenue from seventy (70) feet to a proposed fifty (50) feet for the segment between SW 24 Street (Coral Way) and SW 30 Street, on the north side of Miami Children's Hospital. This segment of roadway lies adjacent to an older residential subdivision in which property owners have enjoyed the use of a narrower roadway and have not needed the capacity that a seventy (70) feet width dedication (as currently zoned) could provide. The Public Works Department has reviewed the roadway needs for this segment of SW 62 Avenue and indicates that a fifty (50) feet width is more compatible with existing residential development and is sufficient for present and future capacity needs for this Avenue as it dead-ends at Miami Children's Hospital.



Assistant County Manager

Attachment

04' 20:9
Date: November 30, 2004

Memorandum



To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance relating to zoning; establishing the zoned right-of-way and minimum street width of SW 62 Avenue between Coral Way and SW 30 Street

Ordinance relating to zoning; establishing the zoned right-of-way and minimum street width of SW 62 Avenue between Coral Way and SW 30 Street will have no fiscal impact on Miami-Dade County.



04 209

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6 (H)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Bid waiver requiring County Manager's written recommendation**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- Housekeeping item (no policy decision required)**
- No committee review**

Approved. _____ Mayor
Veto. _____
Override _____

Agenda Item No. 6(H)
11-30-04

ORDINANCE NO. 04-209

ORDINANCE PERTAINING TO ZONING;
AMENDING SECTION 33-133 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA;
ESTABLISHING THE ZONED RIGHT OF WAY
AND MINIMUM STREET WIDTH OF SW 62ND
AVENUE BETWEEN CORAL WAY (SW 24TH
STREET) AND SW 30TH STREET; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE AND
AN EFFECTIVE DATE

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

Section 1. Section 33-133 of the Code of Miami-Dade County, Florida is hereby
amended as follows:¹

* * *

ARTICLE VIII.

RIGHT-OF-WAY PLAN AND MINIMUM WIDTH

Sec. 33-133. Right-of-way plan and minimum width of streets and ways.

The minimum right-of-way widths for streets, roads and public ways for the
unincorporated area of the County shall be as follows:

(A) NORTH AND SOUTH HIGHWAYS (Avenues)

* * *

North-South West Highways (Avenues). Feet

* * *

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

04 209

- (34.1) Red Rd.(State Rd. No. 819) from Old Cutler Road
north to SW 74th Street (unincorporated areas)70
- >> (34.2) SW 62nd Ave. from Coral Way (SW 24th St.) south
to SW 30th St. (unincorporated areas).....50<<
- (35) Ludlam Road from International Airport South to
State Rd. No. 5 (unincorporated areas)70

* * *

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 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: DEC 02 2004

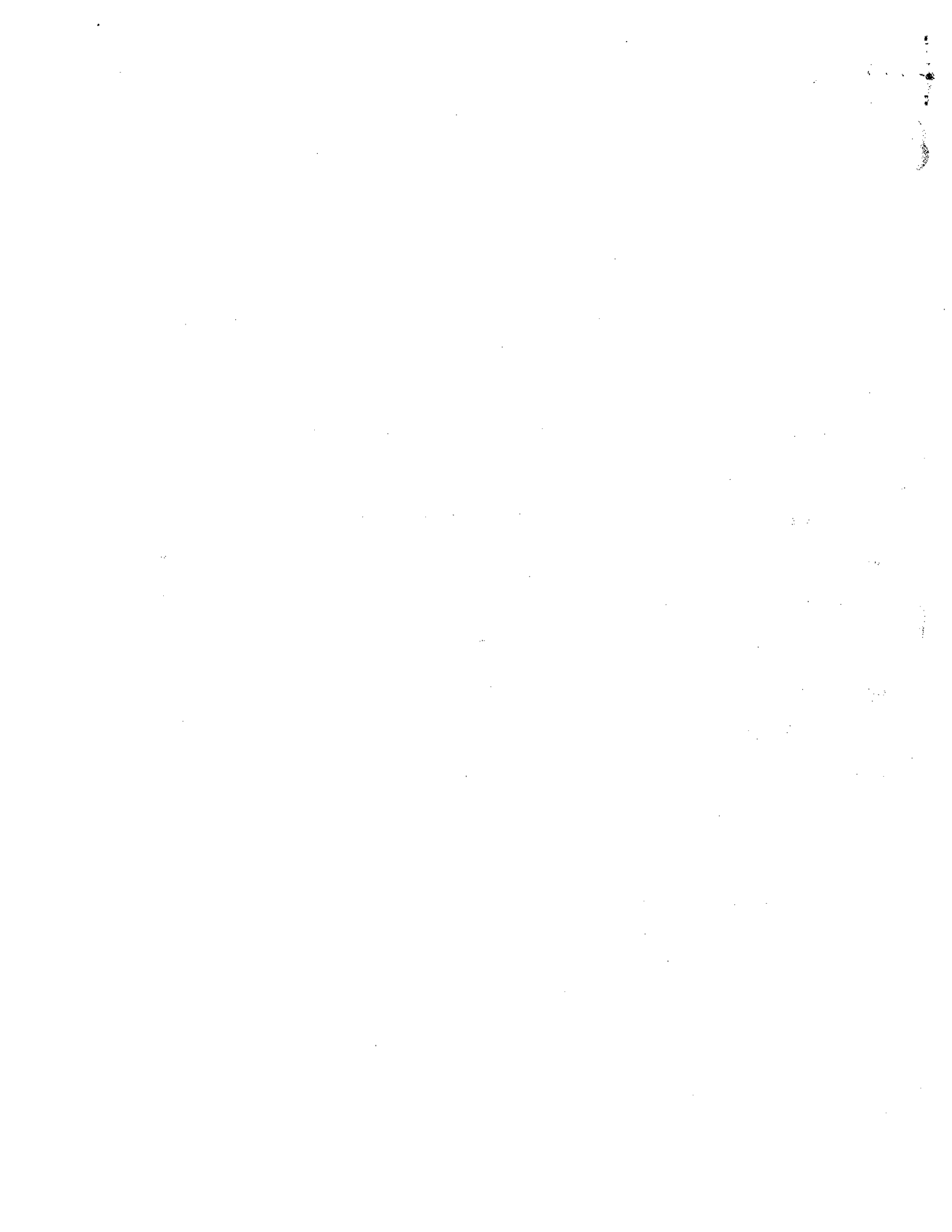
Approved by County Attorney as
to form and legal sufficiency:

RA6
APW

Prepared by:

Abigail Price-Williams

5



MEMORANDUM

Agenda Item No. 6(E)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

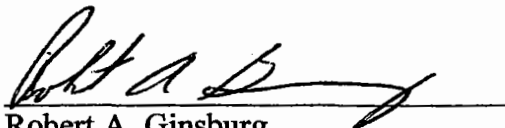
DATE: (Second Reading 11-30-04)
September 9, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to zoning;
authorizing increase in size of
real estates signs

04 207

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


Robert A. Ginsburg
County Attorney

RAG/bw



04 207

Memorandum



Date: November 30, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance relating to zoning; authorizing an increase in size of real estate signs to a maximum of four square feet

This ordinance relating to zoning authorizing an increase in the size of real estate signs to a maximum of four square feet in certain zoning districts will have no fiscal impact on Miami-Dade County.

fiscal/04604





04 207

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(E)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
 Veto _____
 Override _____

Agenda Item No. 6(E)
 11-30-04

ORDINANCE NO. 04 207

ORDINANCE RELATING TO ZONING; AUTHORIZING AN INCREASE IN SIZE OF REAL ESTATE SIGNS TO A MAXIMUM OF FOUR SQUARE FEET IN CERTAIN ZONING DISTRICTS; AMENDING SECTION 33-99 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 33-99 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-99. Class A temporary signs.

Type of signs permitted: Real estate; subdivision; construction; future construction; special events; balloons.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setback and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
Real estate	Real estate signs in an AU/GU District (not of a residential character) and all BU and IU Zones shall be limited to 40	1 sign only	Real estate signs shall be no closer than 5 feet to an official r.o.w. line	Permitted See general provision on illumination	Real estate signs shall not exceed 10 feet measured from grade to top of sign	No permit required for signs that are no larger than 6 square feet and which are not electrically illuminated Real estate signs shall only be

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.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setback and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
	square feet Real estate signs in AU and GU Districts (of a residential character) and RU EU District shall be limited to [[1-1/2 feet]] >>4 square feet<<		unless attached to an existing building 15 feet to an interior side property line or centered on a lot between interior side property lines			permitted on premises advertised for rent or for sale No class A temporary sign shall be maintained on the premises for a period to exceed 90 days, unless justifiable reason is shown to the satisfaction of the Director and approval is secured upon proper application. Upon the expiration of the approved period, the sign shall be removed from the premises

* * *

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.

PASSED AND ADOPTED: DEC 02 2004

Approved by County Attorney as
to form and legal sufficiency:

RA6
CAH

Prepared by:

Craig H. Coller

Sponsored by Commissioner Natacha Seijas

MEMORANDUM

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

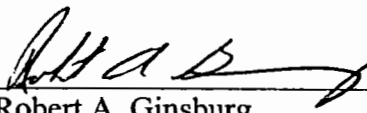
Amended
Agenda Item No. 6(A)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** September 9, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance pertaining to zoning and environmental protection

O#04-163

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz, Commissioner Bruno A. Barreiro, Commissioner Natacha Seijas and Commissioner Rebeca Sosa.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 9, 2004

FROM: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

SUBJECT: Ordinance pertaining to
zoning and environmental
protection

This ordinance pertaining to zoning and environmental protection will have a minimal fiscal impact on Miami-Dade County.

Adoption of this ordinance will allow most rock mining activities within the Lakebelt region of the County to occur as a matter of right. As such, there will be no requirement for public hearing regarding an unusual use. The industry will therefore not be required to pay certain application fees, but the loss of revenue will be offset in Public Works, Planning and Zoning, and DERM staff time and opportunity costs.

Fiscal/001604

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 6(A)
9-9-04

ORDINANCE NO. 04-163

ORDINANCE PERTAINING TO ZONING AND ENVIRONMENTAL PROTECTION; CREATING ARTICLE XI, SECTION 33-152 ET SEQ. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR ROCKMINING OVERLAY ZONING AREA; AUTHORIZING ROCKMINING AND ANCILLARY USES, CONTROL OF SUCH USES, AND WAIVER OF RIGHTS-OF-WAY IN OVERLAY ZONING AREA; REQUIRING APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS FOR CERTAIN ANCILLARY USES TO ROCKMINING; AMENDING SECTIONS 33-13 AND 33-314 OF THE CODE; AMENDING SECTION 24-58.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO TIME OF COMPLETION OF WORK; 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.

* * *

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

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.



04 163

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 9, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 6(A)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

hearing: Airport; airplane crop dusting field; all zoning applications by State and municipal entities and agencies; amusement rides and enterprises; amusement center (except in BU-1A Zone in which such use is permitted); archery ranges; art galleries and museums (educational and philanthropic) in districts more restrictive than RU-4; auction sales; auto, truck, machinery salvage yards; bathing beach; boat salvage; bombing field, canal excavation, where not a part of C. & S. F. F. C. D. and County secondary canal system; carnivals, circuses; convalescent homes; day camp, day nursery in zone more restrictive than RU-3; dog kennel, dog training track; electric substation; electric power plant; frog farm; garbage and waste dumps; gas distribution system and plant; golf course except in RU-1 and other Districts where the same is a permitted use; golf course clubhouse and incidental uses in all districts more restrictive than the BU-1 District; golf driving range; gypsy camp; heliports; homes of the aged (except group homes and community residential homes where same is a permitted use); homes for dependent children (except group homes and community residential homes where same is a permitted use); hospitals (not animal hospital) in district more restrictive than RU-4; incinerators; Indian village; institutions for handicapped persons (except group homes and community residential homes where same is a permitted use), including but not limited to incidental related facilities such as workshops, sales of products fabricated therein, residential quarters, educational training facilities; infirmary, commissary, or any one (1) or combination of such related incidental facilities; junkyard; kindergarten in zones more restrictive than RU-3; lake excavation and asphalt plant, concrete batching plant, concrete block plant, prestressed and precast concrete products plant, rock crushing and screening plant ancillary thereto or in connection ~~[[there]]with[[;]]~~ >>lake excavation(s), excluding those uses expressly allowed in the "Rockmining Overlay Zoning Area" as defined in Section 33-152;<< . . .

* * *

Section 2. Article XI, Sections 33-152 through 33-157 of the Code of Miami-Dade

County, Florida, is hereby created to read as follows:

5

**ARTICLE XI – ROCKMINING OVERLAY ZONING
AREA (ROZA)**

Sec. 33-152. Definitions.

The following words and phrases when used in this Article shall have the meaning ascribed to them in this Section:

Asphalt plant shall mean a facility used for the manufacture of asphalt paving products by combining crushed limestone, sand or screening with a heated petroleum binder in a kiln. An asphalt plant includes parking spaces needed for trucks, materials handling equipment, and administrative, control and office buildings. The asphalt manufactured at an asphalt plant consists of more than 80% limestone quarry products, which asphalt is primarily used in highway and parking area paving.

Cement plant shall mean a facility used for the manufacture of cement and mortar products. The products are manufactured by grinding limestone to a fine consistency and mixing it with certain additives such as silicates, aluminates, and iron oxides and then heating it in kilns to temperatures in excess of 2000° Fahrenheit. This process produces clinker, which is ground by mills with other ingredients such as gypsum to make specific types of cement and mortar products used in concrete manufacturing and masonry/brick construction. A cement plant includes parking spaces needed for trucks, materials handling equipment, and administrative, control and office buildings. The cement manufactured at a cement plant consists of more than 90% limestone quarry products.

Concrete batching plant or ready mixed concrete plant shall mean a facility used for the delivery of limestone aggregate, sand or screenings, cement and water into mixer trucks as part of the concrete manufacturing process. This facility may contain a system of conveyor belts, chutes, storage silos, stockpile areas, water and air systems, and weight scales and meters for the accurate dispensing of the raw materials to produce the desired strength and type of concrete. A concrete batching plant or ready mixed concrete plant facility includes parking spaces needed for trucks, materials handling equipment, and administrative, control and office buildings. The concrete manufactured at a concrete batching plant or ready mixed concrete plant consists of more than 90% limestone quarry products.

Concrete block plant shall mean a facility used for the manufacture of concrete block and contains sufficient ground and/or covered storage for curing the blocks once removed from their molds, as well as materials batching equipment with automated systems for placing the concrete into block molds and transporting the blocks to curing racks and stockpile areas. A concrete block plant includes parking spaces needed for trucks, materials handling equipment, and administrative, control or office buildings. The concrete blocks manufactured at a concrete block plant consist of more than 90% limestone quarry products.

DERM shall mean the Miami-Dade County Department of Environmental Resources Management.

Director of DERM shall mean the Director of DERM or the Director's designee.

Prestressed and precast concrete production plant shall mean a facility used for the manufacture of various concrete products and includes the equipment necessary to deliver concrete into molds and the materials needed to add strength to the final product such as steel reinforcement bars, strands or mesh, or, in the case of prestressed concrete, wire strands in tension. A prestressed and precast concrete production plant manufactures such things as concrete pipe, vaults, and bridge and highway components, requires a large outside storage area for finished product inventory, and includes parking spaces needed for trucks, materials handling equipment, and administrative, control and office buildings. The products produced at a prestressed and precast concrete production plant consist of more than 95% limestone quarry products, excluding the steel reinforcement material.

Rockmining Overlay Zoning Area (ROZA) shall mean that area described as follows: All of Section 6; that part of Section 4, lying northwesterly of the Florida Turnpike and west of Interstate 75, and those parts of Sections 5, 7, 8, 18 and 19 lying northwesterly of the Florida Turnpike, all lying in Township 52 South, Range 40 East; and all of Sections 1 and 2, the east ½ of Section 3, Section 10 less northwest ¼ thereof, and all of Sections 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, all lying in Township 52 South, Range 39 East; all of Sections 1, 2, 3, 4, 9, 10, the west ½ of Section 13, all of Sections 15, 16, 21, 22, 23, the west ½ of Section 24, the west ½ of Section 25, all of Sections 26, 27, 28, 33, 34, 35 and the

104-165

west ½ of Section 36, less the Northwest Wellfield area consisting of all lands within a 2,500 ft. distance from each of the wells, all lying in Township 53 South, Range 39 East; and Government Lots 3 and 4 lying between Township 53 South and Township 54 South; and that part of Section 3 and that part of Section 4 lying north of the Tamiami Trail, SR. 90 (U.S. 41) lying in Township 54 South, Range 39 East; and the East ½ of Section 13, all of Section 24 and the North ½ of Section 25 of Township 54 South, Range 38 East.

Rock crushing and screening plant shall mean a facility comprised of systems used for the automated conveying, crushing, segregation and blending of crushed rock in order to manufacture the basic materials used in construction such as concrete, concrete block, cement, asphalt, road base and many other rock products. A rock crushing and screening plant facility includes portable crushing facilities used primarily for the processing of road base material and parking spaces for trucks, materials handling equipment, and administrative, control and office buildings.

Rockmining shall mean the dredging or excavation of an area for the purpose of extracting subsurface materials. Rockmining shall also include ancillary property uses necessary for the extracting and processing of subsurface materials.

Sec. 33-153. Districts and Locations Where Rockmining Uses Are Permitted.

- (1) The boundaries of the ROZA are defined in Section 33-152.
- (2) Rockmining uses are permitted in all zoning districts within the ROZA without a public hearing, upon approval of plans by the Department that are in compliance with the specified criteria of this Article, particularly the lake excavation plan criteria enumerated in Section 33-155(5) and Chapter 24 of the Code.
- (3) All of the regulations of the underlying zoning districts apply within the ROZA except:
 - (a) Height restrictions. Notwithstanding the existing height restrictions within the underlying zoning districts imposed by this Chapter, and due to the nature of the uses permitted by this Article and the

requirements imposed thereby, none of the height restrictions of the underlying zoning districts apply.

- (b) Setback regulations. Within the ROZA, all buildings, structures and equipment shall be setback a minimum of 25 feet from all property lines under different ownership, except that no setback regulation is imposed upon conveyor belts and/or other systems or equipment used for the transportation of raw materials permitted below by Section 33-154(1)(b)(i), provided; however, that such conveyor belt and/or systems or equipment for transportation of raw materials shall not extend across property boundaries without the consent of the adjacent property owner(s).
 - (c) Off-street parking regulations. Notwithstanding the existing parking regulations within the underlying zoning districts imposed by this chapter and due to the nature of the uses permitted by this Article, the off-street parking area requirements of Section 33-126 of this Code do not apply.
- (4) Rockmining uses shall not be permitted in any other area of unincorporated Miami-Dade County, Florida, other than as described in Section 33-153(1) and (2) of this Article, unless approved after public hearing pursuant to Section 33-13 of this Code.

Sec. 33-154. Uses Permitted by This Article.

- (1) The rockmining uses permitted by this Article include:
 - (a) All rockmining, including lake excavations; quarrying of raw materials; rock crushing and screening; filling of excavations with rockmining tailings; the erection, maintenance and operation of all types of equipment necessary for the quarrying of raw materials; administrative offices, equipment and tool buildings, and watchman's prefabricated modular buildings necessary for the rockmining uses permitted by this Article.
 - (b) Uses ancillary to *bona fide* rockmining, provided that the rockmining uses and uses ancillary thereto

are under common property ownership, which, for purposes of this Article, shall consist of fee-simple title or a lease of 25 years or more.

- (i) the erection, maintenance and operation of cement plants; concrete batching plants or ready mixed concrete plants; concrete block plants; prestressed and precast concrete production plants; rock crushing and screening plants; asphalt plants but only in areas located outside any wellfield protection area as defined by Chapter 24 of this Code and in areas, as of the date of filing of an application for a certificate of use for such asphalt plant, more than two miles from any RU or EU zoning district boundary; office, control and laboratory buildings attendant to the uses set forth herein; operation of storage facilities for all equipment used in rock mining on premises attendant to the uses set forth herein; conveyor belt and/or other systems or equipment for the transportation of raw materials, repair facilities for the service of all equipment used on the premises and necessary for the service and operation of equipment used in connection with rockmining uses permitted by this Article; and the storage of fuel, oil, and lubricants necessary for the service and operation of equipment used in connection with rockmining uses permitted by this Article and to the extent authorized by Chapter 24 of this Code; and office, control and laboratory buildings required for the operation of the facilities described above.

The 2-mile distance requirement for asphalt plants shall be measured by following a straight line from the nearest structure of the asphalt plant to the nearest point of an EU or RU district boundary, as depicted on a survey prepared and sealed by a Florida-licensed surveyor and/or professional engineer.

- (ii) the outdoor storage of vehicles and lake excavation equipment required for the rockmining uses permitted by this Article, subject to the following conditions: the vehicles and equipment shall be maintained in operable condition at all times, except as otherwise provided herein, and further provided that such vehicle and equipment storage areas shall be setback a minimum of 25 feet from all property lines under different ownership and rights-of-way; and the maintenance, repairs or overhaul performed on equipment or vehicles required by the rockmining uses permitted by this Article shall be in accordance with best management practices as approved by DERM.

- (c) Uses ancillary to rockmining requiring approval after public hearing provided; however, that such application for public hearing shall be made directly to the Board of County Commissioners pursuant to Section 33-314(C) of this Code:
 - (i) the erection, maintenance and operation of tile and other concrete products processing and fabrication plants;

 - (ii) the erection, maintenance and operation of asphalt plants located within any wellfield protection area as defined by Chapter 24 of this Code or within two miles of any RU or EU zoning district boundary in existence as of the date of filing of an application for certificate of use for such asphalt plant.

- (2) Nothing in this Article shall be construed to prohibit uses within the ROZA that are otherwise permitted by this Chapter or permitted by zoning action.

Sec. 33-155. Control of Rockmining Uses.

04/16

- (1) Nothing in this Article shall be construed to modify, amend or supersede any of the provisions of Chapter 24 of this Code.
- (2) Rockmining is permitted hereunder after a 10-year rockmining certificate of use issued by Director upon compliance with the terms and conditions of the Plan, as defined in Subsection 3 below, subject to cancellation upon violation of any of the terms and conditions of the certificate of use.
- (3) Application for a 10-year rockmining certificate of use shall be made by submittal of at least 3 sets of a 10-year lake excavation plan (the "Plan"), prepared and sealed by a Florida-licensed professional engineer, to the Director. The Plan shall indicate the extent of proposed lake excavation including any lake excavation phase lines, setbacks from property lines and zoned or dedicated rights-of-way, minimum and maximum lake depths, lakes slopes, ancillary uses, as well as any littoral shelves or other mitigation areas.
- (4) Upon review and evaluation of the Plan, DERM shall issue to the Director a recommendation stating whether the Plan complies with Chapter 24 of this Code and all conditions included in any permits required by DERM.
- (5) Upon review and evaluation of the Plan and the recommendation from DERM, the Director shall issue the 10-year rockmining certificate of use if the Director determines that the Plan is in compliance with the criteria enumerated in this Section, this Article, Chapter 24, and all conditions included in any permits required by DERM. It is provided, however, that a notice of intent to issue a rockmining certificate of use shall be advertised in a newspaper of general circulation no less than thirty (30) days prior to the issuance of the rockmining certificate of use. Notwithstanding anything in the Code to the contrary, within fifteen (15) days after the issuance of a rockmining certificate of use, notice of the Director's decision shall be published in a newspaper of general circulation. Any aggrieved person may only appeal the Director's decision to the Board of County Commissioners within thirty (30) days after the date of the newspaper publication. Upon issuance, the 10-year rockmining certificate shall allow the

uses permitted by this Article and shall be promptly renewed with the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the terms and conditions. On an annual basis from the date of issuance of the 10-year rockmining certificate of use, a plan prepared and sealed by a Florida-licensed professional engineer shall be submitted to the Director, which plan shall depict the extent of rockmining conducted in the preceding 12 months. Failure to commence the excavation project within 6 months of the date of the original certificate of use issuance shall result in an abandonment of the excavation project.

- (a) The construction of the perimeter littoral restoration areas and lake slopes shall be performed as approved by the Director of DERM. In accordance with this requirement, "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer shall be submitted to the Department within 180 days of completion of the littoral shelf restoration.
- (b) The lake excavation site shall be suitably staked as approved by the Director and Director of DERM; stakes shall be maintained in proper position so that the limits of excavation, slopes, and grade levels may be easily determined.
- (c) Access to the lake excavation site shall be restricted and the property shall be suitably posted to meet with the approval of the Director and the Director of DERM; said postings shall denote the rockmining operation and warn the public concerning possible hazards prior to commencement and for the duration of the excavation.
- (d) If the lake excavation operation is discontinued, abandoned or time expires under the 10-year rockmining certificate of use, the excavation shall immediately be restored by the construction of the littoral area around the perimeter of the excavated lake, as required by DERM.
- (e) No positive drainage of storm water from roads or other source will be allowed to enter the excavation

except as allowed under a Class II permit issued by DERM. Retention of pollutants is one criterion for issuance of such a Class II permit.

- (f) There shall be no direct connection between a lake excavation and a drainage canal. A system to allow overflows from lakes to canals for flood control purposes may be constructed subject to the approval of the Director and Director of DERM and upon the issuance of all required permits.
- (g) To ensure compliance with all terms and conditions imposed, a joint cash or joint surety bond or substantially equivalent instrument as approved by the Director shall be posted with the Department, payable to Miami-Dade County, in an amount as may be determined by the Director. The bond or equivalent instrument shall be in recordable form so that it may be recorded in the public records of Miami-Dade County and the instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees. The bond amount shall be based on the estimated costs to create the approved perimeter littoral areas and slopes depicted on the submitted Plan and shall satisfy the requirements of the Department.
- (h) Upon completion of the lake excavation activities, the property shall be restored and left in a condition acceptable to the Director and the Director of DERM or their respective designee.
- (i) If, in the opinion of the Director, the excavation is hazardous to the surrounding area, the hazardous area shall be fenced in, or otherwise protected, by the applicant in a manner acceptable to the Director.
- (j) The perimeter of an excavated lake shall be consistent with the littoral shelf requirements of the approved Plan and the Class IV permits issued by DERM.
- (k) If a lake excavation is proposed to be excavated in phases, a separate phase plan shall be submitted

with the initial Plan. The phase plan shall delineate the area to be excavated in each phase and the time frame projected to close out each phase of the excavation project.

- (1) Grading, leveling, and sloping of banks and perimeter littoral shelves shall occur on a progressive basis as the project develops and excavation progresses.

Sec. 33-156. Minimum Landscaped Open Space, Mitigation Areas and Littoral Zones.

Notwithstanding any provisions of Chapter 33 or Chapter 18A (Landscaping Code) of the Code and due to the nature of the uses authorized by this Article and the requirements for these uses set forth in Chapter 24 and by other state, regional, and federal agencies, the mitigation areas and littoral zones provided for under all of the foregoing shall be deemed to constitute compliance with the landscaped open space requirements for the uses authorized by this Article. The timing of the installation of any required mitigation and littoral areas shall be governed by the permits issued by DERM pursuant to Chapter 24 of this Code.

Sec. 33-157. Zoned Rights-of-Way.

Notwithstanding any provisions of Section 33-133, upon approval of the Director and the Director of the Public Works Department, rights-of-way within the areas described by Section 33-153 may be waived and/or a dedication shall not be required, as long as the affected properties are utilized for the uses permitted under Section 33-154 of this Article and are not needed for access to non-rockmining properties that are otherwise landlocked. Previously dedicated rights-of-way may be abandoned in accordance with the procedures set forth pursuant to Chapter 28 of this Code.

Section 3. Section 33-314 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

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

* * *

04 163

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

(1) Upon application for, hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Development Impact Committee Executive Council or its Chairman in the discharge of its duties as defined in Sections 2-114.1, 2-114.2, 2-114.3, 2-114.4 and Chapters 28, 33-303.1(D)(3), 33E, [Section] 33G-6, 33H, 33I and 33J and 33K of the Code. The Board of County Commissioners shall also hear and decide appeals or other matters as provided by Sections 2-114.2, 2-114.3, and 2-114.4 of the Code.

* * *

>>(12) Applications for uses ancillary to bona fide rockmining pursuant to Section 33-154(c) of this Article.<<

* * *

Section 4. Chapter 24 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-58.9. Time of completion of work; extension of completion time and new permits for incomplete work.

(A) All work authorized by a permit issued pursuant to this article shall be completed within the time periods set forth in the permit in accordance with the following schedule, unless another period of time is permitted as set forth in the resolution granting approval of the permit by the Board of County Commissioners:

Class I and Class IV short form permits 2 years

Class I and Class IV short form permits for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1) 2 years

Class I and Class IV standard form Permits 3 years

Class I short form permits for trimming, cutting, or any other alteration of mangrove tree(s)..... 3 years

Class I short form permits for trimming, cutting, or any other alteration of mangrove tree(s), for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1) 3 years

Class I standard form permits for trimming, cutting, or any other alteration of mangrove tree(s)..... 3 years

Class IV short form permits for rockmining.....~~[[5]]~~>>10<<years

Class IV short form permits for rockmining for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1)~~[[5]]~~>>10<<years

Class IV standard form permit for rockmining~~[[5]]~~>>10<<years

Class II permits 1 year

Class II permits for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1)..... 1 year

Class III permits..... 1 year

Class III permits for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1) 1 year

Class V permits 120 days

Class VI permits..... 1 year

Section 5. 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 6. 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 the ordinance may be renumbered or relettered to

104-153

accomplish such intention, and word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall only become effective upon the later of the following:

(1) 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, or (2) the Board of County Commissioners' approval of an administrative order which provides that there shall be no filing fee for an administrative appeal to the Board of County Commissioners of the Director of Planning and Zoning Department's decision to issue a rockmining certificate of use.

PASSED AND ADOPTED: SEP 09 2004

Approved by County Attorney as
to form and legal sufficiency:

RAG
CHC/PST

Prepared by:

Craig H. Coller/Peter S. Tell

Sponsored by Commissioner Jose "Pepe" Diaz,
Commissioner Bruno A. Barreiro,
Commissioner Natacha Seijas and
Commissioner Rebeca Sosa

RECEIVED
OCT 13 2004

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(F)
6-8-04

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

ORDINANCE NO. 04 - 123

ORDINANCE RELATING TO ZONING; PROVIDING FOR MODIFICATION OF LOT COVERAGE CONTAINED IN SECTION 33-328 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING SECTION 33-328 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 33-328 of the Code of Miami-Dade County shall be amended to read as follows:¹

Sec. 33-328. Lot coverage; minimum lot width; minimum lot depth.

(a) The maximum area covered by the main structure on lots in EU-1, Single Family one (1) acre Estate Districts shall be fifteen (15) percent of total lot area >>; provided, however, that where the main structure is no higher than one (1) story, then such maximum area covered by the main structure shall be twenty (20) percent<<.

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,

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



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 8, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6 (F)

04 - 123

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

04-123

MEMORANDUM

Agenda Item No. 6(F)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

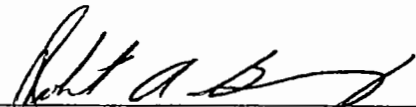
DATE: (Second Reading 6-8-04)
April 27, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
zoning; modifying lot
coverage in Sec. 33-328
of the Code

04-123

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler Ed.D. and Members Board of County Commissioners **DATE:** June 8, 2004

FROM: George M. Burgess, County Manager  **SUBJECT:** Ordinance pertaining to zoning; modifying lot coverage in Sec. 33-328 of the Code

This ordinance pertaining to zoning modification of lot coverage under Section 33-328 of the Code of Miami-Dade County will have no fiscal impact on the County.

Fiscal/03504

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.

PASSED AND ADOPTED: JUN 08 2004

Approved by County Attorney as
to form and legal sufficiency:

RA6
WJ

Prepared by:

Jay W. Williams

Sponsored by Commissioner Jose "Pepe" Diaz

RECEIVED
OCT 13 2004

ZONING SERVICES DIVISION, MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
BY _____

04-123

04-123

MEMORANDUM

Agenda Item No. 6(F)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners


DATE: (Second Reading 6-8-04)
April 27, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
zoning; modifying lot
coverage in Sec. 33-328
of the Code

04-123

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.




Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler Ed.D. and Members Board of County Commissioners **DATE:** June 8, 2004

FROM: George M. Burgess
County Manager  **SUBJECT:** Ordinance pertaining to zoning; modifying lot coverage in Sec. 33-328 of the Code

This ordinance pertaining to zoning modification of lot coverage under Section 33-328 of the Code of Miami-Dade County will have no fiscal impact on the County.

Fiscal/03504



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 8, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6 (F)

04 - 123

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6 (F)

6-8-04

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

ORDINANCE NO. 04-123

ORDINANCE RELATING TO ZONING; PROVIDING FOR MODIFICATION OF LOT COVERAGE CONTAINED IN SECTION 33-328 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING SECTION 33-328 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 33-328 of the Code of Miami-Dade County shall be amended to read as follows:¹

Sec. 33-328. Lot coverage; minimum lot width; minimum lot depth.

(a) The maximum area covered by the main structure on lots in EU-1, Single Family one (1) acre Estate Districts shall be fifteen (15) percent of total lot area >> provided, however, that where the main structure is no higher than one (1) story, then such maximum area covered by the main structure shall be twenty (20) percent<<.

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,

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.

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.

PASSED AND ADOPTED: JUN 8 8 2004

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jay W. Williams

Sponsored by Commissioner Jose "Pepe" Diaz

RA6
JW

04-123

04-118

Approved _____ Mayor

Veto _____

Override _____

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA
Amended Agenda Item No. 6(A)
6-8-04

ORDINANCE NO. 04-118

ORDINANCE PERTAINING TO ZONING; AMENDING CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING MEDICAL ALLIED TRAINING FACILITIES AS A PERMITTED USE IN THE RU-5A, SEMI-PROFESSIONAL OFFICE DISTRICT; PROVIDING DEFINITION; AUTHORIZING BUILDINGS OF PUBLIC ASSEMBLY IN THE RU-5A ZONING DISTRICT TO COMPLY WITH SETBACKS REQUIRED FOR CERTAIN OTHER STRUCTURES PERMITTED IN THE DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, there is a need in Miami-Dade County to foster the development of medical allied training facilities so as to assure that our local workforce may provide sufficient numbers of medical equipment technicians and other skilled medical workers; and

WHEREAS, the RU-5A, Semi-Professional Office District includes medical offices as a permitted use; and

WHEREAS, medical offices located in the RU-5A zoning district require medical equipment technicians, skilled employees, and the diagnostic services provided by medical allied training facilities,

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



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 8, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(A)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

04-118

MEMORANDUM

Amended
Agenda Item No. 6 (A)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

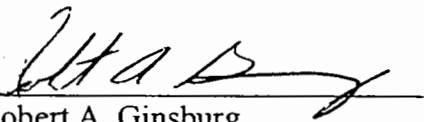
DATE: June 8, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT Ordinance amending
Chapter 33; authorizing
Medical Allied Training
Facilities permitted use in
the RU-5A Semi-Professional
Office District

O#04-118

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


Robert A. Ginsburg
County Attorney

RAG/jls

04-118



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** June 8, 2004

FROM: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of George M. Burgess.

SUBJECT: Ordinance amending Chapter 33; authorizing Medical Allied Training Facilities permitted use in the RU-5A Semi-Professional Office District

This ordinance authorizing medical allied training facilities permitted use in the RU-5A Semi-Professional Office District will have no fiscal impact on Miami-Dade County.

Fiscal/00704

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:

* * *

>>(69.01) Medical Allied Training Facility. Any facility with a minimum floor area of 20,000 square feet, licensed by the Commission for Independent Education of the Florida Department of Education, to train students for careers as medical equipment technicians or as medical support personnel.<<

Section 2. Section 33-223.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-223.6. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RU-5A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

* * *

>>(27A) Medical Allied Training Facility that on a site of two net acres or more.

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.

- a) That such uses shall be located on sites having frontage on a major access road, including major roadways (three or more lanes) and frontage roadways serving limited access highways and expressways;
- b) That no ingress/egress driveways be located other than from the major access road as indicated in (a) above;
- c) That the hours of operation be limited to 8:00 a.m. to 10:00 p.m. Monday through Friday; 9:00 a.m. to 4:00 p.m. on Saturdays;
- d) That the number of students be limited to no greater than 100 students per session;
- e) That a maximum of 2 sessions be conducted daily.

* * *

Section 3. Section 33-18 of the Code of Miami Dade-County is hereby amended to read as follows:

Sec. 33-18. Religious facilities and schools in >>RU-5A,<< BU and IU districts.

- (a) Buildings used for public assemblage as defined in Section 33-17, where located in >>RU-5A,<< BU of IU districts may be permitted with the same yard requirements and setbacks as required of the >>office,<< business or residential buildings legally allowed in those districts.

* * *

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

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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

PASSED AND ADOPTED:

JUN - 8 2004

Approved by County Attorney as
to form and legal sufficiency:

RAE

Prepared by:

CHC/RAE

Craig H. Coller

Sponsored by Commissioner Jimmy L. Morales

RECEIVED
OCT 13 2004

04-118

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 6(G)
6-8-04

ORDINANCE NO. 04-108

ORDINANCE RELATING TO ZONING; ESTABLISHING PURPOSE, DEFINITIONS, REVIEW PROCESS AND STANDARDS FOR APPROVAL OF PUBLIC CHARTER SCHOOL FACILITIES; CREATING ARTICLE XI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTIONS 33-303.1, 33-311 AND 33-314 TO PROVIDE FOR CHARTER SCHOOL FACILITY APPROVAL BY BOARD OF COUNTY COMMISSIONERS AFTER RECOMMENDATION BY DEVELOPMENTAL IMPACT COMMITTEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Article XI is hereby created in Chapter 33 (Zoning Code), Code of Miami-Dade County, Florida as follows: ¹

>>Article XI. PUBLIC CHARTER SCHOOL FACILITIES

Sec. 33-152. Applicability, purpose and definitions.

Provisions of this article relating to public charter school facilities as defined herein shall be applicable in the unincorporated areas of Miami-Dade County.

The purpose of this article is to provide standards for approval of public charter school facilities, pursuant to agreement with the School Board of Miami-Dade County pertaining to siting of such facilities. Any use proposed for a charter school site other than the charter school facility use provided in this article shall be subject to all other applicable provisions of this Chapter.

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.

As used in this article, the term "public charter school" or "charter school" shall mean an educational institution which is authorized and maintained in accord with the provisions of Chapter 1002, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. The terms "child," "student," "pupil," and their plurals are used interchangeably in this article. For purposes of this article, student educational opportunities within a public charter school shall include one or more of the following:

- (a) Kindergarten: preschool programs for children ages four (4) through six (6).
- (b) Elementary school: educational programs for children in grades 1 through 5.
- (c) Middle school: educational programs for children in grades 6 through 8.
- (d) Senior high school: educational programs for children in grades 9 through 12.

Sec. 33-153. Public hearing required in all districts.

The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration of restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of this code.

Sec. 33-154. Limitations on the siting of public charter school facilities.

- (a) New kindergarten, elementary, middle and senior high charter school facilities as well as the expansion of existing charter school facilities shall be prohibited on sites located outside the Urban Development Boundary (UDB), as established in the Comprehensive Development Master Plan.
- (b) Except as provided in subsection (c) below, the following new charter school facilities and the expansion of such facilities shall be located inside the UDB and spaced from the UDB as follows:
 - (1) Kindergarten, Elementary school: at least 1/4 mile inside the UDB
 - (2) Middle school: at least 1/2 mile inside the UDB
 - (3) Senior high school: at least one mile inside the UDB.
- (c) A proposed new kindergarten, elementary, middle, or senior high charter school facility, or the expansion of an existing charter school site, inside but closer to the

**MEMORANDUM**Amended
Agenda Item No. 6(G)**To:** Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners**Date:** June 8, 2004**From:** George M. Burgess
County Manager**Subject:** Ordinance Pertaining to
Public Charter School
Facilities

O#04-108

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached proposed ordinance pertaining to public charter school facilities.

BACKGROUND

The zoning code of Miami-Dade County contains a process by which private schools are approved as special exceptions. In contrast, public schools are approved by the School Board of Miami-Dade County which has the authority to select locations for all public schools. However, the County provides comments about public school locations as required by Section 1013.33, Florida Statutes, providing for review for consistency with the Comprehensive Development Master Plan and applicable land use regulations. The County's review has been conducted for both traditional and charter public schools by the Developmental Impact Committee, in accordance with Resolution R-535-92.

The School Board has a process for approving traditional public schools that involves substantial public input. However, the public charter school process at the School Board does not include the same degree of public involvement. On this agenda is a proposed interlocal agreement between the School Board and Miami-Dade County by which the School Board will delegate land use authority to the County for the approval of public charter school sites through a zoning hearing process, which would accord greater public input and a mechanism for enforcing land use requirements and conditions. The proposed ordinance would provide said process and standards in order to review public charter schools located in unincorporated Miami-Dade County. The School Board will remain responsible for all curriculum and for the approval of the charter for public charter schools.

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

Attachment

T. Marko for Pedro C. Hernandez
Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 8, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 6(G)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

UDB than indicated in (b) above, may be approved at public hearing, when it is demonstrated that within a one-half mile radius of the outer boundaries of the proposed new charter school or charter school expansion site:

- (1) that the majority of the lots, parcels or tracts lying within the radius are developed or approved for development; and
- (2) there are no other lots, parcels or tracts within the radius that are available for development that meet the requirements of subsection (b) above and that meet all the requirements of this article.

Approval of such a site shall require that the majority of the subject site and the proposed buildings' ground floor square footage be located in accordance with (b) above, and that the principal buildings and entrances be placed as far from the UDB as possible.

- (d) For purposes of establishing the distances provided by this section, the applicant shall furnish a certified survey from a registered surveyor, as well as a proposed site plan, which shall indicate that the distance requirements of this section have been met.

Sec. 33-155. Required information.

All public charter school facilities, as defined in this article, shall submit the following applicable information to the Department in accordance with the filing provisions of Article XXXVI of this code for review by the Department and for consideration at public hearing:

- (A) Written information
 - (1) Total size of the site
 - (2) Maximum number of students to be served
 - (3) Maximum number of teachers and administrative and clerical personnel
 - (4) Maximum number of classrooms and total square footage of classroom space
 - (5) Total square footage of non-classroom space
 - (6) Amount and location of exterior recreational/play area in square footage
 - (7) Maximum number and type of vehicles that will be used in conjunction with the operation of the facility
 - (8) Number of parking spaces provided for staff, visitors, and transportation and operation vehicles, and justification that those spaces are sufficient for this facility
 - (9) Grades or age groups that will be served
 - (10) Days and hours of operation, weekly and annually

- (11) An explanation of any such activities anticipated to be conducted in association with the charter school but typically conducted outside of the hours of operation of the charter school
 - (12) Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any Federal or State regulations applicable to the specific application
 - (13) A copy of the charter approved by the Miami-Dade County Public School Board.
- (B) Graphic information. The following graphic information shall be prepared by design professionals, such as registered Florida architects and landscape architects:
- (1) A plan indicating existing zoning on the site and adjacent areas
 - (2) A site plan indicating the following:
 - (a) Location of all structures
 - (b) Parking layout, automobile stacking area and drives
 - (c) Walkways
 - (d) Location of recreation areas and play equipment which shall include surrounding fences and/or walls
 - (e) Any other features which can appropriately be shown in plan form.
 - (3) Floor plans and elevations of all proposed structures.
 - (4) Landscape development plan listing quantities, size, and names of all plants in accordance with Chapter 18A of this code.

Sec. 33-156. Charter school within multiple-use facility.

Where a charter school facility is to be operated in a structure simultaneously used as a residence, religious facility or other type of facility, the area which will be specifically used for the charter school facility during the hours of operation shall be clearly defined. As specified in section 33-155 above, the applicant for charter school approval shall additionally provide explanation regarding any activities anticipated to be conducted in conjunction with the charter school, including but not limited to adult education classes, community outreach facilities, and civic building use. Such uses not determined by the Director to be directly associated with the charter school operation shall require approval as otherwise specified within this code.

Sec. 33-157. Physical standards. All charter school facilities shall meet the minimum requirements included herein.

- (a) Outdoor areas. Outdoor recreation/play areas are not required. Where same are provided the outdoor recreation/play area shall, wherever possible, be located so that the recreation/play area is not immediately adjacent to single family residences or section line roads, nor create incompatible impacts on other immediately adjacent properties. Adequate screening in the form of a wall, fence and/or landscaping shall be provided wherever the outdoor/play area abuts a property under different ownership.
- (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.
- (c) Auto stacking. Stacking space, defined as that space in which pickup and delivery of children can take place, may be provided in the form of specified parking stalls and/or areas clear of vehicular drive aisles. Stacking space shall be provided for a minimum of two (2) automobiles for charter schools with twenty (20) to forty (40) children; schools with forty- one (41) to sixty (60) children shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.
- (d) Parking requirements. Parking requirements shall be as provided in section 33-124(1) of this code.
- (e) Height. The structure height shall not exceed the height permitted for that site by the existing underlying zoning district.
- (f) Trees. Landscaping and trees shall be provided in accordance with Chapter 18A of this code.
- (g) Charter school facilities as described herein 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.
- (h) Lot coverage and floor area ratio. The charter school facility shall not exceed the lot coverage and floor area ratio allowed by the underlying zoning district.
- (i) Building setbacks. The charter school facility shall comply with the setbacks established in sections 33-17 and 33-18 (a) and (b) of this code for buildings of public assemblage.

Sec. 33-158. Cessation of charter school operation.

The owners of property where a charter school facility is proposed to be located shall, at time of public hearing application, submit a document in a form approved by the Director suitable for recording in the public records and assuring the following:

If the charter school facility is constructed but fails to begin operation and/or the charter school fails after establishment, that the property owner, within 36 months of the facility's failure to begin operation or closure shall cause:

- (a) the facility to be in full compliance with all zoning regulations applicable to the property on which the charter school is located and allowing a use other than the charter school use, or
- (b) the operation of the charter school facility to be transferred to another charter school operator or the School Board, approved through applicable processes of the Miami-Dade County School Board, or
- (c) the charter school facility to be converted to an allowable use within the zoning district, provided said allowable use has first been authorized through the issuance of the appropriate permits, or
- (d) authorization to be obtained at public hearing by the appropriate zoning board to convert the charter school facility to a use not otherwise allowable within the zoning district.

Sec. 33-159. Plan review standards.

- (a) Scale. The scale of proposed public charter school facilities shall be compatible with the scale of surrounding proposed or existing uses and shall be made compatible by the use of buffering elements.
- (b) Compatibility. The design of public charter school facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.
- (c) Buffers. Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary.
- (d) Landscape. Landscape shall be preserved in its natural state insofar as is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance with Chapter 18A of this code.
- (e) Circulation. Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility.
- (f) Noise. Effective measures shall be provided to keep noise at acceptable levels.
- (g) Service areas. Wherever service areas are provided, they shall be screened and so located as to be compatible with the adjacent properties.
- (h) Parking areas. Parking areas shall be screened and so located as to be compatible with the adjacent properties.
- (i) Operating time. The operational hours of a public charter school facility shall be compatible with the activities of other adjacent properties.
- (j) Industrial and commercial. Where schools are proposed in or adjacent to, industrial or commercial areas it shall be clearly demonstrated in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques and/or operational modifications.
- (k) Fences and walls. Outdoor recreation and/or play areas shall be enclosed with fences and/or walls.

Sec. 33-160. Certificate of use.

The certificate of use shall be automatically renewable annually by the Department upon compliance with all terms and conditions including maintenance of the facility in accordance with the approved plan and adopted zoning resolution. Said certificate of use is subject to cancellation upon violation of any of the conditions contained in this article or upon notification from the School Board of revocation of the charter of the public charter school.

Sec. 33-161. Previously approved public charter schools.

It is not the intention of this article to require any changes in any public charter school facilities that prior to the effective date of this article have received final approval from the School Board of Miami-Dade County of a final charter contract specifying the charter school's site. Further, the provisions of this article shall not be applicable to the establishment of any new charter school upon demonstration of the following circumstances: (a) prior to the effective date of this article the proposed new charter school was presented during a public zoning hearing as a part of a development plan to the applicable Community Zoning Appeals Board or the Board of County Commissioners; (b) prior to or at the public hearing, the zoning applicant presenting such development plan provided a declaration of restrictive covenants or other recordable assurances binding the applicant or successor to provide a charter school at a specified location, with a specified maximum number of students and specified grade levels; and (c) within two years after the effective date of this article, the proposed new charter school receives a favorable recommendation for site plan approval from the Developmental Impact Committee and a final charter contract from the School Board of Miami-Dade County approving the charter school at substantially the site specified at the zoning public hearing.<<

Any charter school lawfully established prior to the effective date of this article and any charter school established pursuant to this article, which ceases operations for 36 months or longer, shall be re-established only upon approval after public hearing in accordance with this article. Any expansion or modification of the previous approval for any charter school lawfully established prior to the effective date of this article and any charter school established pursuant to this article shall only be approved after public hearing in accordance with this article.

With the exceptions noted above, all public charter school facilities shall comply with the requirements of this article.

Sec. 33-162. Enforcement.

The provisions of this article shall be enforced by the Director and Team Metro through the provisions of Chapters 8CC, Chapter 18A, Chapter 33 and Chapter XXX of this code.<<

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

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

* * *

- (3) *Special exceptions >>(for all applications other than public charter schools)<< unusual and new uses.* Hear applications for and grant or deny special exceptions >>, except applications for public charter schools<<; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami Dade County, Florida.

* * *

Section 3. Section 33-303.1 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-303.1 Developmental Impact Committee.

* * *

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

* * *

>>(19) Review and make recommendations to the Board of County Commissioners on all applications for public charter school facilities and all applications for expansions or modifications to existing public charter school facilities.

(20) Review and accept on behalf of Miami-Dade County declarations of restrictive covenants running in favor of Miami-Dade County and proffered by applicants for public charter school facilities that are exempt pursuant to section 33-161 of this code from the zoning hearing process in this article, provided that said declarations provide for development restrictions or enhancements that will ensure development of proposed charter school facilities that are consistent with the Comprehensive Development Master Plan and with applicable zoning regulations.<<

* * *

Section 4. Section 33-314 of the Code of Miami-Dade County, Florida is hereby amended as follows:

* * *

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

* * *

>>(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311 (A)(3) of this code.

(13) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.<<

Section 5. 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.

04-108

Section 6. 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 7. This ordinance shall become effective only upon the later of the following: (1) ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, only upon an override by this Board, or (2) the effective date of an agreement between Miami-Dade County and the School Board of Miami-Dade County ("School Board") under which the School Board delegates to Miami-Dade County authority to regulate the siting of public charter schools.

Section 8. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: ~~11/11 - 8/10/04~~

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

Prepared by: JAC

Joni Armstrong Coffey





Amended
MEMORANDUM Agenda Item No. 6(P)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** May 11, 2004
and Members, Board of County Commissioners

FROM: George W. Burgess
County Manager

SUBJECT: Community Councils Redistricting

O#04-101

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached ordinance relating to Community Councils; modifying number of Councils, Council boundaries and maximum number of subareas; reassigning Council areas and their representatives where, due to annexation or incorporation, former Community Councils can no longer act; modifying the maximum number of members where reassignments occur; and permitting boundary modifications and reassignment of Council members by resolution of the Board of County Commissioners after a public hearing.

BACKGROUND

Community Councils started as local zoning hearing boards in unincorporated Miami-Dade County. Incorporations and annexations reduced unincorporated areas within some of these councils and in some cases, the reductions have been so deep that there are not enough precincts from which to elect new council members necessary to comprise a board of seven members or to maintain a quorum. It's become apparent that some of these remnants of unincorporated area need to be added to adjacent community council areas.

Chapter 20 of the Miami-Dade County Code requires the Boundaries Commission to make recommendations to the Planning Advisory Board (PAB) and the Board of County Commissioners on modifications to the Community Council boundaries. The Boundaries Commission heard staff's recommendation on October 20, 2003; but requested its deferral in order for staff to provide additional information, to include how similar incorporation issues were handled in the past, as well as to receive input from the affected community through a public hearing the day of the meeting. The item was rescheduled for the Boundaries Commission on two occasions thereafter, November 12, 2003 and December 10, 2003, but no quorum was reached. The Boundaries Commission finally considered the item on January 7, 2004, and unanimously approved staff's recommendation.

The proposed ordinance amendment allows continued representation of the remaining areas by reassigning them to nearby councils. The ordinance also resolves the short-term matter of how existing elected council members will serve out their terms. To resolve this matter, the amendment provides flexibility to incorporate the added areas into either: a) a vacant subarea, b) an "at-large" subarea, or c) a neighboring subarea whose term expires in the next state primary election.

This ordinance also addresses housekeeping matters concerning realignments of renumbered/deleted/added precincts resulting from reprecincting changes approved by this Board in September 2003, as well as a database cleanup by the Elections Department. It is also recommended that the Board approve future realignments to be accomplished by resolution in order to address these issues more efficiently.

Attachments – Ordinance
Attachment I



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: May 11, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 6 (P)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Bid waiver requiring County Manager's written recommendation**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- Housekeeping item (no policy decision required)**
- No committee review**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 6(P)
5-11-04

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

ORDINANCE NO. 04-101

ORDINANCE MODIFYING COMMUNITY COUNCIL CONFIGURATION, NUMBERS AND MEMBER ASSIGNMENTS AFTER ANNEXATION OR INCORPORATION; PERMITTING FUTURE MODIFICATIONS BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AFTER PUBLIC HEARING; AMENDING SECTIONS 20-42 AND 20-43 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 and Section 20-43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-42. Community Councils; configuration.

- (A) There shall be ~~[[fourteen (14)]]~~ >>no more than ten (10)<< Community Councils each of which shall have jurisdiction within ~~[[the]]~~ >>its<< boundary ~~[[of one (1) of the fourteen (14) council areas]]~~ within the unincorporated area. Council areas should be large enough to reasonably accommodate local zoning issues without unduly increasing staffing requirements. The boundaries of Community Councils' jurisdiction, to the extent feasible, shall coincide with those of groupings of Census Designated Places.
- (B) Each Community Council area shall contain ~~[[a total of six (6)]]~~ >>no more than six (6)<< subareas. The boundaries of these subareas, to the extent feasible, shall coincide with

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.

those of existing election precincts. Enclave areas that are fully surrounded by municipal boundaries and are not large enough to be subareas shall be part of the nearest subarea.

- (C) The boundaries and numerical designations of the Community Councils and of the subareas within them are depicted and described in Attachment [[A]] >>I attached hereto and incorporated herein by reference<< (which can be found in the County Clerk's Office ~~[[attached to Ordinance Number 97-163]]~~). These boundaries may be amended from time to time by resolution of the ~~[[Community]]~~ >>County<< Commission ~~[[initiation and]]~~ after public hearing. The names of the Community Councils shall be designated by the respective Community Council.

- >>(D) Notwithstanding anything in this Code to the contrary, when, as a result of municipal incorporation or annexation, a Community Council does not have enough members in office to act, the Board of County Commission may by resolution after public hearing, reassign the remaining areas of the affected Community Council to a different Community Council and modify the total number of Councils accordingly.<<

Sec. 20-43. Community Councils; membership.

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

* * *

- >>(E) Reassignment of Community Council Members. When, as a result of incorporation or annexation, subareas or portions thereof are reassigned to a different Community, elected or appointed Council Members who continue to reside in the unincorporated area, whether at-large or subarea representatives representing the reassigned areas, shall serve as additional members to the reassigned Community Council. The reassigned Council Members shall serve until the next first state primary election.<<

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.

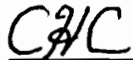
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: MAY 11 2004

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Coller

ATTACHMENT "I"
Community Councils/Subareas
By Voter Precincts

Council Area 2

Subarea 21	Precinct #
21	101
21	105
Subarea 22	
22	5
22	104
Subarea 23	
23	106
23	107
23	108
Subarea 24	
24	119
24	120
24	166
Subarea 26	
26	207
26	208
26	209
26	210
26	212
26	293
Subarea At-Large	
At-Large	5
At-Large	101
At-Large	104
At-Large	105
At-Large	106
At-Large	107
At-Large	108
At-Large	119
At-Large	120
At-Large	166
At-Large	207
At-Large	208
At-Large	209
At-Large	210
At-Large	212
At-Large	293

Council Area 5

Subarea 51	Precinct #
51	201
51	230*

Subarea 51 (continued)

51	272
51	350
51	355
51	358
51	371

Subarea 52

52	303
52	370

Subarea 53

53	231
53	232
53	275
53	351

Subarea 54

54	234
54	304
54	334
54	354
54	372

Subarea 55

55	301
55	302
55	356
55	364
55	365
55	369
55	373
55	453

Subarea At-Large

At-Large	201
At-Large	230
At-Large	272
At-Large	350
At-Large	355
At-Large	358
At-Large	371
At-Large	303
At-Large	370
At-Large	231
At-Large	232
At-Large	275
At-Large	351
At-Large	234

* Formerly part of Community Council 4 but transferred as a result of incorporation.

** Formerly part of Community County 3 but transferred as a result of incorporation.

Council Area 5 (Continued)

At-Large	304
At-Large	334
At-Large	354
At-Large	372
At-Large	301
At-Large	302
At-Large	356
At-Large	364
At-Large	365
At-Large	369
At-Large	373
At-Large	453

Council Area 7

Subarea 71(a)	Precinct #
71(a)	150
71(a)	164
Subarea 71(b)	
71(b)	150
71(b)	164
Subarea 72(a)	
72(a)	149
Subarea 72(b)	
72(b)	149
Subarea 73(a)	
73(a)	157
73(a)	158
73(a)	181
Subarea 73(b)	
73(b)	157
73(b)	158
73(b)	181

Council Area 8

Subarea 81	Precinct #
81	172
81	173
81	238
81	240
81	241
81	245
81	268
Subarea 82	
82	128
82	129

Subarea 82 (continued)

82	130**
82	131
82	132
82	141
82	152
82	153
82	161
82	174
82	175
82	183
82	239**
82	242
82	243
82	244
82	253

Subarea 83

83	162
83	246
83	247
83	248
83	249
83	250
83	251
83	252
83	277

Subarea 84

84	254
84	255
84	257
84	258
84	259
84	279

Subarea 85

85	260
85	261
85	262
85	263
85	264
85	266
85	278
85	281
85	282
85	286

Council Area 8 (Continued)

Subarea 86

86	284
86	285
86	289
86	341
86	347
86	446-split precinct

Council Area 10

Subarea 10 Precinct #

101	403
101	404
101	405
101	406
101	407
101	408
101	411
101	442
101	443
101	445
101	446-split precinct
101	447
101	448
101	455

Subarea 102

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

Subarea 103

103	421
103	422
103	423
103	433
103	434
103	435
103	715
103	716
103	780

Subarea 104

104	418
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Subarea 104 (continued)

104	419
104	420
104	436
104	437
104	713
104	714

Subarea 105

105	417
105	438
105	439
105	458
105	708
105	709
105	710
105	712

Subarea 106

106	353
106	367
106	384
106	402
106	412
106	413
106	414
106	415
106	416
106	440
106	441
106	444
106	449
106	451
106	456
106	457
106	459

Council Area 11

Subarea 111 Precinct #

111	703
111	706
111	707
111	732
111	763
111	772

Subarea 112

112	701
112	702

Subarea 112 (continued)

112 704
112 705
112 764
112 773
112 796

Subarea 113

113 711
113 733
113 744
113 770
113 781

Subarea 114

114 734
114 735
114 736
114 737
114 738
114 740
114 762
114 766
114 767
114 774
114 775
114 785
114 793

Subarea 115

115 739
115 741
115 742
115 743
115 757
115 768
115 769
115 788

Subarea 116

116 759
116 789
116 790
116 791

Council Area 12

Subarea 121 Precinct #
121 619
121 641
121 644

Subarea 122 Precinct #

122 606
122 620
122 621
122 622
122 623
122 651
122 652
122 717
122 719
122 720
122 779
122 794
122 795

Subarea 123

123 718
123 722
123 724
123 725
123 726
123 731
123 777
123 778

Subarea 124

124 727
124 728
124 729
124 730
124 745
124 746
124 747
124 748
124 765
124 783
124 786

Subarea 125

125 642
125 721
125 723
125 749
125 750
125 751
125 752
125 771
125 787

Council Area 12 (Continued)

Subarea 126

126	753
126	754
126	755
126	756
126	760
126	761
126	804
126	840

Council Area 14

Subarea 141 Precinct #

141	801
141	802
141	803
141	812
141	817
141	837
141	842

Subarea 142

142	758
142	776
142	814
142	815
142	841

Subarea 143

143	813
143	816
143	818
143	826

Subarea 144

144	827
144	828
144	829
144	830
144	831 - split precinct
144	835
144	838
144	845
144	846
144	848
144	851
144	852

Subarea 145 Precinct #

145	912
145	913
145	924
145	933
145	943
145	945
145	950
145	953

Subarea 146

146	836
146	841
146	853
146	901
146	902
146	914
146	926
146	927
146	929
146	930
146	935
146	941
146	952

Council Area 15

Subarea 151 Precinct #

151	821
151	822
151	824

Subarea 152

152	809
152	823
152	832
152	847
152	932

Subarea 154

154	904
154	905
154	906
154	928

Subarea 156

156	938
156	951
156	903
156	907
156	908
156	909
156	910
156	911
156	931
156	940
156	942
156	944
156	946

Subarea At-Large #1

At-Large1	809
At-Large1	821
At-Large1	822
At-Large1	823
At-Large1	824
At-Large1	825
At-Large1	832
At-Large1	833
At-Large1	834-split precinct
At-Large1	839
At-Large1	847
At-Large1	856
At-Large1	903
At-Large1	904
At-Large1	905
At-Large1	906
At-Large1	907
At-Large1	908
At-Large1	909
At-Large1	910
At-Large1	911
At-Large1	925
At-Large1	928
At-Large1	931
At-Large1	932
At-Large1	937
At-Large1	938
At-Large1	940
At-Large1	942

Subarea At-Large#1 (continued)

At-Large1	944
At-Large1	946
At-Large1	947
At-Large1	951
Subarea At-Large #2	
At-Large2	809
At-Large2	821
At-Large2	822
At-Large2	823
At-Large2	824
At-Large2	825
At-Large2	832
At-Large2	833
At-Large2	834-split precinct
At-Large2	839
At-Large2	847
At-Large2	856
At-Large2	903
At-Large2	904
At-Large2	905
At-Large2	906
At-Large2	907
At-Large2	908
At-Large2	909
At-Large2	910
At-Large2	911
At-Large2	925
At-Large2	928
At-Large2	931
At-Large2	932
At-Large2	937
At-Large2	938
At-Large2	940
At-Large2	942
At-Large2	944
At-Large2	946
At-Large2	947
At-Large2	951

Council Area 16

Subarea 161(a)

161(a) 47

161(a) 52

Subarea 161(b)

161(b) 47

161(b) 52

Subarea 161(c)

161(c) 47

161(c) 52

Subarea 161(d)

161(d) 47

161(d) 52

Subarea 161(e)

161(e) 47

161(e) 52

Subarea 161(f)

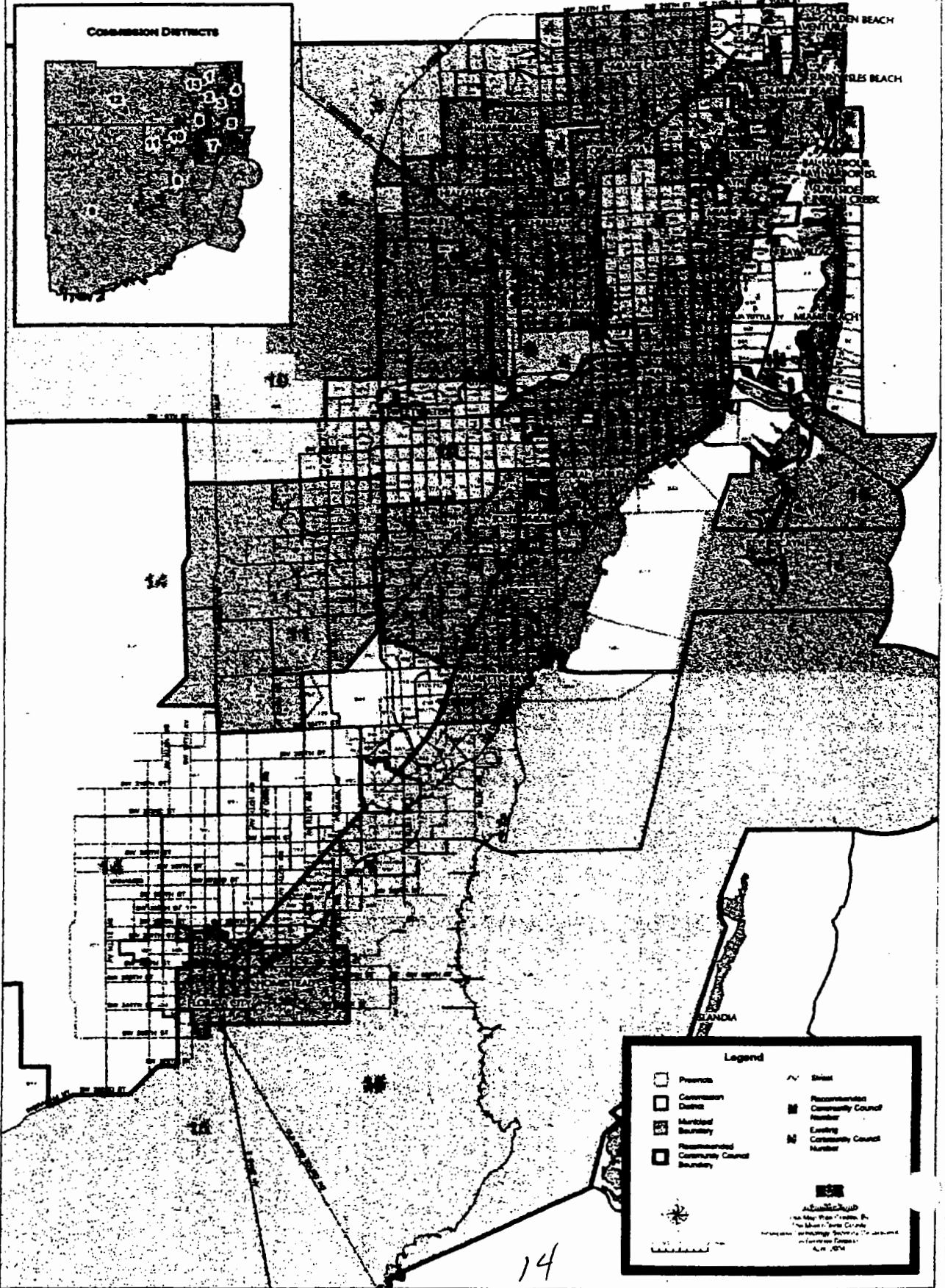
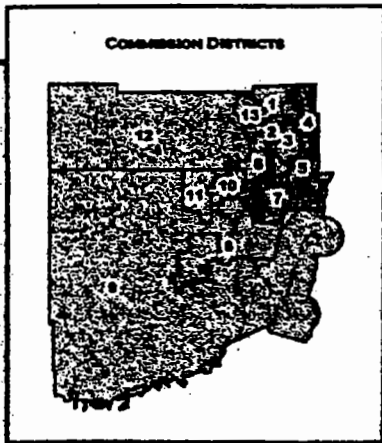
161(f) 47

161(f) 52



Miami-Dade County Existing and Recommended Community Councils

Area Map with Voting Precincts
Adopted September 8, 2003



Legend

	Precinct		Street
	Commission District		Recommended Community Council Number
	Municipal Boundary		Existing Community Council Number
	Recommended Community Council Boundary		

Approved by the Board of County Commissioners
on May 15, 2003, at 10:00 a.m.
in the Board Room of the County Administration Center
1000 Biscayne Blvd., Miami, Florida 33132

14

MEMORANDUM

Agenda Item No. 6(D)

TO: Honorable Chairperson and Member
Board of County Commissioners

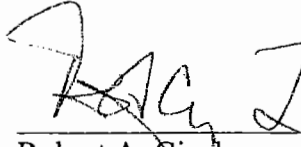
(Second Reading 5-11-04)
DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance Empowering
Ethics Commission with
Community Zoning
Appeals Board Violations

04-92

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Dennis C. Moss.

for: 

Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: May 11, 2004

FROM: George N. Burgess
County Manager

SUBJECT: Ordinance Empowering
Ethics Commission and
Community Zoning Appeals
Board Violations

This ordinance empowering the Ethics Commission to make finding of willful violation of conflict of interest provisions of the Code in connection with decisions of Community Zoning Appeals Boards will have no fiscal impact on Miami-Dade County.

Fiscal/002604

2



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: May 11, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(D)
5-11-04

ORDINANCE NO. 04.92

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-312 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO EMPOWER ETHICS COMMISSION TO MAKE FINDING OF WILLFUL VIOLATION OF CONFLICT OF INTEREST PROVISIONS OF THE CODE IN CONNECTION WITH DECISIONS OF COMMUNITY ZONING APPEALS BOARDS; 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 33-312 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-312. Community Zoning Appeals Board - Decisions.

All decisions of the Community Zoning Appeals Boards shall be by resolution. The decision, if for denial, shall specify whether it is with or without prejudice. ~~[[Any member who has a special financial interest, direct or indirect, in any matter shall make that interest known and shall abstain from participation therein in any manner. Willful violation of this provision]]~~ >>A final finding by the Ethics Commission as provided in Section 2-11.1(z) of a willful violation of Sections 2-11.1 or 20-45 of the Code by any member of a Community Zoning Appeals Board regarding a particular matter<< shall constitute malfeasance in office and shall render the action >>regarding that particular matter<< voidable by the Board of County Commissioners. >>Notwithstanding any provision to the contrary, a decision of the Board of County Commissioners to void a decision as provided 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.

04.92

this section shall be by simple majority vote of the members present.<< Decisions of the Community Zoning Appeals Boards are final and may be appealed to circuit court pursuant to Section 33-316 provided however within fourteen (14) days, but not thereafter, decisions of the Community Zoning Appeals Boards as specified in Section 33-314, shall be appealed to the Board of County Commissioners, as provided by Section 33-313. The fourteen-day appeal period provided herein shall commence to run the day after notification that the appropriate Community Zoning Appeals Board has taken action on the particular matter, such notification to be given by the Department by posting a short, concise statement of the action taken on a conspicuous bulletin board that may be seen by the public at reasonable times and hours in the office of the Department. Where the fourteenth (14th) day falls on a weekend or legal holiday the fourteen-day period shall be deemed to extend through the next business day. No appeal may be withdrawn after a period of ten (10) days from the date of the decision of a Community Zoning Appeals Board; except at the appeal hearing before the Board of County Commissioners and with the permission of such Board. In no event shall an appellant be entitled to a refund of the appeal fee. It is hereby intended that the Community Zoning Appeals Board's decision concerning a requested regulation amendment shall be considered only as a recommendation, which shall be transmitted, together with the Community Zoning Appeals Board's record on each such application, to the Board of County Commissioners for final action by way of approval, disapproval or modification pursuant to Section 33-314 hereof.

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.

04.92

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.

PASSED AND ADOPTED: **MAY 11 2004**

Approved by County Attorney as
to form and legal sufficiency:

[Signature]

Prepared by:

[Signature]

Craig H. Coller

Sponsored by Commissioner Dennis C. Moss

RECEIVED
JUL 13 2004

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



MEMORANDUM

Agenda Item No. 6(J)

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Date: March 16, 2004

From: George M. Burgess
County Manager

Subject: Proposed Ordinance
pertaining to Zoning
Amending the GU, Interim
District, Regulations

04-63

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached proposed ordinance pertaining to zoning to amend Section 33-196 of the Code of Miami-Dade County for the purpose of amending the GU, Interim Zoning District, regulations to clarify "trend of development" and to permit EU-1, Single Family One-Acre Estate Residential Zoning District, uses in the GU district where certain tentative plats were previously approved. The purpose of this proposed amendment, in part, is to clarify that the Director is governed only by the predominant classification of usage within the GU district boundaries of the particular neighborhood and not those areas outside GU district boundaries.

BACKGROUND

Currently, the GU district regulations require that if a particular neighborhood zoned GU is predominantly one classification of usage, the Director of the Department of Planning and Zoning is then governed by the regulations for that class of usage in determining the appropriate zoning standard regulations to the neighborhood. If on the other hand the Director finds that there is no predominant classification of usage or "no trend of development" the zoning standards of the EU-2, Single Family Five Acre-Estate District, regulations are applied. In certain instances lots smaller than 5 acres, as required by the EU-2 district regulations, are deemed grandfathered in accordance with the provisions of the GU district regulations. Such grandfather provisions authorize the use of smaller one-acre lots created by certain real estate transactions or platting activities prior to April 12th, 1974 (the effective date of the GU district ordinance).

The proposed amendment would also reformat and clarify the current grandfather provisions of the GU district regulations and include a new grandfather provision. The new grandfather provision would authorize the use of smaller lots created by similar platting activities involving the approval of tentative plats prior to April 12th, 1974 in which each lot met the minimum standards of the EU-1 district regulations and further provided such tentative plat was not superseded by any other plat or tentative plat after April 12, 1974. This new grandfather provision would legalize unique subdivisions such as "Bonanza Ranch Estates" in South Miami-Dade County.

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

Attachment

Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(J)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 6 (J)

Veto _____

3-16-04

Override _____

ORDINANCE NO. 04-63

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-196 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO GU INTERIM ZONING DISTRICT; CLARIFYING "TREND OF DEVELOPMENT"; PERMITTING EU-1 ESTATE RESIDENTIAL ZONING DISTRICT USES IN THE GU INTERIM ZONING DISTRICT WHERE CERTAIN TENTATIVE PLATS WERE PREVIOUSLY APPROVED; 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 33-196 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Sec. 33-196. Standard for determining regulations to be applied.

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

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.

>> Notwithstanding the foregoing, certain platting activity occurring prior to April 12, 1974, which created lots meeting the minimum requirements of the EU-1 District on April 12, 1974, shall qualify such lots for those uses permitted in the EU-1 District. Those lots shall include only those lots indicated on:

- (a) plats recorded prior to April 12, 1974; and
- (b) tentative plats approved as of April 12, 1974 and finally approved and recorded within ninety (90) days after such approval; and
- (c) a tentative plat for single family residential lots approved prior to April 12, 1974, if each lot in the approved tentative plat met the minimum standards of the EU-1 District, provided that no final plat or other tentative plat for the subject property was approved after April 12, 1974, and that as of December 31, 2003, a majority of the lots indicated on the tentative plat had been improved with residences pursuant to building permit in accordance with the tentative plat's provisions; and

Parcels, other than the aforementioned platted lots or tentatively approved plat lots, that prior to April 12, 1974 were purchased under a contract for deed or deeded and met the minimum requirements of the EU-1 District shall be qualified for those uses permitted in the EU-1 District. However, if such deeded parcels were contiguous to and under the same ownership on April 12, 1974, and such deeded contiguous parcels are less than the five acre minimum site size of the EU-2 District, but exceed the minimum standards of the EU-1 District, such property shall be considered as one parcel of land and cannot be divided or used except as one lot.<<

~~[[Lots platted prior to the effective date hereof, or lots for which tentative plats have been approved as of the effective date hereof and finally approved and recorded within ninety (90) days of the effective date hereof, or lots purchased under a contract for deed or deeded prior to the effective date of the ordinance, shall comply with the minimum standards of the EU-1 District; provided, however, if contiguous property of more than the minimum area required herein but less than the minimum required by the EU-2 Zone, is under one (1) ownership on April 12, 1974, such property shall be considered as one (1) parcel of land and cannot be divided or used except as one (1) lot.]]~~

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

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

PASSED AND ADOPTED: MAR 16 2004

Approved by County Attorney as to form and legal sufficiency:

 RAG

Prepared by:
Robert L. Krawcheck

 RLK





MEMORANDUM

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA
Amended
Agenda Item No. 6(I)

(Second Reading 3-16-04)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 21, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Ordinance Amending
South Miami-Dade
Watershed Plan
Advisory Committee

O#04-62

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached ordinance adding a representative of the Miami-Dade Water and Sewer Department to the membership of the Advisory Committee for the South Miami-Dade Watershed Plan and waiving the requirement that Committee members be residents and electors of Miami-Dade County.

BACKGROUND

Section 2.115.12, Code of Miami-Dade County, establishes the South Miami-Dade Watershed Plan Advisory Committee. The Committee is charged with assisting in the formulation of an integrated land use and water management plan for southeastern Miami-Dade County, commonly referred to as the South Dade Watershed Plan, to be prepared pursuant to policy established in the Comprehensive Development Master Plan. The Watershed Plan is derived from the need to protect Biscayne Bay from impacts caused by altered timing and volumes of freshwater flow, stormwater runoff from urban and agricultural land uses, and impending population growth and land development.

At its May 22 meeting, the Committee discussed a request from the Water and Sewer Department (WASD) to join the Committee as a non-voting member and the Committee consensus was to honor this request. At its August 28 meeting, the Committee discussed the Code requirement that all members of County boards be residents of Miami-Dade County. The Committee consensus was to request a waiver of this requirement for two reasons. First, several organizations represented on the Committee have jurisdictions and interests that extend beyond the borders of Miami-Dade County. Secondly, successful completion of the watershed planning project will require the inclusion of Committee members with the required level of knowledge on various aspects of the project, regardless of their residency status.

FISCAL IMPACT

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

Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

Amended

SUBJECT: Agenda Item No. 6(I)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 6(I)
3-16-04

ORDINANCE NO. 04-62

ORDINANCE AMENDING SECTION 2-115.12 (2) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, CONCERNING THE ADVISORY COMMITTEE FOR THE SOUTH MIAMI-DADE WATERSHED PLAN; REVISING COMMITTEE MEMBERSHIP; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 2-115.12(2) of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

* * *

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

- (a) There is hereby established an advisory committee to be known as the South Miami-Dade Watershed Plan Advisory Committee. The Committee shall be comprised of voting and nonvoting members as follows:

* * *

- (ii) Non-voting members shall be representatives of the Miami-Dade Department of Planning & Zoning, the Miami-Dade Department of Environmental Resources Management, >>the Miami-Dade Water and Sewer

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.

Department, <<the South Florida Water Management District, the South Florida Regional Planning Council, and the Florida Department of Environmental Protection.

* * *

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

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

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

Section 5. The Advisory Committee shall be sunsetted upon adoption of the South Miami-Dade Watershed Plan by the Board of County Commissioners.

PASSED AND ADOPTED: **MAR 16 2004**

Approved by County Attorney as to form and legal sufficiency. *[Signature]*

Prepared by: *[Signature]*

Joni Armstrong Coffey

RECEIVED
MAR 17 2004
[Faint stamp text]

MEMORANDUM

Agenda Item No. 6(G)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

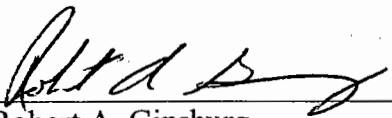
DATE: (Second Reading 3-16-04)
December 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
zoning; defining and
permitting pet care centers
in BU-1A District

04-60

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



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners **DATE:** March 16, 2004

FROM: George M. Burgess
County Manager 

SUBJECT: Ordinance Pertaining to Zoning; Defining and Permitting Pet Care Centers in BU-1A District

The proposed ordinance amends the definition of dog kennel to include pet care centers, defines pet care centers, and allows for pet care centers in BU-1A Zoning District. This ordinance will have no fiscal impact on Miami-Dade County.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(G)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 6(G)

Veto _____

3-16-04

Override _____

ORDINANCE NO. 04-60

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-1 AND 33-247 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA DEFINING AND PERMITTING PET CARE CENTERS IN BU-1A DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-1 of the Code of Miami-Dade County 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:

* * *

(40) Dog kennel. The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in a dog hospital, dog beauty parlor, >>pet care center,<< or pet shop, as permitted by law, or the keeping of 5 or more dogs, 6 months or older, on premises used for residential purposes, or the keeping of more than one dog on vacant property or on property used for business or commercial purposes, shall constitute a kennel.

* * *

>>(78.2) Pet Care Centers. The term "pet care center" shall mean a business establishment, operating during daytime hours only, that provides supervised care for cats or dogs in an air conditioned indoor facility for the purpose of the animal's general well-being including supervised interaction with other animals, feeding and grooming services. A pet care center shall not include breeding services.<<

* * *

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

Section 2. Section 33-247 of the Code of Miami-Dade County is hereby amended as follows:

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 any BU-1A District, except for one (1) or more of the following uses:

- * * *
- (32) Pet shops >> pet care centers << and dog beauty parlors in air conditioned buildings.
- * * *

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.

PASSED AND ADOPTED: **MAR 16 2004**

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

Prepared by: DAK

Dennis A. Kerbel

Sponsored by Senator Javier D. Souto

5



MEMORANDUM

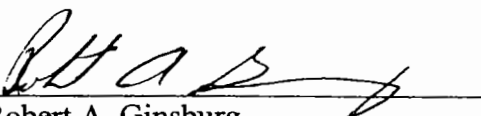
Amended
Agenda Item No. 6(D)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** March 16, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance pertaining to zoning, pertaining to boat storage

O#04-58

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


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Caréy-Shuler, Ed. D. and Members, Board of County Commissioners **DATE:** March 16, 2004

FROM: George M. Burgess, County Manager  **SUBJECT:** Ordinance Pertaining to Zoning, Pertaining to Boat Storage

The proposed ordinance amends various criteria for storage of boats in RU, EU, AU, and GU Zoning Districts. This ordinance will not have a fiscal impact on Miami-Dade County.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

Amended

SUBJECT: Agenda Item No. 6(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 6(D)
3-16-04

ORDINANCE NO. 04-58

ORDINANCE AMENDING SECTION 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO BOAT STORAGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-20. Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage.

(e) *Boat storage.* Boats of less than ~~[[twenty-six (26)]]~~ >> thirty (30)<< feet in length, not more than ~~[[ninety-six (96)]]~~ >> one hundred and two (102)<< inches in width and thirteen (13) feet six (6) inches in height, may be stored in the RU, EU, AU and GU Zoning Districts subject to the following conditions:

- (1) The place of storage shall be to the rear of the front building line >>. Where the boat storage area is located between the residence and a side street property line, the boat shall be visually buffered by a six-foot wood privacy fence, masonry wall, trees or shrubs maintained to a height of six feet.<< ~~[[and behind the side street building line, in each ease t]]~~ >> I<< he >> front<< building line referred to >> shall<< be [[ing]] that portion furthest from the street.

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.

- (2) No more than one (1) boat may be stored on any one (1) premise.
- (3) Boats and place of storage shall be kept in a clean, neat and presentable condition.
- (4) No major repairs or overhaul work shall be made or performed on the premises.
- (5) The boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.

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.

PASSED AND ADOPTED: **MAR 16 2004**

Approved by County Attorney as
to form and legal sufficiency:

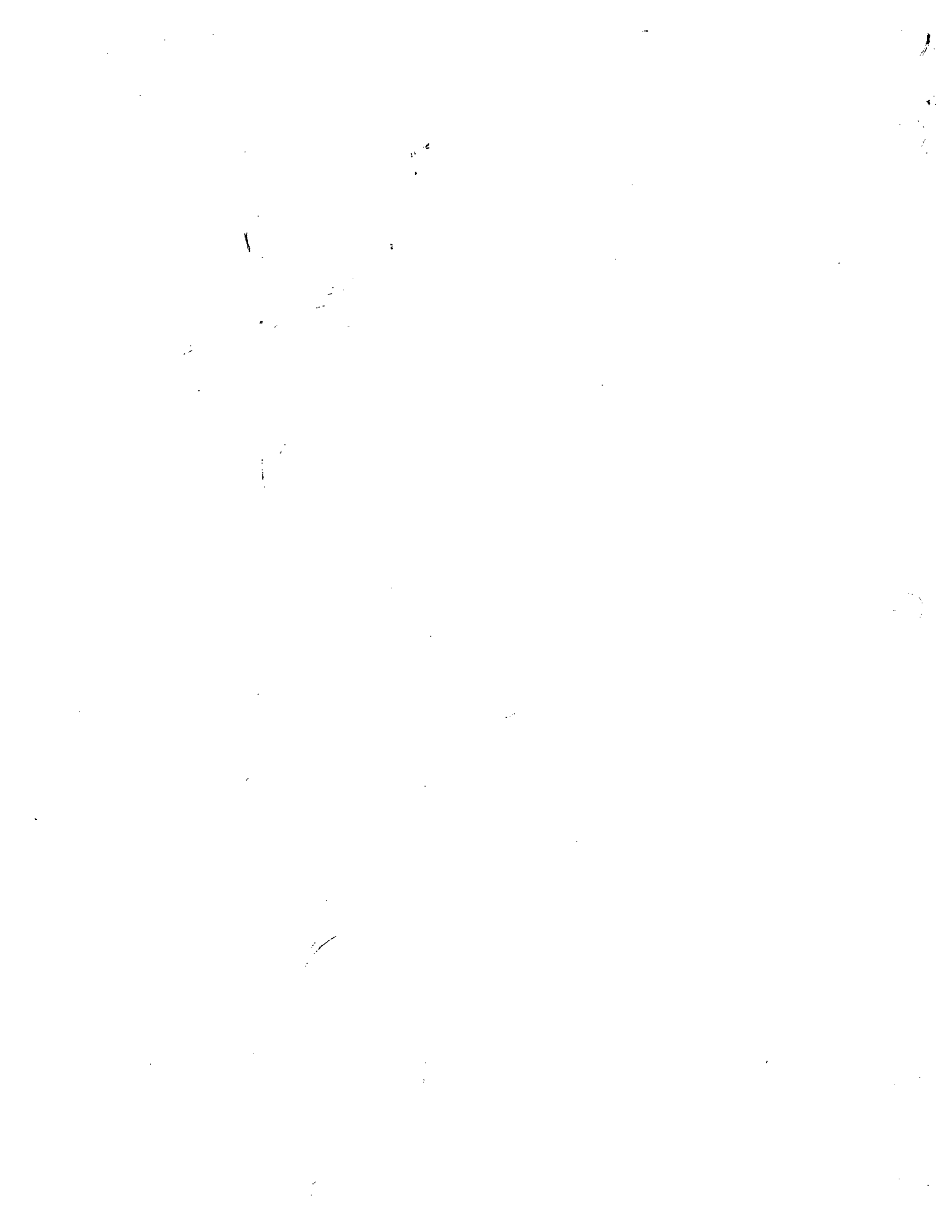
W. May

Prepared by:

TR

Thomas H. Robertson

Sponsored by Commissioner Joe A. Martinez



MEMORANDUM

Substitute
Agenda Item No. 6(B)

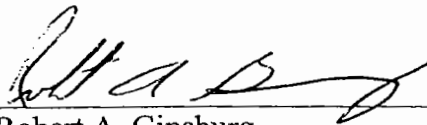
TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** March 16, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance pertaining to zoning; amending Sec. 33-1 to define construction debris

04 56

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.

This substitute ordinance differs from the original in that it corrects a scrivener's error in the Fiscal Impact Statement.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** March 16, 2004

FROM: George M. B...
County Manager 

SUBJECT: Ordinance pertaining to zoning; amending Sec. 33-1 to define construction debris materials recovery transfer facilities and amending uses permitted

This ordinance pertaining to zoning amending Section 33-1 to define construction debris material recovery transfer facilities and amending uses permitted will have no fiscal impact on Miami-Dade County.

Fiscal/00804



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Substitute
Agenda Item No. 6 (B)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review



Approved _____ Mayor

Veto _____

Override _____

Substitute
Agenda Item No. 6(B)

3-16-04

ORDINANCE NO. 04 56

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO DEFINE CONSTRUCTION DEBRIS MATERIALS RECOVERY TRANSFER FACILITY; AMENDING SECTION 33-262 PERMITTING CONSTRUCTION DEBRIS MATERIALS RECOVERY TRANSFER FACILITIES IN IU-2 DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

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

Sec. 33-1. Definitions.

* * *

>>(31.1) Construction debris materials recovery transfer facility. The term construction debris materials recovery transfer facility shall mean a solid waste management facility that provides for the processing of construction and demolition debris and the extraction of recyclable materials therefrom.<<

* * *

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

Section 2. Section 33-262 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) or more of the following uses:

* * *

>>(11) Construction debris materials recovery transfer facility, provided such use shall be conducted entirely within an enclosed building consisting of a minimum of 15,000 square feet. Counted toward this minimum floor area shall be areas set aside for office shop space and equipment storage associated with the construction debris materials recovery transfer facility.<<

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.

5

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

PASSED AND ADOPTED: MAR 16 2004

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

Prepared by: JM

John McInnis

Sponsored by Commissioner Jose "Pepe" Diaz

MEMORANDUM

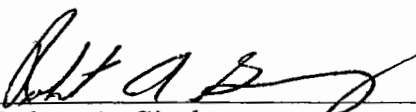
Substitute
Agenda Item No. 10(A)(10)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** March 16, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Resolution directing County Manager to initiate discussions with City Managers of municipalities within Miami-Dade County regarding enforcement of Sign Code

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson and Chairperson Barbara Carey-Shuler, Ed.D.

The substitute differs from the original in that it corrects a scrivener's error in the subject matter of the cover memo.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

Substitute

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 10(A)(10)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

stitute
Agenda Item No. 10(A)(10)
3-16-04

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-370-04

RESOLUTION DIRECTING THE COUNTY MANAGER TO INITIATE DISCUSSIONS WITH THE CITY MANAGERS OF THE MUNICIPALITIES WITHIN MIAMI-DADE COUNTY REGARDING IMPROVED COMPLIANCE WITH THE SIGN CODE OF MIAMI-DADE COUNTY IN UNINCORPORATED AND INCORPORATED AREAS OF THE COUNTY AND DIRECTING PREPARATION OF A REPORT

WHEREAS, this Board has adopted an ordinance known as the "Sign Code of Miami-Dade County, Florida," applicable in the incorporated and unincorporated areas of Miami-Dade County; and

WHEREAS, the Sign Code is intended to protect and enhance public safety and general welfare and to prevent the destruction or impairment of aesthetic and visual qualities of Miami-Dade County which are so essential to tourism and the general welfare; and

WHEREAS, this Board is concerned about the proliferation of signs throughout Miami-Dade County, many in violation of the Sign Code; and

WHEREAS, the Sign Code charges municipalities with responsibility for enforcing provisions of the ordinance in areas within their boundaries,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Manager to initiate discussions with the city managers for each municipality within Miami-Dade County regarding enforcement of the Sign Code of Miami-Dade County within their respective municipalities. The County Manager shall ask each city manager for a list of the

Class C commercial signs or billboards within his or her municipality, including but not limited to signs within a protected area of an expressway as provided in Division 5 of the Sign Code, and signs within a protected area of the transit system right of way as provided in Division 6 of the Sign Code. As to each sign identified by the city manager's report, the County Manager shall ask the city manager to advise, in writing, whether in all respects the sign complies with the Sign Code. The County Manager shall also ask each city manager to report, in writing, on the City's efforts or plans to enforce the provisions of the Sign Code as to those signs in violation, to provide a time frame for commencement of enforcement efforts or to explain why enforcement has not occurred. Each city manager shall also be asked to provide recommendations on ways to improve or enhance compliance or enforcement of the sign code within his or her municipality. The County Manager shall request each city manager to provide his or her report within 180 days of the adoption of this resolution. Within 180 days after receipt of the last report from the city managers, the County Manager shall submit to this Board a report that summarizes the written reports of the city managers as requested herein, as well as an analysis of Class C commercial signs within unincorporated Miami-Dade County, a description of the County's efforts to enforce the provisions of the Sign Code as to those signs in violation and to provide a time frame for commencement of enforcement efforts or to explain why enforcement has not occurred. The County Manager shall further advise this Board of any additional efforts Miami-Dade County should undertake to improve or enhance compliance or enforcement of the Sign Code within incorporated and unincorporated areas of Miami-Dade County.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and Chairperson Barbara Carey-Shuler, Ed.D. and offered by Commissioner Dennis C. Moss, who moved its adoption. The motion was seconded by Commissioner Sen. JAVIER D. Souto and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	absent
Katy Sorenson, Vice-Chairperson	aye
Bruno A. Barreiro	aye
Betty T. Ferguson	aye
Joe A. Martinez	aye
Dennis C. Moss	aye
Natacha Seijas	aye
Sen. Javier D. Souto	aye
Jose "Pepe" Diaz	absent
Sally A. Heyman	aye
Jimmy L. Morales	aye
Dorrin D. Rolle	aye
Rebeca Sosa	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of March, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

KAY SULLIVAN

By: _____

Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

John McInnis

JM

