

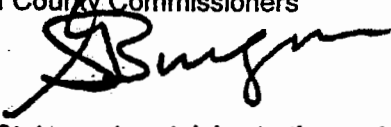
05.202

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
And Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Revised Fiscal Impact Statement pertaining to the zoning regulation of signs and enforcement of sign regulations Ordinance

This ordinance pertaining to zoning regulation of signs and enforcement of sign regulations by amending sections 33-82, 33-86, 33-92 and 8CC-10, and creating sections 33-121.28-121-33 of the Code of Miami-Dade County will have a fiscal impact to Miami-Dade County.

The implementation of the proposed ordinance potentially affects the operations of the Miami-Dade County Department of Planning and Zoning (DP&Z), Team Metro and municipalities. DP&Z would now be responsible for issuing compliance determinations for Class C (outdoor advertising) signs in both the unincorporated and incorporated area of Miami-Dade County. DP&Z would continue its current responsibility for the issuance of sign permits in unincorporated Miami-Dade County. Team Metro would continue to be responsible for enforcement of the minimum standards established in the County's sign code in the unincorporated area and in incorporated areas where municipal enforcement does not occur.

The proposed ordinance identifies the Busway Right-of-Way as a new corridor and prohibits Class C signs within the Right-of-Way. The ordinance does not create new regulations for Class A or Class B signs within the Right-of-Way.

The proposed ordinance also makes explicit the County's authority to enforce the minimum standards of Article VI of Chapter 33 of the Code of Miami-Dade County within municipalities. Historically, the Board has not given direction to enforce these provisions of the zoning code within incorporated areas; therefore, enforcement of the Sign Code by Team Metro has been exclusively within the Unincorporated Municipal Service Area (UMSA).

This report describes the fiscal impact should the Board decide to make a minor change of the current sign code enforcement policy. This scenario is presented following the discussion of code violations of Class C signs during the Infrastructure and Land Use Committee at its meeting of August 16, 2005. This impact estimates the added cost of expanding sign code enforcement within municipalities only to include Class C signs. All other type of reported sign code violations would be referred to the municipality for enforcement and the County's complaint case would be closed.

2

Approved _____ Mayor

Agenda Item No. 7(A)(2)(C)

Veto _____

2-1-05

Override _____

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

RESOLUTION NO. R-148-05

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF DORAL DELEGATING CERTAIN ZONING REGULATORY AUTHORITY OVER SCHOOLS IN PROXIMITY TO MIAMI INTERNATIONAL AIRPORT; AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board has approved certain zoning regulations governing the limited placement and expansion of public and private schools in proximity to Miami International Airport (MIA), consistent with the applicable provisions of Chapter 333, Florida Statutes, and the Home Rule Charter of Miami-Dade County; and

WHEREAS, pursuant to the authority vested in this Board to enact regulations relating to matters of County-wide interest, the zoning regulations pertaining to the placement and expansion of schools in proximity to MIA have been imposed in both the unincorporated and incorporated areas, for the reasons set forth in the legislative findings in the regulations, and in the same manner as other previously existing zoning regulations pertaining to development in the area surrounding MIA; and

WHEREAS, in establishing the zoning regulations, this Board has established standards and procedures by which applications for certain schools and expansions of schools can be considered and approved or denied, under criteria specifically designed to achieve a careful balance between life-safety, the economic well-being of MIA and the surrounding commercial, industrial and other crucial components of the economy interdependent with MIA, and the great need for schools to reduce overcrowding and meet the needs of future population growth; and

WHEREAS, the zoning regulations specifically contemplate that this Board shall have the authority pursuant to interlocal agreement to delegate certain zoning authority under these regulations to the municipalities in proximity to MIA, provided that the municipality agrees to apply all requirements, standards and procedures provided by the regulations; and

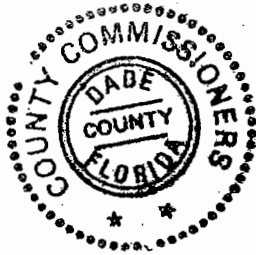
WHEREAS, the City of Doral has agreed to apply the requirements, standards and procedures provided in the zoning regulations and has offered pursuant to an Interlocal Agreement, a copy of which is attached hereto and incorporated herein by reference, to undertake the consideration of applications for schools in proximity to MIA consistent with the County's zoning regulations,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Interlocal Agreement with the City of Doral for the delegation of certain zoning authority over schools in proximity to MIA, in substantially the form attached hereto and made a part hereof. This Board further authorizes the County Manager to execute the Interlocal Agreement and to exercise the termination provisions contained therein.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	absent
Dennis C. Moss, Vice-Chairman	aye
Bruno A. Barreiro	absent
Dr. Barbara Carey-Shuler	aye
Jose "Pepe" Diaz	aye
Carlos A. Gimenez	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Dorrian D. Rolle	aye
Natasha Seijas	absent
Katy Sorenson	aye
Rebeca Sosa	aye
Sen. Javier D. Souto	absent

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of February, 2005. 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

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RA6

Joni Armstrong Coffey

8

**INTERLOCAL AGREEMENT BY AND BETWEEN
MIAMI-DADE COUNTY, FLORIDA, AND THE
CITY OF DORAL, FLORIDA, REGARDING
MIAMI INTERNATIONAL AIRPORT (WILCOX
FIELD) ZONING**

This is an interlocal agreement between Miami-Dade County, a political subdivision of the State of Florida (the "County") and the City of Doral, a municipal corporation of the State of Florida (the "City"), entered into this ____ day of _____, 2005 (the "Agreement").

RECITALS

1. The Board of County Commissioners of Miami-Dade County, Florida (the "Board"), has adopted the Comprehensive Development Master Plan (CDMP) for Miami-Dade County and in it has expressly declared that it is the continuing policy of Miami-Dade County, in cooperation with federal, state, regional and other 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.

2. Among the County 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

MEMORANDUM

Agenda Item No. 7(A)(2)(C)

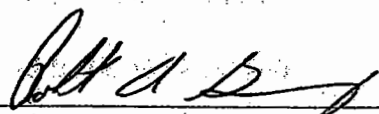
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to an
Interlocal Agreement with
the City of Doral

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



Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(A)(2)(C)

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

maximize aviation's support of local and regional economic growth. In furtherance of these goals, objectives and policies, the Board has found 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.

3. Properly coordinated review, analysis and regulation 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.

4. 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.

5. The Legislature of the State of Florida has mandated the adoption of land use regulations by political subdivisions authorized to establish and operate airports within its territorial limits, to assure compatible land uses in the areas surrounding such airports. The Board has acknowledged and adopted as its own those legislative findings in Chapter 333,

7

Florida Statutes, that call for coordinated planning airports and coordinated land uses in proximity thereto, and

6. Among the matters that Chapter 333, Florida Statutes, requires to be regulated are the siting and construction of public and private educational facilities in certain defined areas in proximity to airports. 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. 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.

7. Consistent with Chapter 333, Florida Statutes, and the CDMP, and based on a showing of great need for schools in Miami-Dade County, the Board has approved certain zoning regulations governing the limited placement and expansion of public and private schools in proximity to Miami International Airport (MIA), by its enactment of Ordinance No. 04-203, to be codified as sections 33-330.1 through 33-343.1, 33-303.2, and 33-314(C)(12), Code of Miami-Dade County ("MIA Zoning Regulations").

8. Where certain conditions and requirements are met, as prescribed by the MIA Zoning Regulations, educational facilities can safely, effectively and economically be sited and constructed within defined areas in proximity to MIA.

9. The regulations contained in the MIA Zoning Regulations reflect a considered 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.

10. The MIA Zoning Regulations establish standards and procedures by which applications for certain schools and expansions of schools can be considered and approved or denied, under criteria specifically designed to achieve a careful balance between life-safety, the economic well-being of MIA and the surrounding commercial, industrial and other crucial components of the economy interdependent with MIA, and the great need for schools to reduce overcrowding and meet the needs of future population growth.

11. The MIA Zoning Regulations expressly contemplate that the Board shall have the authority pursuant to interlocal agreement to delegate certain zoning authority under the MIA Zoning Regulations to the municipalities in proximity to MIA, provided that the municipality agrees to apply all requirements, standards and procedures provided by the regulations. The MIA Zoning Regulations provide at section 33-337(C), Code of Miami-Dade County, Florida:

“(C) Upon execution of an interlocal agreement, the County may delegate to a 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.”

12. The City of Doral has detailed and historical knowledge, expertise and understanding regarding the character and nature of the residential communities and the commercial and industrial areas in the areas within the City limits, as they may be amended from time to time, in proximity to Miami International Airport. The City further has

sufficient expertise, experience, boards and personnel in place to administer and apply those portions of the MIA Zoning Regulations allowing the limited placement and expansion of educational facilities (the "MIA Educational Facilities Zoning Regulations"), while using its special knowledge of the areas within the City that are in proximity to Miami International Airport.

13. The City of Doral has expressed its desire to apply the delegable portions of the MIA Zoning Regulations in the areas of the City that are subject to those regulations, as the preferable means to assure the preservation of the character and nature of the City's residential communities and other development near Miami International Airport. In so doing, the City has agreed to administer and apply the requirements, standards and procedures provided in the MIA Zoning Regulations, attached hereto and incorporated herein by reference, and to undertake the consideration of applications for schools in proximity to Miami International Airport consistent with the County's MIA Zoning Regulations and the CDMP. The parties agree that the City of Doral is additionally able to enact such supplemental zoning regulations as do not conflict with the County regulations and which provide stricter standards.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1. **Recitals.** The foregoing recitals are hereby acknowledged as true and correct, and are incorporated herein by reference.

2. **Purpose.** The purpose of this Interlocal Agreement is to provide for the delegation from Miami-Dade County to the City of Doral of the powers and duties of the Miami-Dade County Planning and Zoning Director and the Board of County Commissioners to administer and apply the delegable portions of Ordinance No. 04-203, enacted by the Board of County Commissioners on November 30, 2004, to be codified as section 33-337 of the Code of Miami-Dade County (the "MIA Educational Facilities Zoning Regulations"), subject to the conditions, procedures and requirements of this Interlocal Agreement and the MIA Zoning Regulations.

3. **County.** The County hereby delegates to the City of Doral the powers and duties to apply and administer section 33-337 of the Code of Miami-Dade County for the limited placement and expansion of educational facilities in the CA-B and CA-C subzones (the "MIA Educational Facilities Zoning Regulations"), in accordance with the provisions of this Interlocal Agreement, the CDMP and the MIA Zoning Regulations, as any of which may be amended from time to time. The powers and duties of the Miami-Dade County Planning and Zoning Director to administer and apply such portions of the MIA Educational Facilities Zoning Regulations are hereby delegated to the City for assignment to appropriate professional City planning and zoning staff. The powers and duties of the Board of County Commissioners to administer and apply such portions of the MIA Educational Facilities Zoning Regulations are hereby delegated to the City for exercise by the City Commission of the City of Doral.

The County shall provide notice to the City of any amendments to the MIA Educational Facilities Zoning Regulations, the MIA Zoning Regulations, and the relevant provisions of the CDMP promptly upon the effective date thereof. The County shall further provide to the City prior notice of all hearings and public meetings at which modifications to such regulations and ordinances are to be considered. The City shall have an opportunity to review and comment on such proposed modifications.

4. **City.** The City hereby accepts the delegation of the powers and duties described in the preceding paragraph. The City shall exercise such powers and perform the duties in strict compliance (1) with the requirements, standards and procedures provided in the MIA Zoning Regulations, a copy of which is attached hereto and incorporated herein by reference, as such may be amended from time to time, (2) with the applicable provisions of the CDMP and (3) with applicable State and federal laws. The City shall also comply with the following:

- a. Final decisions of the City Commission shall be made after public hearing, shall be in writing, and shall be final and subject to judicial review in the same manner as a decision of the Board of County Commissioners would be final in the absence of the delegation under this Interlocal Agreement.
- b. Final decisions of City professional planning and zoning staff shall be in writing and shall be final and subject to review by the City Commission in the same manner as a decision of the Miami-Dade County Planning and Zoning Director in the absence of the delegation under this Interlocal Agreement.

- c. The City shall notify the Miami-Dade Planning and Zoning Director of every application for development approval under the MIA Educational Facilities Zoning Regulations, within 10 calendar days after receipt of a complete application. The City shall also provide the Miami-Dade County Planning and Zoning Director a copy of the notices of all public meetings and hearings at which an application for such development approval may be considered, whether for the purpose of recommendation or final determination. The City shall also provide a meaningful opportunity to the Miami-Dade County Planning and Zoning Director to provide information and make recommendations to appropriate City professional planning and zoning staff prior to any final decision on an application for development approval from such staff. Such opportunity shall include providing timely notice of the City's professional staff recommendation on each application.
- d. The City shall provide written notice of every final decision approving development under the MIA Educational Facilities Zoning Regulations, within 7 calendar days after the decision is rendered.
- e. Within 7 days after receipt of notice of a challenge, the City shall provide written notice to the Miami-Dade County Planning and Zoning Director of every administrative and judicial challenge to a decision of the City Commission or City professional planning and zoning staff.
- f. The City shall raise no objection to the standing of Miami-Dade County to raise in administrative or judicial proceedings objections to a

final decision of City professional planning and zoning staff or the City Commission, including but not limited to the following challenges:

- (1) a challenge to the City's compliance with the MIA Zoning Regulations or applicable CDMP provisions;
- (2) a challenge relating to whether sufficient competent evidence supports the city's decision; or
- (3) a challenge to the City's compliance with any state or federal constitutional or legislative provision, including but not limited to provisions pertaining to inverse condemnation, the First Amendment to the United States Constitution, and the Bert J. Harris, Jr., Private Property Rights Protection Act.

Notwithstanding this Interlocal Agreement, except for standing of the County, the City reserves all of its rights, remedies, and defenses in such challenges.

5. Indemnification. To the extent allowed by section 768.28, Florida Statutes and the laws of the State of Florida, the City shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Interlocal Agreement by the City or its officers, employees, agents, servants,

partners, principals, or subcontractors. This indemnification by the City shall not apply to acts or omissions of the County, its officers, employees, officials agents, servants, partners, principals, or subcontractors. The City shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. The City expressly agrees and understands that any insurance protection provided by the City shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided.

To the extent allowed by section 768.28, Florida Statutes and the laws of the State of Florida, the County shall indemnify and hold harmless the City of Doral and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the City or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Interlocal Agreement by the County or its officers, employees, agents, servants, partners, principals, or subcontractors. This indemnification by the County shall not apply to acts or omissions of the City, its officers, employees, officials agents, servants, partners, principals, or subcontractors. The County shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including

appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. The County expressly agrees and understands that any insurance protection provided by the City shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided.

6. Termination. This Interlocal Agreement may be terminated by either party, upon the grounds and after the procedures provided herein. Either party may terminate the agreement for cause. "For cause" shall mean any of the following actions: (i) a substantial failure by the City of Doral to perform the delegated duties in accordance with this Interlocal Agreement over a period of more than one (1) year, or a failure to perform such duties in three (3) separate applications for development approval during the course of a calendar year, following written notice of default by the County which is not cured within 90 days after receipt of such notice; or (ii) a failure of either party to comply with a material term, condition or stipulation applicable to its performance of this Interlocal Agreement, following written notice of default by the other party which is not cured within 90 days after receipt of such notice.

All applications for establishment or expansion of an educational facility pursuant to the delegation of authority hereunder, which are filed or advertised for hearing or administrative site plan approval after termination of this Interlocal Agreement, shall be decided by the County. Any application for establishment or expansion of an educational facility that has been properly filed and has been

advertised for hearing or administrative site plan approval prior to termination of this Interlocal Agreement shall be decided by the City.

7. Notice. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery or recognized overnight courier (such as Federal Express), or if by certified U.S. mail, with return receipt requested, addressed to the party for whom it is intended, at the place specified. For the present, the parties designate the following as the respective places for notice purposes:

If to the County: Miami-Dade County Manager
Stephen P. Clark Center
111 N.W. First Street
Miami, FL 33128

With a copy to: Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2800
Miami, FL 33128

If to the City: City Manager
Yoselyn Galiano Gomez
8300 NW 53rd Street
Suite #100
Doral, FL 33166

With a copy to: City of Doral City Attorney
John J. Hearn, Esq.
1917 NW 81 Ave.
Coral Springs, FL 33071

8. Entire Agreement. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Interlocal Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.

9. Amendment. This Interlocal Agreement may be amended or modified only by an agreement in writing and signed by the duly authorized representatives of the City and the County.

10. Term and Effective Date. This Interlocal Agreement shall become effective upon the final execution by the duly authorized representatives of the City and the County and shall continue in force and effect unless terminated in accordance with the provisions contained herein.

11. Governing Law and Venue. This Interlocal Agreement shall be construed in accordance with the laws of the State of Florida. Exclusive venue for any litigation between the parties shall be in Miami-Dade County, Florida.

12. Severability. If any term or provision of this Interlocal Agreement or the application of either shall to any extent be determined to be invalid or unenforceable, the remainder of this Interlocal Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected, and The remainder of this Interlocal Agreement shall be enforced to the extent permitted by law.

13. Waiver. The failure of either party to this Interlocal Agreement to object or take affirmative action with respect to any conduct of the other party which is in violation of the terms of this Interlocal Agreement shall not be construed as a waiver of the violation or breach, or of any future violation, breach or wrongful conduct.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Interlocal Agreement this ___ day of _____, 2005.

ATTEST:

Miami-Dade County, Florida

By: _____
As Deputy Clerk

By: _____
Miami-Dade County Manager

ATTEST:

City of Doral, Florida

By: _____
As Deputy Clerk

By: _____
City of Doral Manager

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)(2)(A)
02-01-05

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

RESOLUTION NO. R-146-05

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF MIAMI DELEGATING CERTAIN ZONING REGULATORY AUTHORITY OVER SCHOOLS IN PROXIMITY TO MIAMI INTERNATIONAL AIRPORT; AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board has approved certain zoning regulations governing the limited placement and expansion of public and private schools in proximity to Miami International Airport (MIA), consistent with the applicable provisions of Chapter 333, Florida Statutes, and the Home Rule Charter of Miami-Dade County; and

WHEREAS, pursuant to the authority vested in this Board to enact regulations relating to matters of County-wide interest, the zoning regulations pertaining to the placement and expansion of schools in proximity to MIA have been imposed in both the unincorporated and incorporated areas, for the reasons set forth in the legislative findings in the regulations, and in the same manner as other previously existing zoning regulations pertaining to development in the area surrounding MIA; and

WHEREAS, in establishing the zoning regulations, this Board has established standards and procedures by which applications for certain schools and expansions of schools can be considered and approved or denied, under criteria specifically designed to achieve a careful balance between life-safety, the economic well-being of MIA and the surrounding commercial,

industrial and other crucial components of the economy interdependent with MIA, and the great need for schools to reduce overcrowding and meet the needs of future population growth; and

WHEREAS, the zoning regulations specifically contemplate that this Board shall have the authority pursuant to interlocal agreement to delegate certain zoning authority under these regulations to the municipalities in proximity to MIA, provided that the municipality agrees to apply all requirements, standards and procedures provided by the regulations; and

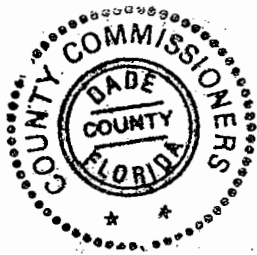
WHEREAS, the City of Miami has agreed to apply the requirements, standards and procedures provided in the zoning regulations and has offered pursuant to an interlocal agreement, a copy of which is attached hereto and incorporated herein by reference, to undertake the consideration of applications for schools in proximity to MIA consistent with the County's zoning regulations,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Interlocal Agreement with the City of Miami for the delegation of certain zoning authority over schools in proximity to MIA, in substantially the form attached hereto and made a part hereof. This Board further authorizes the County Manager to execute the interlocal agreement and to exercise the termination provisions contained therein.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	absent		
Dennis C. Moss, Vice-Chairman	aye		
Bruno A. Barreiro	absent	Dr. Barbara Carey-Shuler	aye
Jose "Pepe" Diaz	aye	Carlos A. Gimenez	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Dorin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of February, 2005. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

JAC/RAC

By: **KAY SULLIVAN**
Deputy Clerk

Joni Armstrong Coffey

**INTERLOCAL AGREEMENT BY AND BETWEEN
MIAMI-DADE COUNTY, FLORIDA, AND THE
CITY OF MIAMI, FLORIDA, REGARDING
MIAMI INTERNATIONAL AIRPORT (WILCOX
FIELD) ZONING**

This is an interlocal agreement between Miami-Dade County, a political subdivision of the State of Florida (the "County") and the City of Miami, a municipal corporation of the State of Florida (the "City"), entered into this ____ day of _____, 2005 (the "Agreement").

RECITALS

1. The Board of County Commissioners of Miami-Dade County, Florida (the "Board"), has adopted the Comprehensive Development Master Plan (CDMP) for Miami-Dade County and in it has expressly declared that it is the continuing policy of Miami-Dade County, in cooperation with federal, state, regional and other 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.

2. Among the County 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

MEMORANDUM

Agenda Item No. 7(A)(2)(A)

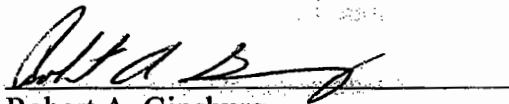
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution Approving
Interlocal Agreement with
City of Miami Delegating
Zoning Regulatory Authority
Over Schools in Proximity
To MIA

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


Robert A. Ginsburg
County Attorney

RAG/dc



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:** February 1, 2005
and Members, Board of County Commissioners

FROM: Robert A. Ginsburg **SUBJECT:** Agenda Item No. 7(A)(2)(A)
County Attorney

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

maximize aviation's support of local and regional economic growth. In furtherance of these goals, objectives and policies, the Board has found 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.

3. Properly coordinated review, analysis and regulation 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.

4. 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.

5. The Legislature of the State of Florida has mandated the adoption of land use regulations by political subdivisions authorized to establish and operate airports within its territorial limits, to assure compatible land uses in the areas surrounding such airports. The Board has acknowledged and adopted as its own those legislative findings in Chapter 333,

A

Florida Statutes, that call for coordinated planning airports and coordinated land uses in proximity thereto, and

6. Among the matters that Chapter 333, Florida Statutes, requires to be regulated are the siting and construction of public and private educational facilities in certain defined areas in proximity to airports. 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. 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.

7. Consistent with Chapter 333, Florida Statutes, and the CDMP, and based on a showing of great need for schools in Miami-Dade County, the Board has approved certain zoning regulations governing the limited placement and expansion of public and private schools in proximity to Miami International Airport (MIA), by its enactment of Ordinance No. 04-203, to be codified as sections 33-330.1 through 33-343.1, 33-303.2, and 33-314(C)(12), Code of Miami-Dade County ("MIA Zoning Regulations").

8. Where certain conditions and requirements are met, as prescribed by the MIA Zoning Regulations, educational facilities can safely, effectively and economically be sited and constructed within defined areas in proximity to MIA.

9. The regulations contained in the MIA Zoning Regulations reflect a considered 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.

10. The MIA Zoning Regulations establish standards and procedures by which applications for certain schools and expansions of schools can be considered and approved or denied, under criteria specifically designed to achieve a careful balance between life-safety, the economic well-being of MIA and the surrounding commercial, industrial and other crucial components of the economy interdependent with MIA, and the great need for schools to reduce overcrowding and meet the needs of future population growth.

11. The MIA Zoning Regulations expressly contemplate that the Board shall have the authority pursuant to interlocal agreement to delegate certain zoning authority under the MIA Zoning Regulations to the municipalities in proximity to MIA, provided that the municipality agrees to apply all requirements, standards and procedures provided by the regulations. The MIA Zoning Regulations provide at section 33-337(C), Code of Miami-Dade County, Florida:

“(C) Upon execution of an interlocal agreement, the County may delegate to a 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.”

12. The City of Miami has detailed and historical knowledge, expertise and understanding regarding the character and nature of the residential communities and the commercial and industrial areas in the areas within the City limits, as they may be amended from time to time, in proximity to Miami International Airport. The City further has

sufficient expertise, experience, boards and personnel in place to administer and apply those portions of the MIA Zoning Regulations allowing the limited placement and expansion of educational facilities (the "MIA Educational Facilities Zoning Regulations"), while using its special knowledge of the areas within the City that are in proximity to Miami International Airport.

13. The City of Miami has expressed its desire to apply the delegable portions of the MIA Zoning Regulations in the areas of the City that are subject to those regulations, as the preferable means to assure the preservation of the character and nature of the City's residential communities and other development near Miami International Airport. In so doing, the City has agreed to administer and apply the requirements, standards and procedures provided in the MIA Zoning Regulations, attached hereto and incorporated herein by reference, and to undertake the consideration of applications for schools in proximity to Miami International Airport consistent with the County's MIA Zoning Regulations and the CDMP. The parties agree that the City of Miami is additionally able to enact such supplemental zoning regulations as do not conflict with the County regulations and which provide stricter standards.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1. **Recitals.** The foregoing recitals are hereby acknowledged as true and correct, and are incorporated herein by reference.

2. **Purpose.** The purpose of this Interlocal Agreement is to provide for the delegation from Miami-Dade County to the City of Miami of the powers and duties of the Miami-Dade County Planning and Zoning Director and the Board of County Commissioners to administer and apply the delegable portions of Ordinance No. 04-203, enacted by the Board of County Commissioners on November 30, 2004, to be codified as section 33-337 of the Code of Miami-Dade County (the "MIA Educational Facilities Zoning Regulations"), subject to the conditions, procedures and requirements of this Interlocal Agreement and the MIA Zoning Regulations.

3. **County.** The County hereby delegates to the City of Miami the powers and duties to apply and administer section 33-337 of the Code of Miami-Dade County for the limited placement and expansion of educational facilities in the CA-B and CA-C subzones (the "MIA Educational Facilities Zoning Regulations"), in accordance with the provisions of this Interlocal Agreement, the CDMP and the MIA Zoning Regulations, as any of which may be amended from time to time. The powers and duties of the Miami-Dade County Planning and Zoning Director to administer and apply such portions of the MIA Educational Facilities Zoning Regulations are hereby delegated to the City for assignment to appropriate professional City planning and zoning staff. The powers and duties of the Board of County Commissioners to administer and apply such portions of the MIA Educational Facilities Zoning Regulations are hereby delegated to the City for exercise by the City Commission of the City of Miami.

The County shall provide notice to the City of any amendments to the MIA Educational Facilities Zoning Regulations, the MIA Zoning Regulations, and the relevant provisions of the CDMP promptly upon the effective date thereof. The County shall further provide to the City prior notice of all hearings and public meetings at which modifications to such regulations and ordinances are to be considered. The City shall have an opportunity to review and comment on such proposed modifications.

4. City. The City hereby accepts the delegation of the powers and duties described in the preceding paragraph. The City shall exercise such powers and perform the duties in strict compliance (1) with the requirements, standards and procedures provided in the MIA Zoning Regulations, a copy of which is attached hereto and incorporated herein by reference, as such may be amended from time to time, (2) with the applicable provisions of the CDMP and (3) with applicable State and federal laws. The City shall also comply with the following:

- a. Final decisions of the City Commission shall be made after public hearing, shall be in writing, and shall be final and subject to judicial review in the same manner as a decision of the Board of County Commissioners would be final in the absence of the delegation under this Interlocal Agreement.
- b. Final decisions of City professional planning and zoning staff shall be in writing and shall be final and subject to review by the City Commission in the same manner as a decision of the Miami-Dade County Planning and Zoning Director in the absence of the delegation under this Interlocal Agreement.
- c. The City shall notify the Miami-Dade Planning and Zoning Director of every application for development approval under the MIA Educational

Facilities Zoning Regulations, within 10 calendar days after receipt of a complete application. The City shall also provide the Miami-Dade County Planning and Zoning Director a copy of the notices of all public meetings and hearings at which an application for such development approval may be considered, whether for the purpose of recommendation or final determination. The City shall also provide a meaningful opportunity to the Miami-Dade County Planning and Zoning Director to provide information and make recommendations to appropriate City professional planning and zoning staff prior to any final decision on an application for development approval from such staff. Such opportunity shall include providing timely notice of the City's professional staff recommendation on each application.

- d. The City shall provide written notice of every final decision approving development under the MIA Educational Facilities Zoning Regulations, within 7 calendar days after the decision is rendered.
- e. Within 7 days after receipt of notice of a challenge, the City shall provide written notice to the Miami-Dade County Planning and Zoning Director of every administrative and judicial challenge to a decision of the City Commission or City professional planning and zoning staff.
- f. The City shall raise no objection to the standing of Miami-Dade County to raise in administrative or judicial proceedings objections to a final decision of City professional planning and zoning staff or the City Commission, including but not limited to the following challenges:
 - (1) a challenge to the City's compliance with the MIA Zoning Regulations or applicable CDMP provisions;
 - (2) a challenge relating to whether sufficient competent evidence supports the city's decision; or
 - (3) a challenge to the City's compliance with any state or federal constitutional or legislative provision, including but not limited to provisions pertaining to inverse condemnation, the First Amendment to the United States Constitution, and the Bert J.

Harris, Jr., Private Property Rights Protection Act.

Notwithstanding this Interlocal Agreement, except for standing of the County, the City reserves all of its rights, remedies, and defenses in such challenges.

5. **Indemnification.** To the extent allowed by section 768.28, Florida Statutes and the laws of the State of Florida, the City shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Interlocal Agreement by the City or its officers, employees, agents, servants, partners, principals, or subcontractors. This indemnification by the City shall not apply to acts or omissions of the County, its officers, employees, officials agents, servants, partners, principals, or subcontractors. The City shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. The City expressly agrees and understands that any insurance protection provided by the City shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided.

To the extent allowed by section 768.28, Florida Statutes and the laws of the State of Florida, the County shall indemnify and hold harmless the City of Miami and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the City or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Interlocal Agreement by the County or its officers, employees, agents, servants, partners, principals, or subcontractors. This indemnification by the County shall not apply to acts or omissions of the City, its officers, employees, officials agents, servants, partners, principals, or subcontractors. The County shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. The County expressly agrees and understands that any insurance protection provided by the City shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided.

6. Termination. This Interlocal Agreement may be terminated by either party, upon the grounds and after the procedures provided herein. Either party may terminate the agreement for cause. "For cause" shall mean any of the following actions: (i) a substantial failure by the City of Miami to perform the delegated

duties in accordance with this Interlocal Agreement over a period of more than one (1) year, or a failure to perform such duties in three (3) separate applications for development approval during the course of a calendar year, following written notice of default by the County which is not cured within 90 days after receipt of such notice; or (ii) a failure of either party to comply with a material term, condition or stipulation applicable to its performance of this Interlocal Agreement, following written notice of default by the other party which is not cured within 90 days after receipt of such notice.

All applications for establishment or expansion of an educational facility pursuant to the delegation of authority hereunder, which are filed or advertised for hearing or administrative site plan approval after termination of this Interlocal Agreement, shall be decided by the County. Any application for establishment or expansion of an educational facility that has been properly filed and has been advertised for hearing or administrative site plan approval prior to termination of this Interlocal Agreement shall be decided by the City.

7. **Notice.** Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery or recognized overnight courier (such as Federal Express), or if by certified U.S. mail, with return receipt requested, addressed to the party for whom it is intended, at the place specified. For the present, the parties designate the following as the respective places for notice purposes:

If to the County: Miami-Dade County Manager
Stephen P. Clark Center
111 N.W. First Street
Miami, FL 33128

With a copy to: Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2800
Miami, FL 33128

If to the City: City Manager
City of Miami
3500 Pan American Drive
Miami, FL 33133

With a copy to: City of Miami City Attorney
Miami Riverside Center
444 S.W. 2nd Avenue, Suite 945
Miami, FL 33130

8. **Entire Agreement.** This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Interlocal Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.

9. **Amendment.** This Interlocal Agreement may be amended or modified only by an agreement in writing and signed by the duly authorized representatives of the City and the County.

10. **Term and Effective Date.** This Interlocal Agreement shall become effective upon the final execution by the duly authorized representatives of the City and the County and shall continue in force and effect unless terminated in accordance with the provisions contained herein.

11. **Governing Law and Venue.** This Interlocal Agreement shall be construed in accordance with the laws of the State of Florida. Exclusive venue for any litigation between the parties shall be in Miami-Dade County, Florida.

12. **Severability.** If any term or provision of this Interlocal Agreement or the application of either shall to any extent be determined to be invalid or unenforceable, the remainder of this Interlocal Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected, and The remainder of this Interlocal Agreement shall be enforced to the extent permitted by law.

13. **Waiver.** The failure of either party to this Interlocal Agreement to object or take affirmative action with respect to any conduct of the other party which is in violation of the terms of this Interlocal Agreement shall not be construed as a waiver of the violation or breach, or of any future violation, breach or wrongful conduct.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Interlocal Agreement this ___ day of _____, 2005.

ATTEST:

Miami-Dade County, Florida

By: _____
As Deputy Clerk

By: _____
Miami-Dade County Manager

ATTEST:

City of Miami, Florida

By: _____
As Deputy Clerk

By: _____
City of Miami Manager

APPROVED AS TO LEGAL FORM:

Jorge L. Fernandez, City Attorney

Approved as to Insurance Requirements:

Dania Carillo, Risk Manager



MEMORANDUM

Agenda Item No. 6(D)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

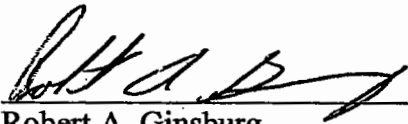
DATE: February 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: **OFFICIAL FILE COPY**
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
Ordinance relating to zoning;
modifying County
Commission vote requirement
on certain CZAB decisions

05-32

The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Barbara Carey-Shuler, Commissioner Bruno A. Barreiro and Commissioner Natacha Seijas.


Robert A. Ginsburg
County Attorney

RAG/bw

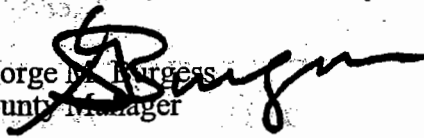
15.32

Memorandum



Date: February 1, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance relating to zoning modifying County Commission vote requirement on certain CZAB decisions

This ordinance relating to zoning modifying County Commission vote requirements on certain CZAB decisions will have no fiscal impact on the County.

Fiscal01005



MEMORANDUM

(Revised)

05-32

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

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**

W

Approved _____ Mayor

Agenda Item No. 6(D)

Veto _____

2-1-05

Override _____

ORDINANCE NO. 05-32

ORDINANCE RELATING TO ZONING; MODIFYING COUNTY COMMISSION VOTE REQUIREMENT ON REVIEW OF CERTAIN COMMUNITY ZONING APPEALS BOARDS' DECISIONS; PERMITTING REVERSAL OF COMMUNITY ZONING APPEALS BOARD ZONING DENIALS, AND APPROVAL OF DEVELOPMENTS OF REGIONAL IMPACT, UPON A TWO-THIRDS VOTE OF COUNTY COMMISSIONERS PRESENT RATHER THAN TWO-THIRDS VOTE OF COUNTY COMMISSIONERS THEN IN OFFICE; AMENDING SECTION 33-313 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 33-313 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

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

Any appealable decision of the Community Zoning Appeals Board may be appealed by an applicant, governing body of any municipality, if affected, or any aggrieved party, including neighborhood, community and civic associations, whose name appears in the record of the appropriate Community Zoning Appeals Board by filing with the Department a petition in a form prescribed by the Director and a written statement specifying in brief, concise language the grounds and reasons for reversal of the ruling made by the Community Zoning Appeals Board, together with a fee for the processing of the appeal, as provided by

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.

Administrative Order No. 4-40, as amended from time to time, within the fourteen (14) days provided by Section 33-312 hereof, whereupon, the Director shall transmit to the County Commission the appeal papers, and the decision and record of the Community Zoning Appeals Board. If the ground for reversal is a failure to provide notice as required by Section 33-310, the name of the appellant need not appear in the record. If the decision of the Community Zoning Appeals Board is for approval and has not been appealed within the fourteen-day period, the County Manager pursuant to Section 33-314(B)(8) or the Director may appeal such decision within four (4) additional days in the manner aforesaid, except that a fee will not be required. Upon the taking of an appeal, the County Commission shall conduct a de novo hearing and shall consider why the decision of the Community Zoning Appeals Board should or should not be sustained or modified. By resolution, the Board shall either affirm, modify or reverse the Community Zoning Appeals Board's decision and such action of the County Commission shall be by a majority vote of all members present except that a two-thirds (2/3) vote of all members >>present<< [~~then in office~~] shall be required to reverse any Community Zoning Appeals Board decision denying a request for zoning action or to approve any Development of Regional Impact or modifications thereof, substantial deviation determination or related request pursuant to Section 33-314 where a Community Zoning Appeals Board's recommendation is for denial. No appeal shall be heard or considered until notice has been provided in accordance with the provisions of Section 33-310(c), (d), (e) and (f). With respect to appeals arising from the Downtown Kendall Urban Center District a two-thirds (2/3) vote of all members [~~then in office~~] >>present<< shall be required to reverse any Community Zoning Appeals Board decision denying a request for zoning action for a development proposed within the Center or Edge Sub-Districts of the Downtown Kendall Urban Center District. For any application for a development proposed within the Core Sub-District of the Downtown Kendall Urban Center District pursuant to Section 33-311 shall be decided by a majority vote of all members then in office.

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: FEB 01 2005

Approved by County Attorney as to form and legal sufficiency:

RAG
CAK

Prepared by:
Craig H. Collier

Sponsored by Dr. Barbara Carey-Shuler,
Commissioner Bruno A. Barreiro and
Commissioner Natacha Seijas




MEMORANDUM

05-31

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(C)

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

W

Approved _____ Mayor

Agenda Item No. 6(C)

Veto _____

02-01-05

Override _____

ORDINANCE NO. 05-31

ORDINANCE PERTAINING TO IMPACT FEES; AMENDING SECTION 8-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR DETERMINATION OF IMPACT FEES AS OF THE DATE OF COMMENCEMENT OF CONSTRUCTION OF CERTAIN BUILDINGS AND STRUCTURES BUILT WITHOUT PERMITS OR WITH EXPIRED PERMITS; 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 8-11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8-11. Existing buildings.

* * *

(g) (1) An existing building under Chapter 34 of the Florida Building Code includes any building or structure built with proper permits and completed with all mandatory inspections and for which a Certificate of Completion or Occupancy has been issued and any building or structure, including any part thereof as well as any addition or repair, built without proper permits in which the work performed commenced prior to March 1, 2002 or permits obtained under the South Florida Building Code which expired without Certificates of Completion or Occupancy having been issued.

* * *

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.

05-31

>>(h) An applicant for a Certificate of Completion or Occupancy for any building or structure built without proper permits or with permits that expired as provided in subsection (g) hereof shall pay the impact fee which would have been applicable on the date upon which construction is demonstrated to have commenced. No refunds of impact fees paid prior to the effective date of this ordinance shall be allowed.<<

* * *

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: FEB 0 1 2005

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

CHK

Craig H. Coller

Sponsored by Commissioner Jose "Pepe" Diaz

5

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

2. The second part of the document outlines the procedures for handling cash and other assets. It is important to ensure that all cash receipts are properly recorded and that all disbursements are supported by valid documentation. Regular reconciliations should be performed to ensure that the books are in balance.

3. The third part of the document discusses the requirements for preparing financial statements. These statements should be prepared in accordance with the applicable accounting standards and should be reviewed by a qualified professional. The statements should provide a clear and concise summary of the organization's financial performance.

4. The fourth part of the document outlines the procedures for handling tax matters. It is important to ensure that all tax obligations are properly calculated and paid on time. The organization should also maintain accurate records of all tax-related transactions and should consult with a tax professional as needed.

5. The fifth part of the document discusses the requirements for maintaining internal controls. These controls should be designed to prevent and detect errors and fraud, and to ensure the accuracy and reliability of the financial information. Regular monitoring and evaluation of the internal controls are essential.

6. The sixth part of the document outlines the procedures for handling audits. It is important to ensure that all audit requests are properly handled and that all audit findings are addressed in a timely manner. The organization should also maintain accurate records of all audit activities.

January/05

MEMORANDUM

Amended
Agenda Item No. 6(B)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

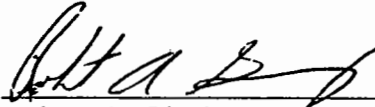
(Second Reading 01-20-05) ✓
DATE: May 25, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance amending section
33-151.18; relating to safety
barriers at child care facilities

O#05-16

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


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

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
section 33-151.18; relating
to safety barriers at child
care facilities

The ordinance amending section 33-151.18 of the Code of Miami Dade County relating to safety barriers at child care facilities will not have a fiscal impact on Miami-Dade County.

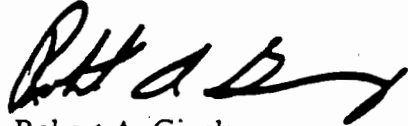
fiscal/03704



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners **DATE:** January 20, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Amended
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 _____

Amended
Agenda Item No. 6(B)
1-20-05

ORDINANCE NO. 05-16

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

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DELINEATING LOCATION OF OUTDOOR RECREATION PLAYGROUND/PLAY AREAS OR IN THE ALTERNATIVE INSTALLATION OF A SAFETY BARRIER AT CERTAIN CHILD CARE FACILITIES; REQUIRING EXISTING CHILD CARE FACILITIES TO COMPLY WITH REQUIREMENT WITHIN TWO YEARS OF ORDINANCE'S EFFECTIVE DATE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

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

Sec. 33-151.18. Physical standards.

- (a) *Outdoor areas.* Outdoor recreation>>playground<</play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.

>>Minimum Standards for Outdoor Recreation Playground/Play Areas<<

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

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

* * *

- (i) Child care facilities as described in Section 33-151.11(a), (b) and (f), shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river, bay, or the ocean unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards. Swimming pools and permanent wading pools in excess of eighteen (18) inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of forty-eight (48) inches in height and shall comply with the following standards:
 - (1) Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the area is without adult supervision.
 - (2) All safety barriers shall be constructed in accordance with the standards established in Section 33-12 ~~[[, except]]~~ >>: provided, however, << that screen enclosures shall not constitute a safety barrier for these purposes.
- >>(j) Location requirement for outdoor recreation playground/play areas for Child Care facilities. Where the front or side street property line of a child care facility as described in Section 33-151.11(a), (b) and (f), abuts a section line or half section line right-of-way no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. Within two years after the Director mails notice of the

5

requirement of this ordinance all existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the Public Works Department. For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of Section 33-151.18(a). Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. No fee shall be charged for such application. This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of Section 33-151.18(a). Notwithstanding any thing in the Code to the contrary the provision of this subsection shall apply to Miami-Dade County child care facilities<<

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

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: JAN 27 2005

Approved by County Attorney as
to form and legal sufficiency:

MCAS

Prepared by:

CAC

Craig H. Coller

Sponsored by Senator Javier D. Souto



MEMORANDUM

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

Amended

Agenda Item No. 6(F)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

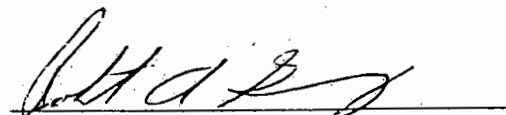
DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance creating the
Homestead Educational
Facilities Benefit District

o#05-14

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


Robert A. Ginsburg
County Attorney

RAG/jls


05-14

Memorandum



Date: January 20, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess 
County Manager

Subject: Ordinance creating and establishing the Homestead Educational Facilities Benefit District

This ordinance creating and establishing the Homestead Educational Facilities Benefit District will have no fiscal impact on the County.

fiscal05304




05:14

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 6(F)

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(F)
1-20-05

ORDINANCE NO. 05-14

ORDINANCE CREATING AND ESTABLISHING THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT ("EFBD" OR "HOMESTEAD EFBD"), UPON APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND THE CITY OF HOMESTEAD; PROVIDING FOR HOMESTEAD EFBD NAME, DESCRIPTION, BOUNDARIES, POWERS AND DUTIES; PROVIDING FOR EXERCISE OF CERTAIN EFBD POWERS, INCLUDING FINANCING AND NON-AD VALOREM ASSESSMENT POWERS, UPON EXECUTION OF INTERLOCAL AGREEMENT BY EFBD; PROVIDING FOR EFBD BOARD OF SUPERVISORS; PROVIDING QUALIFICATIONS, TERMS OF OFFICE, QUORUM AND ELECTIONS FOR BOARD OF SUPERVISORS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature enacted Sections 1013.355-1013.365, Florida Statutes (the "Act"), to encourage and authorize public cooperation among district school boards, local general purpose governments, and benefited private interests in order to implement financing for timely construction and maintenance of school facilities, including traditional public schools and charter schools; and

WHEREAS, the Florida Legislature further enacted the Act to provide efficient alternative mechanisms and incentives to allow district school boards, local governments and benefited private development interests to share costs of construction and maintenance of public educational facilities

necessary to accommodate new growth and development, through the creation of Educational Facilities Benefit Districts; and

WHEREAS, Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Miami-Dade County Board of County Commissioners (the "County Commission") the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State; and

WHEREAS, Article VIII, Section 11 of the Florida Constitution provides for exclusive authority in the County Commission to establish all local governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers; and

WHEREAS, Miami-Dade County (the "County"), with the consent and approval by Interlocal Agreement of the City of Homestead (the "City") and The School Board of Miami-Dade County, Florida (the "School Board") acting as the governing body of the School District of Miami-Dade County, Florida (the "School District"), desires to create and establish an Educational Facilities Benefit District to be known as the Homestead Educational Facilities Benefit District (the "EFBD"), within the lands described in Exhibit A hereto; and

WHEREAS, an Interlocal Agreement has been agreed to in concept by the City and the School Board providing for the creation of the EFBD and the EFBD boundaries and procedures (the "Interlocal Agreement"), and a public hearing has been conducted by the County Commission in accordance with the requirements and procedures of the Miami-Dade County Home Rule Charter and Code at which the factors set forth in Chapters 1013 and 189, Florida Statutes, have been considered; and

WHEREAS, the landowners within the EFBD boundaries have submitted to the County at time of public hearing their written consent to creation of the EFBD and the inclusion of all assessable lands within the EFBD boundaries; and

WHEREAS, the EFBD will constitute a timely, efficient, effective, responsive and economic way to establish educational facilities in the area, thereby addressing planning, management and financing needs for creation of educational facilities therein without overburdening the County and the School District and their taxpayers; and

WHEREAS, the creation of the EFBD is consistent with the applicable elements or portions of the State comprehensive plan and the Miami-Dade County Comprehensive Development Master Plan; and

WHEREAS, the creation of the EFBD is the best alternative available for delivering the educational facilities to the area that will be served by the EFBD and will benefit present and future landowners within the EFBD by accelerating construction of necessary educational facilities in close proximity to benefited landowners' property and assuring those landowners and their successors access to such educational facilities; and

WHEREAS, the area of land within the EFBD boundaries is of sufficient size, is sufficiently compact and is sufficiently contiguous to be appropriate for inclusion within an educational facilities benefit district; and

WHEREAS, the area that will be served by the EFBD is amenable to separate special district government; and

WHEREAS, having made the foregoing findings, after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter in the manner provided by Chapter 1013, Florida Statutes; and

WHEREAS, the Miami-Dade County Board of County Commissioners finds the EFBD shall have those powers authorized by Section 1013.355, Florida Statutes, and set forth herein, and that it is in the public interest of all of the citizens of Miami-Dade County that the EFBD have such powers,

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

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. Consistent with and pursuant to that Interlocal Agreement previously approved by the School Board and the City of Homestead, and approved by this Board on even date herewith, the Homestead Educational Facilities Benefit District is hereby created and established over the real property described in Exhibit A hereto.

Section 3. The external boundaries of the EFBD shall be as depicted on the location map attached hereto and incorporated herein as Exhibit A. The EFBD boundaries may be expanded upon petition by the landowners whose lands are to be included in the EFBD, together with the written consent of the School Board, the County and the City, and the enactment of an ordinance by the Miami-Dade County Board of County Commissioners.

Section 4. The name of the EFBD shall be the "Homestead Educational Facilities Benefit District."

Section 5. A governing Board of Supervisors shall exercise the powers of the EFBD, shall consist of seven members and shall serve terms of four years. The members of the Board of Supervisors shall be named by the following entities as follows: School Board-three members; City-one member; County-one member; Landowners-two members.

The representatives of the School Board, City, and County and the first above-named representative of the Landowners shall serve terms of four years. The remaining representative of the Landowners shall serve an initial term of two years and thereafter a term of four years.

Following the expiration of the initial terms, subsequent representatives of the School Board, City, and County shall be appointed to the Governing Board in accordance with such procedures as each of the School Board, City, and County may adopt, respectively. The Landowner's representatives shall be elected in accordance with applicable law. The County representative shall be appointed by the Chair of the Board of County Commissioners. The County appointee shall be either (a) a County Commissioner whose district includes the EFBD or portion thereof, or (b) a citizen recommended by such County Commissioner, who has demonstrated experience or expertise appropriate to the issues coming before the EFBD Board of Supervisors for decision.

Election procedures shall be established by the Board of Supervisors and shall provide a date of the election in the same month every election year. Compensation of Board members shall be determined by the Board of Supervisors.

A quorum of the Board of Supervisors shall consist of a majority of the members appointed to office, provided that at least 4 members have been appointed.

Section 6. The EFBD is hereby created for the purposes set forth in Chapter 1013, Florida Statutes, pursuant to the authority granted by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter, and pursuant to the Act and Section 189.4041, Florida Statutes, and this Ordinance. The duties of the EFBD shall be as prescribed in the Act, including but not limited to the duty to implement financing of construction of public schools to serve new growth and development within the EFBD boundaries, and such duties as prescribed by the Interlocal Agreement described herein.

Section 7. The charter for the EFBD shall be the Act.

Section 8. The Miami-Dade County Board of County Commissioners hereby grants to the EFBD all powers authorized pursuant to Section 1013.355(4), Florida Statutes, and Chapter 189, Florida Statutes and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers, which include, without limitation, the following:

- a. To finance, construct and maintain educational facilities within the EFBD boundaries.
- b. To sue and be sued in the name of the EFBD; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of real and personal property or any estate therein; and to make and execute contracts and other instruments necessary or convenient to exercise its powers.
- c. To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to the public bidding or competitive negotiations required of local general purpose governments.
- d. To borrow money and accept gifts; to apply for unused grants or loans of money or other property from the United States, the State, a unit of local government, or any person for any EFBD purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any EFBD purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.
- e. To adopt resolutions and policies prescribing the powers, duties, and functions of the officers of the EFBD, the conduct of the business of the EFBD, and the maintenance of records and documents of the EFBD.
- f. To maintain an office at such place or places as it may designate within the EFBD or within the City of Homestead.
- g. To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the EFBD is authorized to undertake and facilities or property of any nature for use of the EFBD to carry out any of the purposes authorized by Section 1013.355, Florida Statutes.
- h. To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness pursuant to Section 1013.355, Florida Statutes, for periods not longer than thirty (30) years, provided such bonds, certificates, warrants, notes, or other indebtedness shall only be guaranteed by non-ad valorem assessments legally imposed by the EFBD and other available sources of funds provided in Section 1013.355, Florida Statutes, and shall not pledge the full faith and credit of any local general purpose government or the School Board.

05.147

- i. To cooperate with or contract with other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by Section 1013.355, Florida Statutes, and to accept funding from local and state agencies as provided in Section 1013.355, Florida Statutes.
- j. To levy, impose, collect, and enforce non-ad valorem assessments, as defined by Section 197.3632(1)(d), Florida Statutes, pursuant to Section 1013.355, Florida Statutes, Chapters 125 and 166, Florida Statutes, and Sections 197.3631, 197.3632, and 197.3635, Florida Statutes, and any other authority provided by law, as they may be amended from time to time.
- k. To exercise all powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized in Section 1013.355, Florida Statutes.

Exercise of the above-described powers shall be limited to the powers necessary and appropriate to execution of the above-described Interlocal Agreement with the County, the School Board and the City, until such Agreement has been lawfully executed and is binding upon the EFBD. The Board shall set the terms of compensation for Board members, provided that such compensation shall not exceed one thousand dollars (\$1000.00) per year; the administrative duties of the Board shall be to exercise the foregoing powers to fulfill the goals of the EFBD.

Section 9. All bonds issued by the EFBD maturing over a period of more than five (5) years pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 10. No bond, debt or other obligation of the EFBD, nor any default thereon, shall constitute a debt or obligation of, or a pledge of the full faith and credit of, the County, the School Board or the City, except upon the express approval and agreement of the Miami-Dade County Board of County Commissioners, the School Board or the City Council, as the case may be.

Section 11. Notwithstanding any power granted to the EFBD pursuant to this Ordinance, neither the EFBD nor any real or personal property or revenue in the EFBD shall, solely by reason of the EFBD's creation and existence, be exempted from any requirement for the payment of any and all rates,

fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts or special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

Section 12. An annual audit of the EFBD financial statements for the School Board, the County, and the City shall be completed in accordance with generally accepted Government Auditing Standards by an independent certified public accountant. At a minimum, the financial statements for the EFBD shall include a balance sheet, statement of revenues, expenditures and changes in fund equity and combining statements prepared in accordance with generally accepted accounting principles. Required supplementary information from the EFBD shall include a schedule of construction in progress to reflect annual activity of the EFBD.

The independent auditor shall determine whether the EFBD has complied with the applicable laws and regulations including, but not limited to, Section 1013.355, Florida Statutes, this Interlocal Agreement, the Impact Fee Documents (as defined in the Interlocal Agreement) and any funding agreement between the parties. As required by generally accepted Government Auditing Standards, the auditor shall prepare a report on the results of tests of compliance. This report, which may be included in either the report on the financial audit or a separate report, shall contain a statement of positive assurance on those items that were tested for compliance and negative assurance on those items not tested. It shall also include all material instances of non-compliance. The auditor shall also report on deficiencies noted in the internal control structure designed to provide reasonable assurance that the EFBD is managing funds in compliance with applicable laws, regulations, and contract terms, and resources are safeguarded against waste, loss, and misuse, and that reliable data is obtained, maintained and fairly disclosed in reports.

As it relates to the use of the Impact Fees, the School Board and auditors designated by School Board, the City, and/or the County shall have the right to perform an audit of the public records related to the use of the Impact Fees for any construction of public educational facilities within the EFBD. For purposes of this provision, the contractor and its subcontractors and consultants doing construction for the EFBD shall be required to keep such full and detailed accounts as may be necessary for proper financial management under this Interlocal Agreement and the Impact Fee Documents, and maintain necessary internal controls that shall be satisfactory to the School Board and the County. Auditors shall be afforded access to all fee payer and/or contractor records, books, correspondence, receipts, vouchers, memoranda and similar data, excluding confidential personnel records, relating to the contract projects. The fee payer and/or the contractor, its subcontractors, and consultants shall preserve all such records for a period of four (4) years after final payment or for such longer periods as may be required by law. These records may not be destroyed or disposed of unless prior authorization is given by the Director of Records Retention of the Miami-Dade County Public Schools.

In addition to the foregoing, the EFBD shall provide the School Board, the County, and the City with a cumulative monthly accounting of the Special Assessments levied and collected in order to allow the parties to monitor the EFBD's obligations.

All records such as, but not limited to, construction, financial, correspondence, instructions, memoranda, bid estimate sheets, proposal documentation, back charge documentation, canceled checks, reports and other related records produced and maintained by the contractor, its subcontractors, and consultants relating to public educational facilities funded by the Impact Fees shall be deemed public records, and shall be made available for audit, review or copying by the School Board and/or the County, or auditors designated by the School Board and/or the County upon reasonable notice.

The audit reports from the EFBD shall be provided to the School Board, the County, and the City no later than one hundred eighty (180) calendar days following the close of the EFBD's fiscal year.

Section 13. 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 14. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of the Miami-Dade County.

Section 15. This ordinance shall become effective upon the later of the following dates: (1) the effective date of the Interlocal Agreement described herein, by and among all of the School Board, the City of Homestead and the County, and (2) ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, only upon an override by this Board.

PASSED AND ADOPTED: **JAN 20 2005**

Approved by County Attorney as
To form and legal sufficiency:

RA6

Prepared by:

JAC

Joni Armstrong Coffey

Sponsored by Commissioner Katy Sorenson and
Commissioner Dennis C. Moss

KEY SHEET

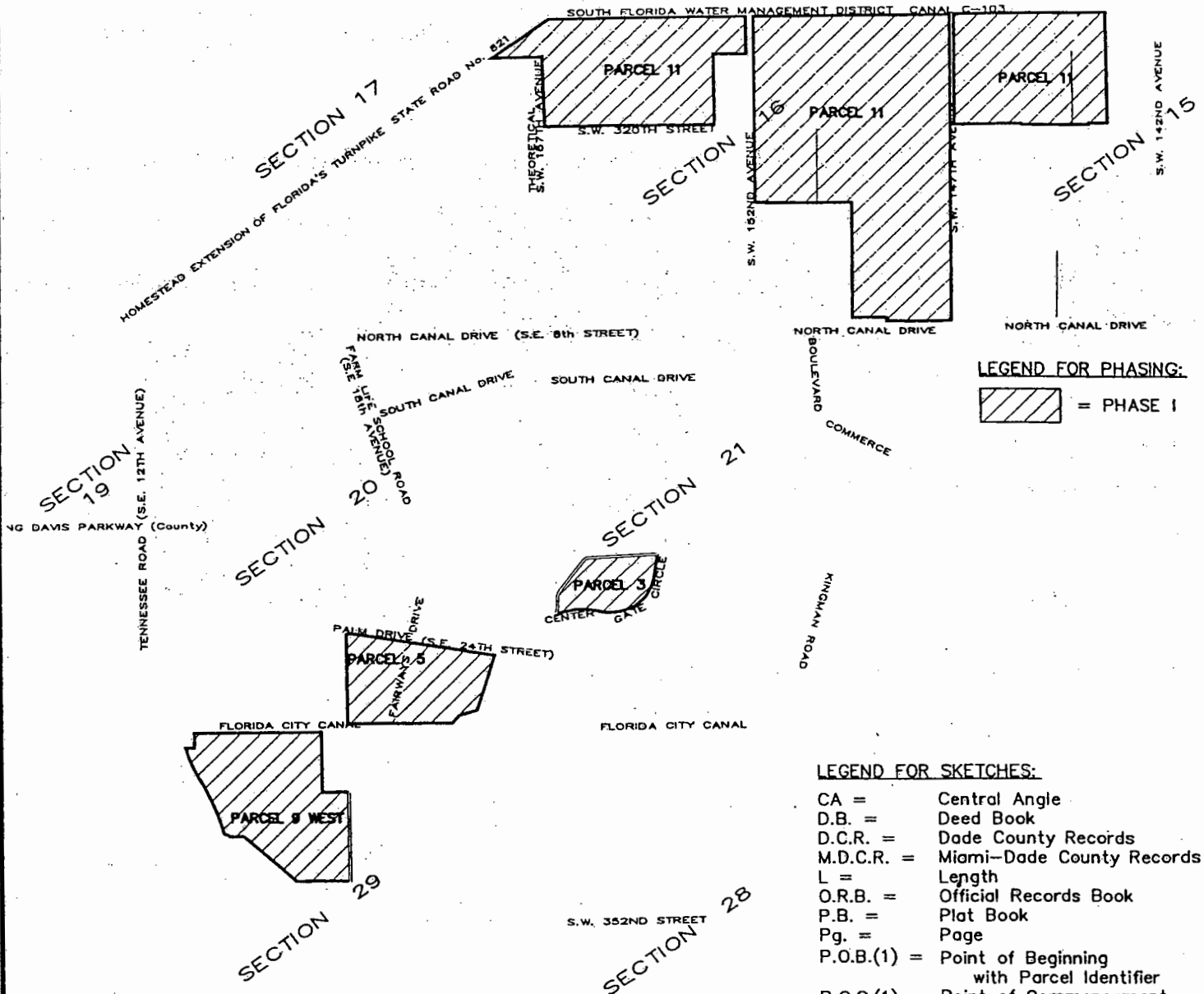
PHASE I
EXHIBIT A

EDUCATIONAL FACILITY BENEFIT DISTRICT

SECTIONS 15, 16, 17, 20, 21, AND 29, TOWNSHIP 57 SOUTH, RANGE 39 EAST
CITY OF HOMESTEAD, MIAMI-DADE COUNTY, FLORIDA



N.T.S.



LEGEND FOR PHASING:

= PHASE I

LEGEND FOR SKETCHES:

- CA = Central Angle
- D.B. = Deed Book
- D.C.R. = Dade County Records
- M.D.C.R. = Miami-Dade County Records
- L = Length
- O.R.B. = Official Records Book
- P.B. = Plat Book
- Pg. = Page
- P.O.B.(1) = Point of Beginning
with Parcel Identifier
- P.O.C.(1) = Point of Commencement
with Parcel Identifier
- R = Radius
- S.R. = State Route

P:\Projects\2004\044366 Homestead Charter Schools\SURVEY\SKETCH\044366 Phasing Files\044366-V-SD-PHASE01-KEYSHEET.dwg




Calvin, Giordano & Associates, Inc.
Engineers Surveyors Planners
1800 Eller Drive, Suite 800
Fort Lauderdale, Florida 33318
Phone: 954.921.7781 Fax 954.921.8807
Certificate of Authorization No. LB 8791

EDUCATIONAL FACILITY BENEFIT DISTRICT

SCALE N.T.S.	PROJECT No 04-4366	SHEET 1 OF 18
DATE	CAD FILE	

for 1120105

Ordinance Book
Memorandum 

Date: February 3, 2005
To: Distribution
MTF
From: Maria Teresa Fojo, Zoning Land Use Development Division Chief
Department of Planning and Zoning
Subject: Ordinance Amending 33-151.18 – Child Safety Barriers

Attached is a copy of a draft ordinance approved by the BCC on Thursday January 27, 2005, affecting day nurseries, kindergartens, and family day care centers. It requires playground areas to be located behind the building line when parallel to a section line or half-section line right-of-way. It is retroactive and requires compliance within a 2-year period.

This draft was changed on the floor. I will send you the final ordinance once I receive it.

MTF/cr

Attachment

Distribution: Lynne Talleda, Zoning Evaluations Section
Damon Holness, Zoning Information Section
Franklin Gutierrez, Agenda Coordinator's Office
Ronald Connally, Zoning Hearings Section





MEMORANDUM

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

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 amending
section 33-151.18; relating
to safety barriers at child
care facilities

The ordinance amending section 33-151.18 of the Code of Miami Dade County relating to safety barriers at child care facilities will not have a fiscal impact on Miami-Dade County.

fiscal/03704

MEMORANDUM

Agenda Item No. 6(B)

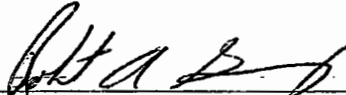
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 01-20-05) ✓
DATE: May 25, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance amending section
33-151.18; relating to safety
barriers at child care facilities

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



Robert A. Ginsburg
County Attorney

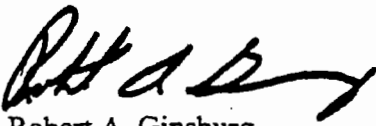
RAG/jls



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: 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 _____

Agenda Item No. 6(B)
01-20-05 ✓

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DELINEATING LOCATION OF OUTDOOR RECREATION PLAYGROUND/PLAY AREAS OR IN THE ALTERNATIVE INSTALLATION OF A SAFETY BARRIER AT CERTAIN CHILD CARE FACILITIES; REQUIRING EXISTING CHILD CARE FACILITIES TO COMPLY WITH REQUIREMENT WITHIN TWO YEARS OF ORDINANCE'S EFFECTIVE DATE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

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

Sec. 33-151.18. Physical standards.

- (a) *Outdoor areas.* Outdoor recreation >>playground<</play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.

>>Minimum Standards for Outdoor Recreation Playground/Play Areas<<

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

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

* * *

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

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

>>(j) Location requirement for outdoor recreation playground/play areas for Child Care facilities. Where the front or side street property line of a child care facility as described in Section 33-151.11(a), (b) and (f), abuts a section line or half section line right-of-way no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. Within two years after the effective date of this ordinance all

5

existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the Public Works Department. For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of Section 33-151.18(a). Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of Section 33-151.18(a).<<

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:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:




Craig H. Collier

Sponsored by Senator Javier D. Souto

MEMORANDUM

Agenda Item No. 6(B)

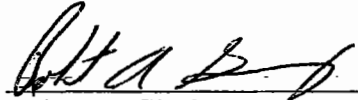
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 01-20-05) 
DATE: May 25, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance amending section
33-151.18; relating to safety
barriers at child care facilities

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



Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: George M. Burgess
County Manager

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

SUBJECT: Ordinance amending
section 33-151.18; relating
to safety barriers at child
care facilities

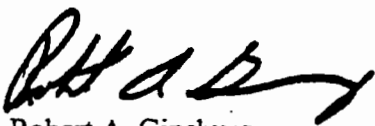
The ordinance amending section 33-151.18 of the Code of Miami Dade County relating to safety barriers at child care facilities will not have a fiscal impact on Miami-Dade County.

fiscal/03704



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:** January 20, 2005
and Members, Board of County Commissioners

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: 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 _____

Agenda Item No. 6(B)
01-20-05

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DELINEATING LOCATION OF OUTDOOR RECREATION PLAYGROUND/PLAY AREAS OR IN THE ALTERNATIVE INSTALLATION OF A SAFETY BARRIER AT CERTAIN CHILD CARE FACILITIES; REQUIRING EXISTING CHILD CARE FACILITIES TO COMPLY WITH REQUIREMENT WITHIN TWO YEARS OF ORDINANCE'S EFFECTIVE DATE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

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

Sec. 33-151.18. Physical standards.

- (a) *Outdoor areas.* Outdoor recreation >>playground<</play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.

>>Minimum Standards for Outdoor Recreation Playground/Play Areas<<

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

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

* * *

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

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

>>(j) Location requirement for outdoor recreation playground/play areas for Child Care facilities. Where the front or side street property line of a child care facility as described in Section 33-151.11(a), (b) and (f), abuts a section line or half section line right-of-way no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. Within two years after the effective date of this ordinance all

existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the Public Works Department. For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of Section 33-151.18(a). Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of Section 33-151.18(a).<<

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:

Approved by County Attorney as
to form and legal sufficiency:

CMC

Prepared by:

CHC

Craig H. Coller

Sponsored by Senator Javier D. Souto

R-413-05

4/5/05

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
4-5-05

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

RESOLUTION NO. R-413-05

RESOLUTION REQUIRING ALL REAL PROPERTY LOCATED WITHIN COMMUNITY DEVELOPMENT DISTRICTS ESTABLISHED IN MIAMI-DADE COUNTY FOR RESIDENTIAL HOUSING TO BE SUBJECT TO DECLARATION OF RESTRICTIVE COVENANT WITH RESPECT TO DISCLOSURE; APPROVING FORM OF DECLARATION OF RESTRICTIVE COVENANT SUBJECT TO REVIEW FROM TIME TO TIME; AND REQUIRING EACH APPLICANT TO SUBMIT SUCH DECLARATION OF RESTRICTIVE COVENANT WITH APPLICATION REQUESTING APPROVAL FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT

WHEREAS, this Board has the exclusive authority to consider applications for, and approve the establishment of, community development districts for residential housing within the boundaries of Miami-Dade County ("County") pursuant to Chapter 190, Florida Statutes ("Act"), Section 1.01 (A) (21) of the County's Home Rule Charter and Section 6(1) of Article VIII of the Florida Constitution; and

WHEREAS, this Board recognizes that there is a need to provide adequate and full disclosure about community development districts, including assessments, to all potential purchasers of real property located within a community development district prior to the execution of a purchase contract and the final sale of the real property; and

WHEREAS, the Board has required, on a case by case basis, developers of community development districts to provide disclosure, in addition to the information required by the Act, to potential purchasers pursuant to an interlocal agreement and recently a restrictive covenant running with the land; and

WHEREAS, the Board wishes to require, as a matter of policy in order to provide adequate and full disclosure to the public, that all real property located within community development districts established in the County be subject to a declaration of restrictive covenant in the form attached to this Resolution as Exhibit "A" with changes from time to time approved by County Manager after consultation with the County Attorney's office ("Declaration of Restrictive Covenant"); and

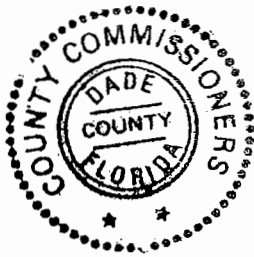
WHEREAS, it is also the desire of this Board that each applicant submit such Declaration of Restrictive Covenant to the Board with its application requesting approval for the establishment of a community development district,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that all real property located within a community development district established within the boundaries of the County shall be subject to the Declaration of Restrictive Covenant and that each applicant shall submit such Declaration of Restrictive Covenant to the Board with its application requesting approval for the establishment of a community development district.

The foregoing resolution was sponsored by Chairman Joe A. Martinez and offered by Commissioner Barbara J. Jordan, who moved its adoption. The motion was seconded by Commissioner Natacha Seijas and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	absent	
	Dennis C. Moss, Vice-Chairman	aye	
Bruno A. Barreiro	absent	Dr. Barbara Carey-Shuler	absent
Jose "Pepe" Diaz	absent	Carlos A. Gimenez	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of April, 2005. 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

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A circular stamp containing a handwritten signature, which appears to be "GTH".

Gerald T. Heffernan

Exhibit A
Declaration of Restrictive Covenant

This instrument was prepared by:	
Name:	_____
Address:	_____ _____ _____

(Space Reserved for Clerk)

DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS, the undersigned Owner holds the fee simple title to the land described in the attached Exhibit A (the "Property"), located in Miami-Dade County, Florida (the "County"); and

WHEREAS, Owner desires to provide certain covenants to the County Board of County Commissioners (the "Board") in support of a Petition (the "Petition") for creation of the [insert name of the District] Community Development District (the "District") filed [insert month, day, and year], and approved pursuant to Ordinance No. _____ enacted by the Board on [insert month, day, and year] (the "Ordinance"), in accordance with the requirements of Chapter 190, Florida Statutes, and Section 1.01(A)(21) of the County Home Rule Charter; and

WHEREAS, among those covenants are provisions for the timely, accurate, and enforceable disclosure, to all prospective initial purchasers who have entered or will enter into contracts for improved residential units within the Property (each a "Prospective Initial Purchaser"), of estimated annual assessments to be imposed by the District to: (1) pay debt service on bonds to be issued by the District to finance the acquisition, construction,

MEMORANDUM

Agenda Item No. 11(A)(18)

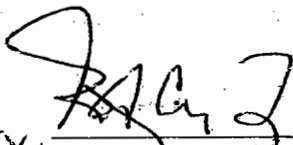
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 5, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution requiring all
real property within
community development
districts to be subject to
declaration of restrictive
covenant with respect to
disclosure

The accompanying resolution was prepared and placed on the agenda at the request of
Chairman Joe A. Martinez.



RAG : Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 5, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 11(A)(18)

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

reconstruction, and equipping of certain public infrastructure which benefit the Property ("Capital Assessments"), and (2) pay the costs associated with (i) operations of the District including administration ("Operations Assessments") and (ii) maintenance of public infrastructure by the District ("Infrastructure Maintenance Assessments"; Operations and Infrastructure Maintenance Assessments are hereinafter collectively referred to as "Administrative Assessments"); and

WHEREAS, other covenants made by Owner include provisions for the long-term maintenance of infrastructure serving the Property including, but not limited to, roadways, drainage, and landscaping; and

WHEREAS, such covenants of Owner are made in order to assure the Board that the representations made by Owner in support of the Petition will be abided by,

NOW, THEREFORE, Owner freely, voluntarily, and without duress, and on behalf of its heirs, successors, and assigns, makes the following Declaration of Restrictive Covenants covering and running with the Property (this "Declaration"):

1. COVENANTS.

1.1 Public Records Notice of Existence of District. This Declaration shall serve as notice in the public records of the County that unless the District is terminated in accordance with the requirements of Chapter 190, Florida Statutes, and such termination is reflected in the public records of the County, the Property and all lands, parcels, lots, and units located within the District's boundaries are subject to the Capital Assessments and Administrative Assessments levied and imposed by the District, subject only to the exceptions or exemptions from such assessments expressly provided by Florida law.

1.2 CDD and Purchase Contract Notices.

1.2.1 Owner shall be required to provide to each Prospective Initial Purchaser of an improved individual residential lot or unit within the Property (individually, a "Dwelling Unit") written notice of the estimated annual Capital Assessments and Administrative Assessments (the "CDD Notice") to be imposed on such individual Dwelling substantially in the form attached hereto as Exhibit B prior to, or contemporaneously with, the execution of a purchase and sale contract ("Purchase Contract") for such Dwelling Unit. For the purposes of this Declaration, the term "Owner" means each seller of Dwelling Units within the Property. Notwithstanding the foregoing, if a Prospective Initial Purchaser executed a Purchase Contract before the effective date (10 days after enactment) of the Ordinance (the "Effective Date of the Ordinance") but was not given an contemporaneous CDD Notice, Owner may still give the CDD Notice to such Prospective Initial Purchaser; provided, however, such CDD notice must be given **together with** the following written notice and must be sent to such Prospective Purchaser by certified mail, professional overnight delivery or hand delivery, with return receipt, not later than the first business day following the Effective Date of the Ordinance:

THE DWELLING UNIT YOU ARE PURCHASING IS SUBJECT TO A COMMUNITY DEVELOPMENT DISTRICT AND A RELATED DECLARATION OF RESTRICTIVE COVENANTS WHICH REQUIRES THAT CERTAIN NOTICES BE GIVEN TO PURCHASERS BY OWNER. THIS NOTICE AND THE ATTACHED CDD NOTICE ARE BEING GIVEN TO YOU PURSUANT TO SUCH DECLARATION. PLEASE NOTE THAT THE DISTRICT PLANS TO ISSUE OR HAS ISSUED BONDS THAT WILL HAVE PRINCIPAL AND INTEREST PAYMENTS APPLICABLE TO THIS DWELLING UNIT OVER A PERIOD OF UP TO THIRTY (30) YEARS TO FUND CONSTRUCTION OF INFRASTRUCTURE SERVING THE PROPERTY IN THE ESTIMATED AGGREGATE AMOUNT OF \$_____. THIS DWELLING UNIT SHALL BE ASSESSED AN ESTIMATED ANNUAL CAPITAL ASSESSMENT OF \$_____ FOR ITS PROPORTIONATE SHARE OF DEBT SERVICE ON THE BONDS UNTIL SUCH BONDS ARE PAID IN FULL. THE ATTACHED NOTICE FULLY DESCRIBES YOUR OBLIGATIONS. YOU MAY ELECT TO RESCIND THE PURCHASE CONTRACT FOR A PERIOD OF THIRTY (30) DAYS FOLLOWING RECEIPT OF THIS NOTICE. UPON SUCH ELECTION, OWNER SHALL RETURN ALL MONIES PAID BY YOU AS THE PROSPECTIVE INITIAL PURCHASER REGARDING THE PURCHASE OF THE REAL PROPERTY IDENTIFIED IN THE PURCHASE CONTRACT WITHIN TEN (10) CALENDAR DAYS AFTER RECEIVING

YOUR WRITTEN NOTICE THAT YOU HAVE ELECTED TO RESCIND THE PURCHASE CONTRACT, AND ALL OTHER PROVISIONS OF THE DECLARATION OF RESTRICTIVE COVENANTS NOT INCONSISTENT WITH THE REMEDIES SET FORTH HEREIN SHALL GOVERN. NO OTHER REMEDIES ARE AVAILABLE TO PURCHASER WHETHER OR NOT YOU ELECT TO RESCIND EXCEPT IN THE EVENT OF AN OWNER DEFAULT WITH RESPECT TO THE CDD NOTICE AND THEN ONLY IN ACCORDANCE WITH THE DECLARATION.

Owner shall promptly refund any amounts due under the foregoing notice if a Prospective Initial Purchaser properly rescinds a Purchase Contract during the time provided. No other remedies provided in Section 1.4 shall be available to a Prospective Initial Purchaser who terminates a Purchase Contract pursuant to the foregoing notice.

1.2.2 Owner shall also provide substantially the following disclosure ("Purchase Contract Notice") on the first page of each Purchase Contract executed after the Effective Date of the Ordinance for a Dwelling Unit within the Property, immediately after disclosure of the purchase price for the Dwelling Unit:

THIS DWELLING UNIT IS WITHIN A COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"). THE DISTRICT PLANS TO ISSUE OR HAS ISSUED BONDS THAT WILL HAVE PRINCIPAL AND INTEREST PAYMENTS APPLICABLE TO THIS DWELLING UNIT OVER A PERIOD OF UP TO THIRTY (30) YEARS TO FUND CONSTRUCTION OF INFRASTRUCTURE SERVING THE PROPERTY IN THE ESTIMATED AGGREGATE AMOUNT OF \$ _____. THIS DWELLING UNIT SHALL BE ASSESSED AN ESTIMATED ANNUAL CAPITAL ASSESSMENT OF \$ _____ FOR ITS PROPORTIONATE SHARE OF DEBT SERVICE ON THE BONDS UNTIL SUCH BONDS ARE PAID IN FULL. THESE AMOUNTS ARE DUE OVER THE TERM OF THE BONDS IN ADDITION TO THE PURCHASE PRICE. INITIAL PURCHASER ALSO UNDERSTANDS THAT IF THE ACTUAL ANNUAL CAPITAL ASSESSMENTS ON THE DWELLING UNIT ARE MORE THAN FIVE PERCENT (5%) HIGHER THAN THE ESTIMATED AMOUNT PROVIDED HEREIN, INITIAL PURCHASER SHALL HAVE THE RIGHT TO RESCIND THIS AGREEMENT AT ANY TIME PRIOR TO CLOSING. INITIAL PURCHASER FURTHER ACKNOWLEDGES AND AGREES THAT THE ESTIMATED AMOUNT OF CAPITAL ASSESSMENTS DOES NOT INCLUDE ADMINISTRATIVE ASSESSMENTS WHICH SHALL BE LEVIED BY THE DISTRICT FOR OPERATIONS AND INFRASTRUCTURE MAINTENANCE AND MAY VARY FROM YEAR TO YEAR AND FROM TIME TO TIME. IN THE EVENT OF ANY CONFLICT BETWEEN THE DISCLOSURES IN THIS PROVISION AND THE ATTACHED CDD NOTICE, THE CDD NOTICE SHALL CONTROL.

PURCHASER'S INITIALS: _____

Owner shall cause each Prospective Initial Purchaser to initial the Purchaser Contract Notice where indicated.

1.3 Relief to Prospective Initial Purchaser for Owner Default.

1.3.1 Owner shall provide relief, in the manner provided by this Section 1.3 to any Prospective Initial Purchaser who has not yet closed on a Dwelling Unit if any one of the following events shall occur (an "Owner Default"):

1.3.1.1. Owner fails to provide a timely CDD Notice or Purchase Contract Notice as required; **and/or**

1.3.1.2. Owner provides a timely CDD Notice; however, such CDD Notice underestimates the aggregate or monthly actual Administrative Assessments for the District's first three fiscal years by more than five percent (5%); **and/or**

1.3.1.3. Owner provides a timely CDD Notice and/or Purchase Contract; however, such CDD Notice and/or Purchase Contract Notice underestimates the aggregate or monthly actual Annual Capital Assessments by more than five percent (5%).

1.3.2 In the event of any Owner Default that is not cured by a timely Late Notice (as hereinafter defined), a Prospective Initial Purchaser may, in writing (a "Termination Notice"), elect to rescind the Purchase Contract at any time prior to closing. Upon such election, Owner shall return all monies paid by the Prospective Initial Purchaser regarding the purchase of the real property identified in the Purchase Contract within ten (10) calendar days after receiving written notice from the Prospective Initial Purchaser that such Prospective Initial Purchaser has elected to rescind the Purchase Contract. No other remedies

provided in Section 1.4 shall be available to a Prospective Initial Purchaser who terminates a Purchase Contract pursuant to this provision.

1.3.3 Prior to the receipt of a Termination Notice from a Prospective Initial Purchaser affected by an Owner Default, Owner shall have an opportunity to cure any Owner Default by providing a written notice (a "Late Notice") to such affected Prospective Initial Purchaser (i) prior to closing and (ii) within the later of ninety (90) days from (x) the date of execution of the Purchase Contract or (y) the Effective Date of the Ordinance (the "Cure Period"). If the Owner Default set forth in Section 1.3.1.3 is due solely to a fluctuation of interest rates on the bonds once the pricing of the bonds is completed, Owner shall have the opportunity to cure such Owner Default by providing a written notice setting forth the new annual Capital Assessments to such affected Prospective Initial Purchaser (the "Extended Late Notice") no later than the earlier of (i) the closing date of the Dwelling Unit or (ii) ninety (90) days from the pricing of the bonds (the "Extended Cure Period"). An Owner Default cannot be cured as to an affected Prospective Initial Purchaser after the expiration of the applicable Cure Period or applicable Extended Cure Period. If Owner provides (i) a Late Notice to a Prospective Initial Purchaser during the applicable Cure Period or (ii) an Extended Late Notice during applicable Extended Cure Period, then such Prospective Initial Purchaser may still elect to rescind the Purchase Contract at anytime for a period of thirty (30) days following receipt of Late Notice or Extended Late Notice. Upon such election, Owner shall return all monies paid by the Prospective Initial Purchaser regarding the purchase of the real property identified in the Purchase Contract within ten (10) calendar days after receiving written notice from the Prospective Initial Purchaser that such Prospective Initial Purchaser has elected to rescind the Purchase Contract. No other remedies provided in Section 1.4 shall be available to a Prospective

Initial Purchaser who receives an accurate Late Notice or Extended Late Notice during the Cure Period or Extended Cure Period, as applicable, regardless of whether the Prospective Initial Purchaser elects to rescind the Purchase Contract.

1.3.4 Every Late Notice or Extended Late Notice sent by Owner to a Prospective Initial Purchaser must include the following in bold type in a font at least as large as the largest font in such Late Notice or Extended Late Notice (*with correct type of notice indicated*):

THE DWELLING UNIT YOU ARE PURCHASING IS SUBJECT TO A COMMUNITY DEVELOPMENT DISTRICT AND A RELATED DECLARATION OF RESTRICTIVE COVENANTS WHICH REQUIRES THAT CERTAIN NOTICES BE GIVEN TO PURCHASERS BY OWNER. THIS IS A [LATE NOTICE or EXTENDED LATE NOTICE] UNDER SUCH DECLARATION. IF OWNER PROVIDES YOU WITH THIS [LATE NOTICE or EXTENDED LATE NOTICE] DURING THE APPLICABLE CURE PERIOD, THEN YOU AS A PROSPECTIVE INITIAL PURCHASER MAY STILL ELECT TO RESCIND THE PURCHASE CONTRACT FOR A PERIOD OF THIRTY (30) DAYS FOLLOWING RECEIPT OF THIS [LATE NOTICE or EXTENDED LATE NOTICE]. UPON SUCH ELECTION, OWNER SHALL RETURN ALL MONIES PAID BY YOU AS THE PROSPECTIVE INITIAL PURCHASER REGARDING THE PURCHASE OF THE REAL PROPERTY IDENTIFIED IN THE PURCHASE CONTRACT WITHIN TEN (10) CALENDAR DAYS AFTER RECEIVING YOUR WRITTEN NOTICE YOU HAVE ELECTED TO RESCIND THE PURCHASE CONTRACT., AND ALL OTHER PROVISIONS OF THE DECLARATION OF RESTRICTIVE COVENANTS NOT INCONSISTENT WITH THE REMEDIES SET FORTH HEREIN SHALL GOVERN. NO OTHER REMEDIES PROVIDED IN SECTION 1.4 OF THE DECLARATION SHALL BE AVAILABLE TO YOU AS A PROSPECTIVE INITIAL PURCHASER IF YOU RECEIVE THIS [LATE NOTICE or EXTENDED LATE NOTICE] DURING THE APPLICABLE CURE PERIOD, REGARDLESS OF WHETHER YOU AS A PROSPECTIVE INITIAL PURCHASER ELECT TO RESCIND THE PURCHASE CONTRACT.

1.3.5 If the Owner Default involves the failure to provide a Purchase Contract Notice or Owner provided a Purchase Contract Notice in substantially the correct form and location; however, such Purchase Contract Notice underestimated the annual Capital

Assessments by more than five percent (5%), then the Late Notice or Extended Late Notice shall also contain the following:

YOUR PURCHASE CONTRACT PROVIDES THAT THE PURCHASE PRICE FOR YOUR DWELLING UNIT IS AS FOLLOWS: *[INSERT PURCHASE PRICE INFORMATION]*. THIS DWELLING UNIT IS OR WILL BE WITHIN A COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"). THE DISTRICT PLANS TO ISSUE OR HAS ISSUED BONDS THAT WILL HAVE PRINCIPAL AND INTEREST PAYMENTS APPLICABLE TO THIS DWELLING UNIT OVER A PERIOD OF UP TO THIRTY (30) YEARS TO FUND CONSTRUCTION OF INFRASTRUCTURE SERVING THE PROPERTY IN THE ESTIMATED AGGREGATE AMOUNT OF \$_____. THIS DWELLING UNIT SHALL BE ASSESSED AN ESTIMATED ANNUAL CAPITAL ASSESSMENT OF \$_____ FOR ITS PROPORTIONATE SHARE OF DEBT SERVICE ON THE BONDS UNTIL SUCH BONDS ARE PAID IN FULL. THESE AMOUNTS ARE DUE OVER THE TERM OF THE BONDS IN ADDITION TO THE PURCHASE PRICE. PURCHASER ALSO UNDERSTANDS THAT IF THE ACTUAL ANNUAL CAPITAL ASSESSMENTS ON THE DWELLING UNIT ARE MORE THAN FIVE PERCENT (5%) HIGHER THAN THE ESTIMATED AMOUNT PROVIDED HEREIN, PURCHASER SHALL HAVE THE RIGHT TO RESCIND THIS AGREEMENT AT ANY TIME PRIOR TO CLOSING. PURCHASER FURTHER ACKNOWLEDGES AND AGREES THAT THE ESTIMATED AMOUNT OF CAPITAL ASSESSMENTS DOES NOT INCLUDE ADMINISTRATIVE ASSESSMENTS WHICH SHALL BE LEVIED BY THE DISTRICT FOR OPERATIONS AND INFRASTRUCTURE MAINTENANCE AND MAY VARY FROM YEAR TO YEAR AND FROM TIME TO TIME. IN THE EVENT OF ANY CONFLICT BETWEEN THE DISCLOSURES IN THIS PROVISION AND THE ATTACHED CDD NOTICE, THE CDD NOTICE SHALL CONTROL.

1.3.6 If the Owner Default involves the failure to provide a CDD Notice or Owner provided a timely CDD Notice; however, such CDD Notice underestimated (i) the actual aggregate Administrative Assessments for each of the District's first three fiscal years by more than five percent (5%) and/or (ii) the annual Capital Assessments by more than five percent (5%), then the Late Notice or Extended Late Notice must also include a CDD Notice, if the Owner Default involves a failure to provide a CDD Notice or an accurate revised CDD Notice, if the Owner Default involves a timely but inaccurate CDD Notice.

1.4 Relief to a Prospective Initial Purchaser Who Actually Closes on a Dwelling Unit After an Uncorrected Owner Default.

1.4.1 In the event Owner fails to give a Prospective Initial Purchaser a timely CDD Notice, and such failure is not corrected by a timely and accurate Late Notice, then a Prospective Initial Purchaser that closes on the Dwelling Unit ("Actual Initial Purchaser") may demand, in writing, that Owner pay such Actual Initial Purchaser (i) the amount necessary to prepay all Capital Assessments including principal and interest on the bond principal due through the next applicable payment date respecting the Dwelling Unit *plus* (ii) an amount equal to the sum of the share of the actual Administrative Assessments levied by the District on such Dwelling Unit for the District's first three (3) fiscal years immediately following the closing respecting the Dwelling Unit.

1.4.2 In the event that Owner gave to an Actual Initial Purchaser (i) both a timely CDD Notice and Purchase Contract Notice and either underestimated actual annual Capital Assessments (as set forth in Table 1 of the CDD Notice) by more than five percent (5%) and such underestimate was not corrected by a timely and accurate Late Notice or Extended Late Notice or (ii) a timely CDD Notice and no Purchase Contract Notice, if applicable, and the CDD Notice underestimated the actual annual Capital Assessments by more than five percent (5%) and such underestimate was not corrected by a timely and accurate Late Notice or Extended Late Notice, then such Actual Initial Purchaser may demand, in writing, that Owner pay such Actual Initial Purchaser an amount equal to the difference between the actual aggregate amount of annual Capital Assessments, calculated over the term of the bonds, levied and imposed by the District on such Dwelling Unit and the aggregate amount of estimated annual Capital Assessments, calculated over the term of the bonds, actually disclosed in the CDD Notice to the Actual Initial Purchaser or, (ii) if less, the amount necessary to prepay all Capital Assessments

respecting the Dwelling Unit including principal and interest on the bond principal through the next applicable payment date.

1.4.3 In the event that Owner gave an Actual Initial Purchaser a timely CDD Notice and such CDD Notice underestimated the actual annual Administrative Assessments by more than five percent (5%) and such underestimate was not corrected by a timely and accurate Late Notice, then such Actual Initial Purchaser may demand, in writing, that Owner pay such Actual Initial Purchaser an amount equal to the difference between the actual amount of the Administrative Assessments levied and imposed by the District on such Dwelling Unit and the amount of estimated Administrative Assessments disclosed to the Actual Initial Purchaser in the CDD Notice calculated for the District's first three (3) fiscal years immediately following the closing based on the initial actual annual Administrative Assessments.

1.4.4 Upon such demand by an Actual Initial Purchaser under this Section 1.4, Owner shall deliver the applicable amount to the Actual Initial Purchaser within ten (10) calendar days after: (1) receipt of written demand, or (2) after the date Capital Assessments and Administrative Assessments first become payable, whichever is later, unless Owner and Actual Initial Purchaser agree to another manner or time of payment. An Actual Initial Purchaser shall provide to Owner written notice of election of remedy in this Section on or before one (1) year after the earlier of (1) the date that Capital Assessments and Administrative Assessments first appear on the Actual Initial Purchaser's Combined Real Property tax bill for the affected Dwelling Unit or (2) if such assessments are directly billed by the District and do not appear on the Actual Initial Purchaser's Combined Real Property tax bill, then the date that such Capital Assessment and Administrative Assessments first appear on any bill sent to the Actual Initial Purchaser by the District for the affected Dwelling Unit. After the expiration of that year,

Owner shall not be obligated to provide any relief to such Actual Initial Purchaser under this Declaration.

1.4.5 Nothing in this Section 1.4 shall be construed to relieve any Actual Initial Purchaser of the individual Dwelling Unit of liability for all lawful taxes and assessments including, but not limited to, any tax liability resulting from Owner's payments to such Actual Initial Purchaser under Section 1.4.

1.5 Additional Disclosure through District Sign. Owner shall display at any entrance to a sales office or area, in a conspicuous location readily available for viewing by Prospective Initial Purchasers of Dwelling Units, a sign with information about the District. The remedy provisions discussed in Section 1.4 shall not apply to this Section. Such sign shall be no smaller than twenty-four inches by thirty-six inches (24" x 36"), and shall contain the following language in substantially similar form in large, boldface type:

[INSERT NAME OF DISTRICT]

PURSUANT TO CHAPTER 190, FLORIDA STATUTES, THE *[INSERT NAME OF DISTRICT]* MAY IMPOSE TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY THROUGH A SPECIAL TAXING DISTRICT. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD IN ADDITION TO COUNTY AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW. THE *[INSERT NAME OF DISTRICT]* EXPECTS TO ISSUE BONDS TO FINANCE A PORTION OF THE CONSTRUCTION OF REQUIRED PUBLIC INFRASTRUCTURE IN *[INSERT NAME OF COMMUNITY]*. A PURCHASER OF PROPERTY IN *[INSERT NAME OF COMMUNITY]* WILL BE OBLIGATED TO PAY ANNUAL ASSESSMENTS TO AMORTIZE THE DEBT AND FOR DISTRICT ADMINISTRATION, WHICH AMOUNTS ARE SEPARATE FROM THE PURCHASE PRICE OF THE PROPERTY AND OTHER ASSESSMENTS ON THE PROPERTY, AND WHICH MAY VARY FROM YEAR TO YEAR AND FROM TIME TO TIME. THE TOTAL ANNUAL ASSESSMENTS VARY IN RELATION TO THE INFRASTRUCTURE BENEFIT ALLOCATED TO THE PROPERTY ASSESSED, AND ARE EXPECTED TO APPEAR ON A PURCHASER'S PROPERTY TAX BILL EACH YEAR, BUT MAY BE BILLED DIRECTLY BY THE *[INSERT NAME OF DISTRICT]*. A PURCHASER SHALL HAVE THE OPTION TO PAY IN FULL AT ANY TIME THE PRO RATA SHARE, AS ALLOCATED TO THE PURCHASER'S PROPERTY, OF THE TOTAL

AMOUNT OF DISTRICT CAPITAL ASSESSMENTS DUE. FOR FURTHER INFORMATION ON THE [INSERT NAME OF COMMUNITY] AND A PURCHASER'S BENEFITS AND OBLIGATIONS RELATING THERETO, CONTACT [INSERT APPROPRIATE CONTACT INFORMATION]."

1.6 Inspection of District Records by County Representatives. Owner shall allow or provide for the District to allow County representatives to review all pertinent records in order to assess the overall performance of Owner in providing timely and accurate disclosure of estimated Capital Assessments and Administrative Assessments on Dwelling Units within the District. Prompt access shall be provided without prior notice of inspection by the County representatives, but only during normal business hours and without disruption of sales operations. The purpose of such inspection is only to determine Owner's overall compliance with the aforementioned notice requirements and such inspection shall not authorize the County to seek any relief provided under Section 1.4, either on behalf of itself or on behalf of any Prospective Initial Purchaser or Actual Initial Purchaser.

1.7 Sole Provider of Water, Wastewater, and Reuse Service. Owner acknowledges and agrees that the Miami-Dade County Water and Sewer Department ("WASD"), or its successor agency or department, shall be the exclusive provider of water, wastewater, and reuse service to all lands within the Property. Service shall be provided by WASD in accordance with its general policies and procedures for providing service throughout the County.

1.8 Application for Multi-Purpose Special Taxing District to Maintain Infrastructure. The costs of maintaining the infrastructure constructed with funding provided through the District shall be the responsibility of the District and its successors and assigns. In order to assure that such maintenance is performed, however, on or before the recording of a final plat on any portion of the Property, Owner shall apply to the Board for the creation of a

multi-purpose special taxing district to maintain the infrastructure serving the Property including, but not limited to, roadways, drainage, walls, and landscaping, as applicable. Upon approval of the multi-purpose special taxing district by the Board, such taxing district may remain dormant until, in the sole and exclusive opinion of the Board, both the District and any homeowners' or similar association shall have failed to maintain the infrastructure serving the Property, as such failure is defined in any easement and/or covenant recorded in the public records and governing the infrastructure or similar agreement provided by Owner, or in the absence of such easement, covenant or agreement, as determined by the Board. Upon such determination, the Board shall authorize the activation of the multi-purpose special taxing district and cause the infrastructure to be maintained at the expense of such taxing district. By this provision, Owner hereby authorizes the Board and its officials, employees, and agents to enter upon the Property if the special taxing district is activated for the purpose of maintaining the infrastructure serving the Property. Owner further agrees to apply, at the time of plat, replat, or waiver of plat, as applicable, to provide for an easement for the benefit of the County and providing that at any and all times during which the infrastructure or any portion thereof is maintained by the County, the public shall have a right of perpetual access and use in those portions of the Property on which the infrastructure is located including, but not limited to, the roadways serving the Property.

2. BENEFITS AND ENFORCEMENT.

2.1 The covenants set forth in Sections 1.2, 1.3 and 1.4 shall run and be in favor of and to the benefit of Prospective Initial Purchasers and Actual Initial Purchasers of individual Dwelling Units within the Property, and their heirs, successors, and assigns, and shall be enforceable exclusively by such persons. After an individual Dwelling Unit has been once conveyed to an Actual Initial Purchaser, no further notice shall be required to be provided by

Owner to any purchaser of a Dwelling Unit if the same has been improved with a residence. If a Dwelling Unit is conveyed as unimproved land, then such Dwelling Unit shall not be deemed to have been conveyed to a Prospective Initial Purchaser or Actual Initial Purchaser, and all of the covenants set forth in Sections 1.2, 1.3 and 1.4 shall apply to the Dwelling Unit and any Owner offering such Dwelling Unit for sale to Prospective Initial Purchasers.

2.2 The covenants set forth in Sections 1.6, 1.7 and 1.8 shall run and be in favor of and to the benefit of the County or any successor municipal government, and shall be enforceable exclusively by such governmental entity.

2.3 Enforcement shall be by action against any party or person violating, or attempting to violate, any covenants herein. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for attorney and paraprofessional fees and costs and expenses and trial and upon appeal. This enforcement provision shall be in addition to any other remedies available at law or in equity, or both.

3. COVENANT RUNNING WITH THE LAND.

This Declaration on the part of Owner shall constitute a covenant running with the land and shall be recorded, at the expense of Owner in the public records of the County, following the acceptance by the Board of an ordinance approving the creation of the District, and shall remain in full force and effect and be binding upon the undersigned Owner, and its successors and assigns, until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and litigation upon, all present and future owners of the Property and for the public welfare. Owner, on behalf of itself and its heirs, successors, and assigns, acknowledges that acceptance of this Declaration does not in any way obligate the

County to undertake the construction or maintenance of any infrastructure or any other duty or obligation of the District.

4. TERM.

This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the County.

5. MODIFICATION, AMENDMENT, OR RELEASE.

This Declaration may be modified, amended, or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, or of such portion as will be affected by the modification, amendment, or release, including jointers of any and all mortgagees, provided that the same is also approved by the Board, after public hearing.

Should this Declaration be modified, amended, or released, the County Manager or successor official of the County, or the assistant in charge of the office in the County Manager's absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment, or release.

6. ELECTION OF REMEDIES.

All rights, remedies, and privileges granted herein shall be deemed to be cumulative, and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor

shall such exercise preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

7. SEVERABILITY.

Invalidation of any one of the covenants herein by judgment of Court shall not affect any of the other provisions of this Declaration which shall remain in full force and effect. However, if any material portion of the covenants herein is invalidated and such provision is not timely amended or replaced, or cannot be timely amended or replaced in an enforceable way with materially the same effect as the invalidated provision, the County shall be entitled to revoke any approval predicated upon the invalidated portion. It shall be Owner's obligation to apply for and diligently pursue any such application for amendment or replacement.

8. ACCEPTANCE OF DECLARATION.

Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner with respect to the District, or with respect to any land use application on the Property, nor does it entitle Owner to a favorable recommendation or the approval of any application, zoning or otherwise, and the Board and/or any Community Zoning Appeals Board and other County boards, officials, and employees retain full authority to approve or deny such application.

IN WITNESS WHEREOF, the undersigned has set its hand and seal to this Declaration of Restrictive Covenants this _____ day of _____, 20__.

OWNER:

[insert Owner's legal name]

By: [insert name and title of individual signing on behalf of Owner]

Signature: _____

Name: _____

Title: _____

Owner's Address: [insert Owner's address]

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by _____, the _____
of _____, this _____ day of _____, 20__ who is personally known
to me or who produced _____ as identification.

Notary Public, State of Florida at Large
Print Name: _____
My commission expires: _____

22

Exhibit A

LEGAL DESCRIPTION

Exhibit B

CDD NOTICE

Table 1. ESTIMATED TOTAL ANNUAL DISTRICT ASSESSMENTS DUE PER DWELLING UNIT FOR EACH OF THE DISTRICT'S FIRST THREE (3) FISCAL YEARS (actual assessments may vary from the amounts set forth below and Operations and Infrastructure Maintenance Assessments may be higher in subsequent years based on actual budgets adopted by the District).

Type of Dwelling Unit (and Phase, if Applicable)	Estimated Annual District Capital Assessments Including Principal and Interest (see Sections 3.1 and 3.2 Below)	Estimated Annual Administrative Assessments (includes both Operations and Infrastructure Maintenance Assessments) (see Section 3.4 Below)	Estimated Total Annual District Assessments Due for each of the District's first three (3) fiscal years (see Section 3.5 Below)
	\$	\$	\$
	\$	\$	\$

Table 2. BREAKDOWN OF ESTIMATED MONTHLY DISTRICT ASSESSMENTS FOR EACH OF THE FIRST THREE (3) FISCAL YEARS (actual assessments may vary from the amounts set forth below and Operations and Infrastructure Maintenance Assessments may be higher in subsequent years based on actual budgets adopted by the District).

Type of Dwelling Unit (and Phase, if Applicable)	Estimated Monthly District Operations Assessments	Estimated Monthly District Infrastructure Maintenance Assessments	Estimated Monthly District Capital Assessments (Estimated Annual District Capital Assessments divided by 12)
	\$	\$	\$
	\$	\$	\$

Table 3. ESTIMATED INITIAL PAYOFF OF CAPITAL ASSESSMENTS (does not include interest on the bond principal due through the next Payment Date) AND ESTIMATED TOTAL PAYMENTS IF ANNUAL PAYMENTS ARE MADE OVER THE TERM OF THE BONDS

Type of Dwelling Unit (and Phase, if Applicable)	Initial Estimated Prepayment Amount to Pay off Dwelling Unit's pro rata share of District Bonds at time Dwelling Unit Closes (this amount declines as principal payments are made annually and does NOT include interest that may be due through the next applicable bond payment date)	Estimated Total Capital Assessments including Principal and Interest if Capital Assessments are Paid Annually (No Prepayment) over Thirty (30) years (Estimated Annual District Capital Assessments times 30)
	\$	\$
	\$	\$

_____ PURCHASERS INITIALS

1. The District. All of the residential dwelling units ("**Dwelling Units**") in the [insert name of community] (the "**Development**") are also located within the boundaries of the [insert name of the District] Community Development District (the "**District**"). The District is a local unit of special-purpose government organized and existing under the laws of the State of Florida and the Home Rule Charter of Miami-Dade County, Florida and located in Miami-Dade County ("**County**"). The primary purpose of the District is to finance the cost of the public infrastructure of the Development which may include, without limitation, water and sewer facilities, environmental mitigation, roadways, the surface water management system, utility plants and lines, land acquisition, miscellaneous utilities for the Development, as applicable, and other infrastructure projects and services necessitated by the development of land within the Development (collectively, the "**Public Infrastructure**").

_____ PURCHASER'S INITIALS

2. The District Board. The Board of Supervisors of the District (the "**District Board**") is initially elected by the landowner in the District. The Board is required to advertise its meetings in advance and all District Board meetings are required to be open to the public. The District Board is required to prepare a budget each fiscal year and adopt the same in an open, public meeting. All owners of property within the District are invited to attend District Board meetings and participate in the public process.

_____ PURCHASER'S INITIALS

3. District Finance and Assessments. The current plan is for the District to issue bonds to acquire, construct, reconstruct, and equip all or a portion of the Public Infrastructure identified in Section 1. Currently, it is estimated that the Dwelling Units in the Development will be assessed based on the Capital and Administrative Assessments listed in Table 1 above and in Sections 3.1 and 3.4 below (if paid in November) to retire the debt of the District, to pay for operations of the District and maintenance of the Public Infrastructure. District assessments will either appear on the County real estate tax bill of each property located within the District and will be paid at the same time as County taxes are paid, or will be directly billed by the District. Capital assessments to repay the principal portion of the bond debt could be levied by the District for a period of up to thirty (30) years.

_____ PURCHASER'S INITIALS

3.1 District Capital Assessments. The District expects to issue bonds (the "**Bonds**"), the principal of and interest on which will be payable from non ad valorem special assessments ("**District Capital Assessments**") levied by the District on the property within the Development, which property is found to be specially benefited by the Public Infrastructure. Each Dwelling Unit is subject to a District Capital Assessment to repay the bonds.

_____ PURCHASER'S INITIALS

3.2 Amount. The estimated amount of annual District Capital Assessments including principal and interest levied on each Dwelling Unit is expected to be approximately \$_____.00 (approximately \$____ per month), which sum shall be payable annually for the term of the Bonds (the principal repayment period may not exceed thirty (30) years). The aggregate

amount of District Capital Assessments including principal and interest expected to be levied and imposed on each Dwelling Unit over the term of the Bonds [insert term] is approximately \$ _____.00.

_____ PURCHASER'S INITIALS

3.3 Prepay Option. Under certain circumstances, each owner of a residential unit has the option of prepaying the aggregate amount of District Capital Assessments levied on the owner's Dwelling Unit. The prepayment amount at any time will be equal to the remaining outstanding pro rata share of principal, accrued interest and interest due through the next applicable payment date due on the bonds for each Dwelling Unit. Such prepayment amount will decline each year as the District Capital Assessments are paid.

_____ PURCHASER'S INITIALS

3.4 District Administrative Assessments. In addition to District Capital Assessments, the District will impose an annual non ad valorem assessment to fund District operations and maintenance of its Public Infrastructure (collectively, "District Administrative Assessments"). Each Dwelling Unit shall be subject to District Administrative Assessments. The budget from which District Administrative Assessments are derived is subject to change each year, and may vary from year to year and from time to time. During each of the first three (3) fiscal years of the District, it is anticipated that District Administrative Assessments for the Dwelling Unit will be approximately \$ _____.00 per year per Dwelling Unit, after which time such assessments may vary from year to year and from time to time.

_____ PURCHASER'S INITIALS

3.5 District Assessments. District Administrative Assessments together with District Capital Assessments shall comprise the "District Assessments." While the District Assessments are not taxes under Florida law, the District Assessments will constitute a lien coequal with the lien of State, County, Municipal, and School Board taxes, and are expected to appear on the ad valorem tax bill sent each year by the Miami-Dade County Tax Collector. The Homestead Exemption is not applicable to the District Assessments. Because a tax bill cannot be paid in part, failure to pay the District Assessments or any other portion of the tax bill will result in the sale of tax certificates and could ultimately result in the loss of title to the Dwelling Unit of the delinquent taxpayer through the issuance of a tax deed. If billed directly by the District, nonpayment could result in foreclosure on and loss of title to the Dwelling Unit.

_____ PURCHASER'S INITIALS

PURCHASER:

PURCHASER:

Print Name: _____
Date: _____

Print Name: _____
Date: _____

25

Faint, illegible text covering the majority of the page, likely bleed-through from the reverse side of the document.

RECEIVED
MAY 05 2015
OFFICE OF THE ATTORNEY GENERAL
STATE OF TEXAS

In this case, fiscal impact will be primarily in the way of modifications to the Team Metro Case Management System and the Geographical Information System (GIS) as complaint calls received through 311 may be referred to municipalities. These costs are estimated to be \$22,100.00. The cost of modification to the 311 Customer Service Request (CSR) software application cannot be estimated at this time. There is minimal cost impact to the day-to-day operation of code enforcement field staff. The Department of Planning and Zoning has already identified all Class C signs in Miami-Dade County and each municipality's sign code standards. This research will facilitate any enforcement necessary by Team Metro.

The fiscal impact of a policy direction that is broader than the scenario presented would depend upon the additional code sections to be enforced and the extent to which enforcement may be pursued. A broader policy on enforcement would likely require additional resources to maintain the current service levels and response rates for the unincorporated area. We cannot estimate this cost until a policy direction is determined by the Board.

Furthermore, if adopted and implemented, the impact of the proposed ordinance on municipalities will be limited. Under the current zoning code, municipalities are already required to meet the minimum standard established in the sign code for sign regulation in the unincorporated area and the incorporated area of Miami-Dade County. Under the proposed ordinance municipalities may not issue a Class C sign permit until the director of DP&Z has issued a written determination that the proposed Class C sign would be in compliance with spacing requirements and municipalities will be required to submit to the DP&Z copies of all sign permits within 30 days of issuance. The fiscal impact of providing expanded service would include the creation of a database and the purchase of a scanner for permit documents in order to archive the permit information at an estimated cost to DP&Z of (\$8,500).

The combined total fiscal impact to Miami-Dade County, if this ordinance is approved by the Board, is estimated at \$30,600.

Finally, violations of this ordinance may result in citations under Chapter 8CC. The costs of pursuing such violators may be recovered. Whether utilizing the enforcement mechanisms available under Chapter 8CC citations will result in additional revenue to the County is difficult to determine at this time.


Assistant County Manager

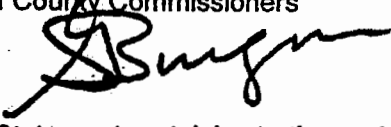
05.202

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
And Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Revised Fiscal Impact Statement pertaining to the zoning regulation of signs and enforcement of sign regulations Ordinance

This ordinance pertaining to zoning regulation of signs and enforcement of sign regulations by amending sections 33-82, 33-86, 33-92 and 8CC-10, and creating sections 33-121.28-121-33 of the Code of Miami-Dade County will have a fiscal impact to Miami-Dade County.

The implementation of the proposed ordinance potentially affects the operations of the Miami-Dade County Department of Planning and Zoning (DP&Z), Team Metro and municipalities. DP&Z would now be responsible for issuing compliance determinations for Class C (outdoor advertising) signs in both the unincorporated and incorporated area of Miami-Dade County. DP&Z would continue its current responsibility for the issuance of sign permits in unincorporated Miami-Dade County. Team Metro would continue to be responsible for enforcement of the minimum standards established in the County's sign code in the unincorporated area and in incorporated areas where municipal enforcement does not occur.

The proposed ordinance identifies the Busway Right-of-Way as a new corridor and prohibits Class C signs within the Right-of-Way. The ordinance does not create new regulations for Class A or Class B signs within the Right-of-Way.

The proposed ordinance also makes explicit the County's authority to enforce the minimum standards of Article VI of Chapter 33 of the Code of Miami-Dade County within municipalities. Historically, the Board has not given direction to enforce these provisions of the zoning code within incorporated areas; therefore, enforcement of the Sign Code by Team Metro has been exclusively within the Unincorporated Municipal Service Area (UMSA).

This report describes the fiscal impact should the Board decide to make a minor change of the current sign code enforcement policy. This scenario is presented following the discussion of code violations of Class C signs during the Infrastructure and Land Use Committee at its meeting of August 16, 2005. This impact estimates the added cost of expanding sign code enforcement within municipalities only to include Class C signs. All other type of reported sign code violations would be referred to the municipality for enforcement and the County's complaint case would be closed.

2

MEMORANDUM

Agenda Item No. 7(S)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 11-01-05) ✓
DATE: September 8, 2005

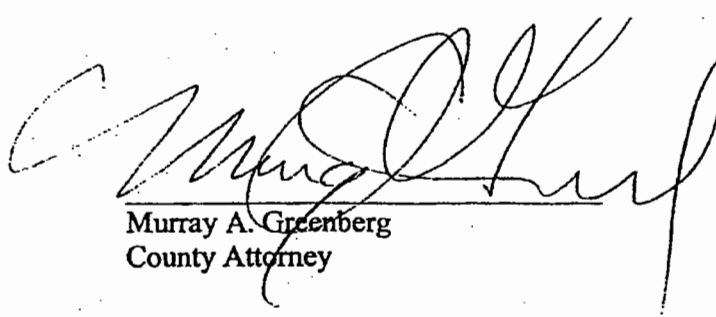
FROM: Murray A. Greenberg
County Attorney

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

SUBJECT: Ordinance pertaining to
zoning regulation of signs
and enforcement of sign
regulations

05-202

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



Murray A. Greenberg
County Attorney

MAG/bw

Approved _____
Veto _____
Override _____

Mayor

Agenda Item No. 7(S)
11-01-05

ORDINANCE NO. 05-202

ORDINANCE PERTAINING TO ZONING
REGULATION OF SIGNS AND ENFORCEMENT OF
SIGN REGULATIONS; CREATING SECTIONS 33-
121.28 - 33-121.31; AMENDING SECTION 8CC-10,
CODE OF MIAMI-DADE COUNTY, FLORIDA
("CODE"); PROVIDING PENALTIES; 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. Division 7 of the Sign Code of Miami-Dade County, Florida, is hereby
created as follows:

>>DIVISION 7. BUSWAY RIGHT-OF-WAY

Sec. 33-121.28. Definitions.

(a) *Busway right of way map* shall mean an official map designating outside boundaries for the Miami-Dade Transit Busway for Miami-Dade County, Florida, which shall be certified by the Clerk of the Board as the official busway zoning right-of-way map, and which shall be maintained on file in the records of the Department of Planning and Zoning. The busway zoning map may from time to time be altered, enlarged, amended or deleted by ordinance.

(b) *Applicable regulations* shall mean any pertinent zoning or building ordinance or other legislation regulating the use of signs in the incorporated or unincorporated areas of Miami-Dade County.

(c) *Busway protected areas* shall mean all property in Miami-Dade County within three hundred (300) feet of the busway right-of-way.

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

5

(d) Sign shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.

(e) Erect shall mean to construct, build, rebuild (if more than 50% of the support structure is involved), relocate, raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish a sign.

Sec. 33-121.29. Signs prohibited in protected areas.

It shall be unlawful to erect, permit or maintain any Class C (outdoor advertising) sign in protected areas.

Sec. 33-121.30. Nonconforming signs.

Signs which have been lawfully erected prior to the effective date of this division may continue to be maintained as provided in Section 33-35 of this chapter.

Sec. 33-121.31. Variances.

Relief from the requirements of this section shall only be permitted pursuant to the requirements in Section 33-311(A)(4)(a) of the Code of Miami-Dade County. <<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida,

is hereby amended as follows:

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

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

*

*

*

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
*	*	*
33-107	Failure to maintain the landscaping, or the Class C sign in good condition or the sign site free from trash and debris	\$ [[1]] >>5<<00.00
33-107	Failure to remove Class C sign at cancellation of permit >> <u>First offense</u> <<	[[500.00]] >> <u>\$1,000.00</u> <<
>>33-107	<u>Failure to remove Class C sign at cancellation of permit</u> <u>Second offense</u>	<u>\$2,000.00</u>
33-107	<u>Exceeding maximum Class C Sign Size</u>	<u>\$1,000.00</u>
33-107	<u>Exceeding the maximum height for a Class C sign</u>	<u>\$1,000.00</u>
33-107	<u>Failure to meet setback or spacing requirements for Class C sign</u>	<u>\$1,000.00</u>
33-121.12	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>\$2,000.00</u>
33-121.14	<u>Failure to remove nonconforming sign</u>	<u>\$2,000.00</u>
33-121.21	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>\$2,000.00</u>
33-121.24	<u>Failure to remove nonconforming sign</u>	<u>\$2,000.00</u>

7

<u>33-121.29</u>	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>\$2,000.00</u>
<u>33-121.31</u>	<u>Failure to remove nonconforming sign</u>	<u>\$2,000.00<<</u>

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

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made 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: **NOV 03 2005**

Approved by County Attorney as
to form and legal sufficiency: *[Signature]*

Prepared by:
John McInnis *JM*

Sponsored by Commissioner Katy Sorenson

RECEIVED

NOV 30 2005

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


BY _____

Memorandum



Date: November 3, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Substitute Fiscal Impact of Ordinance pertaining to zoning regulation of signs
and enforcement of sign regulations

This substitute fiscal impact reflects the changes approved by the Infrastructure and Land Use Committee at its October 11, 2005 meeting. It differs from the first two versions in that it clarifies the potential fiscal impact of enforcing the proposed Busway Right-of-Way.

The proposed ordinance creates the Busway Right-of-Way as a new corridor and prohibits Class C signs within the Right-of-Way protected area. The ordinance does not create new regulations for Class A or Class B signs within the Right-of-Way protected area. There is no fiscal impact to the day-to-day operation of code enforcement field staff. This type of code violation shall be handled on a complaint basis which is consistent with current Sign Code enforcement procedure.

It is important to note that violations of this ordinance may result in the issuance of civil penalties (citations) under Chapter 8CC. The costs of pursuing such violators may be recovered. Whether utilizing the enforcement mechanisms available under Chapter 8CC citations will result in additional revenue to the County is difficult to determine at this time.



Assistant County Manager

fiscal07205a

Memorandum

Date: (Second Reading 11-01-05) ✓
September 22, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George W. Burgess
County Manager

05-197

Agenda Item No. 7(L)

Subject: Proposed Ordinance Pertaining to Downtown Kendall Urban Center Zoning District

RECOMMENDATION

It is recommended that the Board adopt the attached proposed ordinance pertaining to the Downtown Kendall Urban Center zoning district.

BACKGROUND

The Downtown Kendall Urban Center zoning district has stimulated desirable pedestrian friendly, walkable developments appropriate in the proximity of a transit station and at a designated Metropolitan Urban Center. Downtown Kendall is a dynamic urban environment. The existing ordinance establishes strict regulations in connection with both street designations and signage.

To enhance the goals and objectives of the district and the comprehensive plan, some minor modifications have been proposed to the street grid and to the sign regulations. The proposed language of this ordinance would allow a slight increase in signage for the uniquely situated area of Downtown Kendall that fronts on South Dixie Highway. The commercial uses in this area are set back a distance from the highway necessitating an amendment to the signage allowances for increased visibility to those retailers. Further, this ordinance seeks to amend the classification of two streets within the Downtown Kendall area to afford the developers greater flexibility in design. This ordinance will permit the development of these two parcels with better designed projects.

Because of the very prescriptive nature of the Downtown Kendall Urban Center zoning regulations, minor modifications to the regulations are needed as the area redevelops.

Attachment



Assistant County Manager

Approved _____

Mayor

Agenda Item No. 7(L)

Veto _____

11-01-05

Override _____

ORDINANCE NO. 05-197

ORDINANCE RELATING TO ZONING REGULATIONS FOR DOWNTOWN KENDALL URBAN CENTER DISTRICT; MODIFYING SECTION 33-284.61 REGULATING PLANS; AMENDING SECTION 33-284.63 ADDITIONAL PARAMETERS PERTAINING TO PERMANENT POINT OF SALE SIGNS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-284.61 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

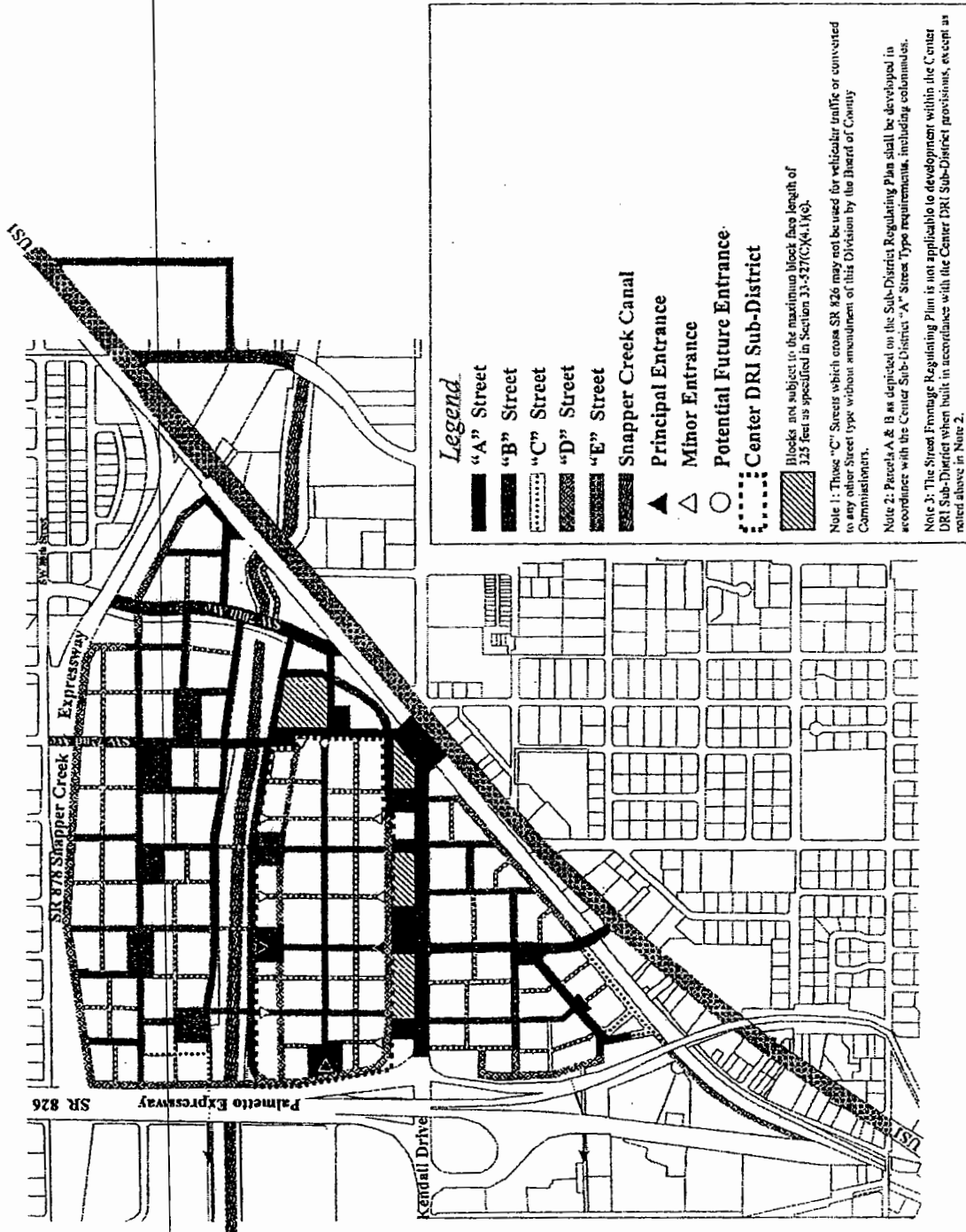
Sec. 33-284.61. **Regulating Plans.**

(A) Sub-District Plan.

* * *

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

>>(B) Street Frontage Plan.<<



Legend

- "A" Street
- "B" Street
- "C" Street
- "D" Street
- "E" Street
- ▨ Snapper Creek Canal
- ▲ Principal Entrance
- △ Minor Entrance
- Potential Future Entrance
- ⋯ Center DRI Sub-District

Blocks not subject to the maximum block face length of 325 feet as specified in Section 33-527(C)(4)(b).

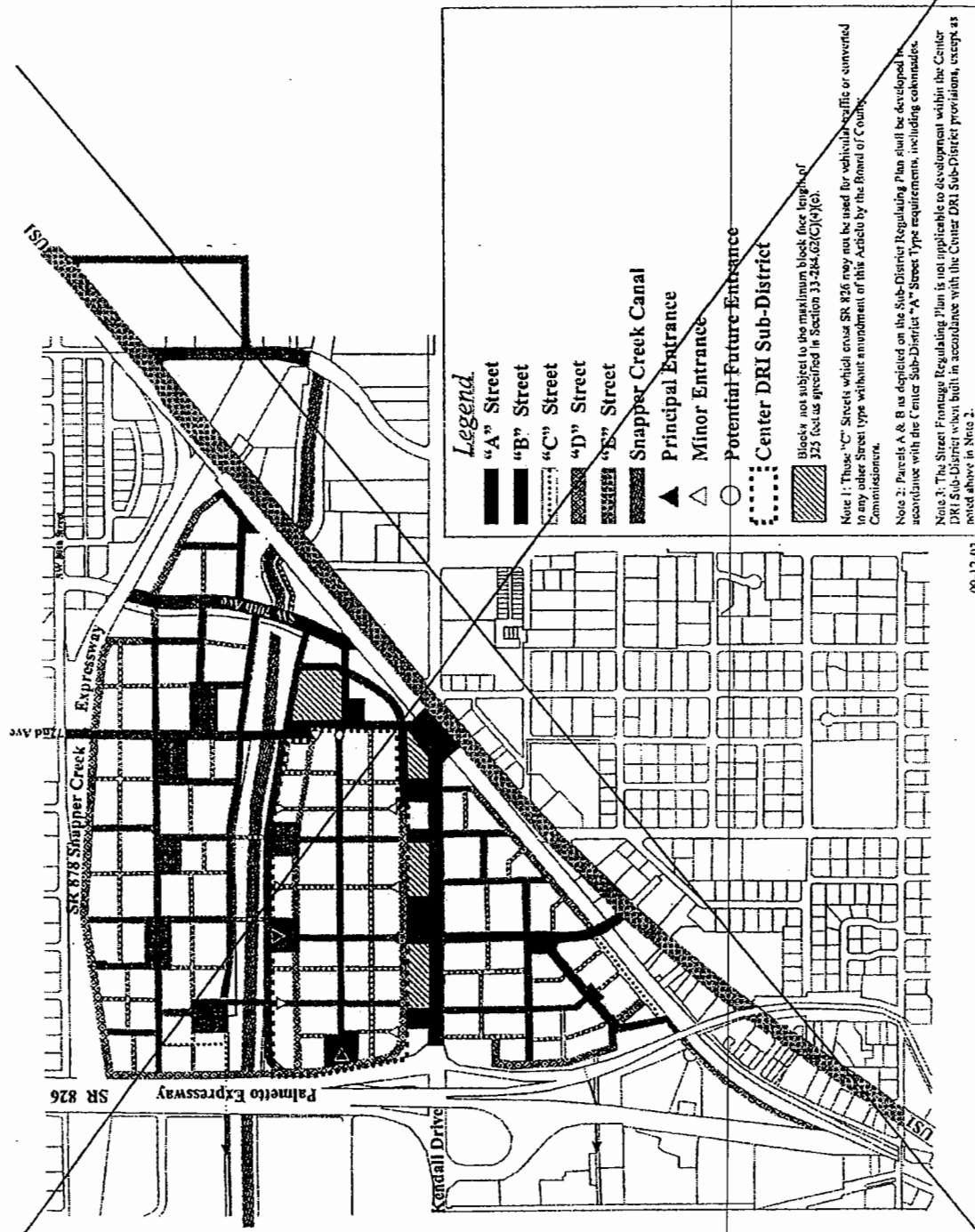
Note 1: These "C" Streets which cross SR 826 may not be used for vehicular traffic, or converted to any other Street type without amendment of this Ordinance by the Board of County Commissioners.

Note 2: Parcels A & B as depicted on the Sub-District Regulating Plan shall be developed in accordance with the Center Sub-District "A" Street Type requirements, including columns.

Note 3: The Street Frontage Regulating Plan is not applicable to development within the Center DRI Sub-District when built in accordance with the Center DRI Sub-District provisions, except as noted above in Note 2.

5

[[(B) - Street Frontage Plan.]]



09-12-02

4

* * *

Section 2. Section 33-284.63 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-284.63. Additional parameters.

The following are required irrespective of frontage and Sub-District categories:

* * *

(B) Signage. Three (3) types of signs are allowed: temporary signs, point of sale signs and directional signs. Outdoor advertising signs, automatic electric changing signs, and entrance features are not permitted, and shall not be the subject of a public hearing. All signs shall not obstruct sign visibility triangles at street intersections. Lawful freestanding signs existing on December 16, 1999, shall be permitted to remain, and shall be permitted to be upgraded and maintained in substantial compliance with plans approved as of that date.

(1) Temporary Signs.

* * *

(2) Permanent Point-of-Sale Signs.

(a) Permanent point of sale signs in the Edge Sub-District North of Snapper Creek Canal and west of US Highway 1: Detached, flat, awning, projecting, pylon signs are all allowed:

* * *

(b) Permanent point of sale signs in the Core and Center Sub-Districts and in the Edge Sub-District north of Snapper Creek Canal and East of US Highway 1: Detached, flat, awning, projecting, pylon and marquee are all allowed:

(i) Size: Twenty-four (24) square feet maximum, except eight (8) square feet maximum for cantilever projecting signs, which shall be

mounted perpendicular to buildings. Further, in>>the Edge Sub-District north of Snapper Creek Canal and East of U.S. Highway 1 flat wall signs are permitted at a maximum size no greater than seven and one half (7.5) percent of the wall area for the first fifteen (15) feet of building height and 1.5 percent for each foot of building height above the 15 feet measured to the bottom of the sign<<.

- (ii) Number: One (1) of each sign type, up to a total of three (3) per street frontage for each tenant.
- (iii) Building identification wall signs shall be permitted in the Core and Center Sub-Districts above the eighth floor. One (1) sign per frontage is permitted, each sign shall be a maximum of three hundred (300) square feet.
- (iv) Setbacks and Spacing: The outer edge of the sign shall be no closer than zero (0) feet from right-of-way and five (5) feet minimum from side or rear property line.
- (v) Illumination: Section 33-96, Illumination, of this Code, shall apply, except that revolving, rotating and otherwise moving signs shall be prohibited.
- (vi) Maximum Height: Four (4) feet maximum height above grade to top of sign for detached signs.
- (vii) Special Conditions: No permit required for awnings following these regulations. Letters attached or painted to fabric shall be limited to the identification of the occupant and/or use of the property. Backlit awnings and balloons signs are not allowed. Decorative neon may be used only inside windows. Building name and quotations carved in stone or stucco relief may occupy up to ten (10) percent of a facade.

(viii) No sign shall exhibit thereon any lewd or lascivious matter.

* * *

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

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

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

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

PASSED AND ADOPTED: NOV 03 2005

Approved by County Attorney as to form and legal sufficiency: [Signature]

Prepared by: [Signature]

Joni Armstrong Coffey

RECEIVED
NOV 30 2005

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

BY _____

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(E)
11-01-05

ORDINANCE NO. #05-191

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-8.1 AND 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERMITTING PORTABLE MINI-STORAGE UNITS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 052392, 052875 AND 052896].

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

Section 1. Section 33-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-8.1. Zoning Improvement Permit (ZIP).

Certain buildings, structures, improvements and installations are exempted by the Florida Building Code from building permit issuance, but must otherwise comply with the minimum requirements of this chapter. Therefore, such buildings, structures, improvements and installations shall be subject to review under the Zoning Improvement Permit (ZIP) standards contained in this section, as well as the regulations of the underlying zoning district.

The following buildings, structures, improvements and installations shall require a ZIP from the Department of Planning and Zoning:

Above ground pools that contain water over 24 inches deep;

Agricultural/farm buildings and non-habitable structures on bona

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.

fide farms;

Canopy carports, canopy and other fabric covered framework installed on residential properties;

Chickee huts constructed by Miccosukee or Seminole Indians;

Chain link fences, picket fences, ornamental iron fences and other fences installed on residential property that are deemed non-wind resistant; provided, however, any pool safety barrier fence and any fence with concrete columns shall require a building permit;

Decorative reflective pools and fishponds that contain water less than 24 inches deep, that contain less than 250 square feet in area, and contain less than 2,250 gallons in volume;

Decorative garden-type water fountains;

Parking lot refurbishing - resurfacing, re-striping or seal coating, and paving and drainage of existing parking lots;

>>Portable mini-storage unit, subject to the conditions and limitations of Section 33-20(i)<<

Signs - balloon type;

Signs - painted wall type;

Signs - stick on letter type.

The director of the Department shall have the authority to require ZIP review for other buildings, structures, improvements and installations that are newly created or come about by changes in the state or local building codes.

In the event any portion of the subject property is contiguous to or across the street from a municipal boundary, applicant shall submit a boundary survey performed in accordance with Chapter 61G17-6.0031, Florida Administration Code.

The submittal of plans shall be necessary to fully advise and acquaint the issuing Department with the location and use of the buildings, structures, improvements and installations, and such plans must accompany the application for a ZIP. The respective Directors of the Department of Public Works, Department of

Environmental Resources Management, Miami-Dade County Fire Rescue Department and Department of Planning & Zoning shall review the submitted plans only to the extent of their respective jurisdiction under the Code of Miami-Dade County. In the event there is a question as to the legality of a use, the Director may require affidavits and such other information as may be deemed appropriate or necessary to establish the legality of the use, before a ZIP permit is issued.

Section 2. Section 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-20. Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage.

(a) *Temporary.* Temporary accessory buildings, tents, out-buildings, and other similar structures are prohibited for residential use whether on a temporary or permanent basis. Permanent accessory buildings, at the discretion of the Director, may be constructed and used as a temporary residence prior to erection of permanent or main residence under conditions herein specified and a portion of a main residence, at the discretion of the Director, may be used and occupied as a temporary residence under the same and following conditions:

* * *

>>(i) Portable mini-storage unit. For the purpose of this section, the term portable mini-storage unit shall mean a portable container designed for the storage of personal property that is placed on a homeowner's lot, parcel or tract and is designed to be delivered to and/or removed from the homeowner's site by a truck or other street-legal vehicle.

One temporary portable mini-storage unit may be placed on a fee simple lot, parcel or tract containing a single family residence, subject to the following conditions and limitations:

- (1) The homeowner has a valid building permit: (i) for the major remodeling of, or (ii) for a significant addition to, or (iii) for damage repair to the single family residence on the lot, parcel or tract whereon the portable mini-storage unit is requested to be placed; and

- (2) The portable mini-storage unit, shall not exceed 8 feet in width, 16 feet in length, and 8 feet in height; and
- (3) The portable mini-storage unit shall be placed at ground level, shall be setback a minimum of ten (10) feet from the front property line and a minimum of five (5) feet from all other property lines, and shall comply with the safe sight distance triangle regulations; and
- (4) In no instance shall hazardous material be placed in the portable mini-storage unit; and
- (5) Prior to placement of the portable mini-storage unit on the lot, the property owner shall apply for and obtain a Zoning Improvement Permit (ZIP) pursuant to Section 33-8.1 for the portable mini-storage unit.
- (6) The ZIP for the portable mini-storage unit shall be a conditional permit and shall be issued for a period not to exceed 90 days. Upon showing of just cause by the homeowner, the Director may approve the homeowner's written request to renew the ZIP for additional 90 days, not to exceed a total of 180 days overall; provided, however, the portable mini-storage unit shall be removed from the premises when a hurricane watch is issued for Miami-Dade County. No renewal fee of the ZIP shall be charged where, after inspection by the Department of Planning and Zoning, the use of the mini-storage unit is to facilitate repair of damage caused by a hurricane.
- (7) No mechanical, plumbing or electrical installations or connections are made to the portable mini-storage unit.
- (8) The portable mini-storage unit shall have clearly posted on the exterior of the unit, the name, current phone number and address of the company providing the portable mini-storage unit, a copy of the current ZIP permit issued for the mini-storage unit, and the date the portable mini-storage unit was placed at the site.
- (9) The conditional ZIP approval may be revoked by the Director at any time should the homeowner's utilization of such temporary portable mini-storage unit result in unsafe or unsanitary conditions on the site or upon violation of any of the conditions or limitations stated herein.<<

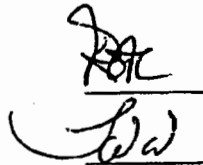
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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: **NOV 01 2005**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Jay Williams

Sponsored by Senator Javier D. Souto

Approved _____ Mayor Agency No. 7(D)
Veto _____ 11-01-05
Override _____

ORDINANCE NO. **05-190**

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-19.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO DISPLAY OF VEHICLES FOR SALE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-19.1 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-19.1. Display of vehicles for sale.

- (a) No vehicle >> or boat<< shall be displayed for sale in a residential district unless affixed to the vehicle is a valid state license plate issued for the vehicle, except that a vehicle affixed with a lost tag may be displayed for a period not to exceed ten (10) days. A vehicle with a lost tag shall have the vehicle registration affixed to the rear window so as to be easily readable by law enforcement and code enforcement officials. >>As used in this section, the term "vehicle" shall include an automobile, motorcycle, truck, or recreational vehicle, a utility trailer, or a trailer for transporting off-highway vehicles or boats.<<
- (b) In residential districts no more than one (1) vehicle may be displayed for sale at any one (1) time on any one (1) premise and no more than two (2) vehicles may be displayed for sale at any one (1) premise for any one (1) calendar year, and the display shall only be permitted at the current address of the registered owner >>of the vehicle offered for sale on the subject premises<<.
- >>(c) No more than one sign shall be placed on the vehicle offered for sale. Such sign shall not exceed 8 inches by 12 inches.<<

[[e)] >>(d)<< All violations of this section shall be punishable by a fine of one hundred dollars (\$100.00) for the first vehicle on a first offense and five hundred dollars (\$500.00) per vehicle for each additional vehicle and

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

any repeat violation of this section. The County may lien the vehicle and any real property owned by the violator in Miami-Dade County until all fines, enforcement costs, and administrative costs are paid by the violator. Any vehicle in violation of this section shall be towed if not removed immediately by the owner. (Vehicle owners will be responsible for all fines, towing fees, storage fees, and any administrative and enforcement fees that result from the enforcement of this section.)

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

Section 3. 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: **NOV 03 2005**

Approved by County Attorney as to form and legal sufficiency: *CM*

Prepared by: *JM*

John McInnis

Sponsored by Senator Javier D. Souto

RECEIVED
NOV 30 2005
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY _____

5

Approved _____
 Veto _____
 Override _____

Mayor

Agenda Item No. 7(C)
 11-01-05

05 - 189

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; MODIFYING SECTIONS 33-49 AND 33-203 AND CREATING SECTIONS 203.1 AND 203.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); AUTHORIZING MULTIPLE-FAMILY HOUSING DEVELOPMENTS ON CERTAIN PROPERTIES ZONED RU-3; PROVIDING ADMINISTRATIVE SITE PLAN CRITERIA AND REVIEW PROCEDURES FOR SUCH DEVELOPMENTS; 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 33-49 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

<i>District</i>	<i>Families</i>	<i>Min. Width</i>	<i>Min. Lot Area (Sq. Ft.)</i>	<i>Max. Lot Coverage (% of Lot Area)</i>	<i>Min. Bldg. Size (Cu. Ft.)</i>
		*	*	*	
RU-3	1	Same as single family residence in RU-2 district.			
	2 singles	Same as two single family residences in RU-2 district.			
	Duplex	Same as duplex in RU-2 district			
	3 or 4 unit	75'	7,500	40%	7,500
	>>Multi-family housing development	<u>100'</u>	<u>2 acres net lot area</u>	<u>30%<<</u>	
		*	*	*	

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.

05-189

Section 2. Section 33-203 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-203 Uses permitted.

No land, body of water and/or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, reconstructed, or moved or structurally altered or maintained for any purpose in an RU-3 district unless otherwise provided herein, except for one (1) of the following uses:

- (1) Every use permitted in RU-1, RU-1M(a), RU-1M(b) and RU-2 Districts.

* * *

- (6) >>Except as provided in (6.1) below, n<< [[N]]ot more than four (4) families shall occupy a building in an RU-3 District.

>>(6.1) Multiple family housing developments. Multiple family housing developments on sites zoned RU-3 prior to the effective date of this ordinance shall be permitted only after staff review of the site plan to insure compliance with (i) the following, and (ii) with the site plan review criteria contained within Section 33-203.7 of this code, except that interior side setbacks and spacing requirements shall not apply.

(a) Housing types and building facades. The development shall contain either a minimum of 3 housing types, or where a single housing type is proposed, the model plans shall include a minimum of 4 different building facades.

(b) Minimum lot area. The minimum size of the site to be developed shall be 2 net acres.

(c) Lot coverage. The maximum area covered by all buildings on the site shall be 30% of the site, including accessory buildings.

(d) Setback requirements. The setbacks shall be as follows:

- (1) Minimum setback from front property line shall be 25 feet.
- (2) Minimum setback from interior side property line shall be 20 feet.
- (3) Minimum setback from side street property line shall be 25 feet.

5

- (4) Minimum setback from rear property line shall be 25 feet.
- (5) Minimum spacing between buildings shall be 20 feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance shall be measured on a line projected at right angles at the opening to the opposite wall. Cantilevers and open porches may project from the building wall into the required open space of the courtyard only not more than 4 feet and that stairways may project from the building wall in to the required open space of the courtyard only not more than 7½ feet. When located in the required open space of the courtyard, stairways shall be supported by the necessary columns only; support by a wall is strictly prohibited.
- (6) Minimum setbacks for accessory buildings shall conform to the same requirements as provided for accessory buildings in the RU-1 District.

(e) Height. No building or structure, or part thereof shall be erected or altered to a height exceeding 3 stories, and shall not exceed 40 feet.

(f) Floor area ration (FAR). The floor area ratio shall not exceed the following:

<u>Height of Building</u>	<u>Maximum FAR</u>
<u>1-story</u>	<u>0.30</u>
<u>2-story</u>	<u>0.50</u>
<u>3-story</u>	<u>0.75</u>

(g) Maximum number of dwelling units. The maximum number of dwelling units shall be 23 dwelling units per net acre.

(h) Open space. On each site there shall be provided an open space equal to at least 25 percent of the net lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and

shrubbery. Areas used as (i) pedestrian walks and (ii) the throat of ingress and egress drives consisting of the first 25 feet of said ingress and egress drives shall be accredited towards open space requirements.

(i) *Parking.* Parking shall be provided in accord with Article VII of this code. Attached individual garages shall not be credited towards parking requirements. Accessory structures shown on the plan as covered parking areas shall not be enclosed for non-parking purposes. This requirement shall be acknowledged in the form of a recordable declaration of restrictive covenant which shall be provided for each multiple family housing development constructed in accordance with the provisions of the subsection.

(j) *Trees.* Landscaping and trees shall meet or exceed the minimum requirements provided in Chapter 18A of this code.

(k) *Enclosed community prohibited.* The walling off of the community from arterial roadways shall be prohibited. Entrance features which control ingress and egress shall be prohibited. Relief from this requirement may only be permitted pursuant to the standards and requirements of section 33-311(A)(4)(a) of this code.<<

Section 3. Sections 33-203.1 through 33-203.5 of the Code of Miami-Dade County, Florida, are hereby amended as follows:

~~[[Sec. 33-203.1 – 33-203.5. Reserved.]]~~

>>Sec. 33-203.1. Site plan review.

Multi-family housing developments, as permitted by Section 33-203 (6.1) of this code, shall be subject to administrative site plan review as specified herein. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. The Department shall review proposed plans for compliance with zoning regulations and for compliance with the site plan review criteria. All plans submitted to the Department shall be reviewed and approved or denied within 30 days from the date of submission. The applicant shall have the right to extend the 30 day period by an additional 30 days upon timely request made in writing to the Department. The Department shall have the right to extend the 30 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 denial. Decisions of the Director may be appealed to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decisions.

Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to, the following:

- (1) Site plan including the following information:
 - (a) Lot lines and setbacks.
 - (b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.
 - (c) Landscaping in accordance with Chapter 18A of this code.
 - (d) Location of off-street parking and loading facilities and waste collection areas.
 - (e) Indication of exterior graphics, as required.
 - (f) Indication of any site design methods used to conserve energy.
- (2) Floor plans and elevations of all structures, including total gross square foot area of each floor.
- (3) Figures indicating the following:
 - (a) Gross and net acreage.
 - (b) Amount of landscaped open space in square feet required and provided.
 - (c) Amount of building coverage at ground level in square feet.
 - (d) Total trees required and provided in accordance with Chapter 18A of this code.
 - (e) Parking required and provided.
 - (f) Total amount of paved area in square feet.
 - (g) Such other design data as may be needed to evaluate the project.

Sec. 33-203.2. Site plan review criteria.

The following criteria shall apply in the plan review process for multi-family housing developments permitted by Section 33-203 (6.1) of this code:

Purpose and intent: The proposed development authorized herein shall promote urban design, connectivity and walkability. The site plan shall foster high quality public space within the development through the use of urban design principles.

Planning studies: Design, planning studies or neighborhood area studies approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.

Landscape: Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.

Buffers: Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.

Scale: Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.

Circulation: Pedestrian, bicycle and motor vehicle circulation shall be separated insofar as is practicable and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development. Gates which control ingress/egress to the development shall be prohibited.

Energy consideration: Site design methods to reduce energy consumption shall be encouraged. Site conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.

Parking areas: In addition to the requirements of the landscape regulation of the code, building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas.

Open spaces: Open space shall relate to natural characteristics in such a way so as to preserve an enhance their scenic and functional qualities.

Recreational amenities: Recreational amenities such as swimming pools, athletic courts and fields, jogging and bicycle paths, community buildings, and the like,

shall be included within the development to meet the needs of the residents and designed as an integral part of the overall design of the development.

Graphics: Graphics, as required, shall be designated as an integral part of the overall design of the development.

Art display: Permanent interior and exterior art displays and water features shall be encouraged in the overall design of the development.

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

(a) Wall with landscaping. The wall shall be setback 2 1/2 feet from the right-of way line. The resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one or more of the following planting materials:

- (1) Shrubs. Shrubs shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within 1 year after time of planting.
- (2) Hedges. Hedges shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within 1 year after time of planting.
- (3) Vines: Climbing vines shall be a minimum of 36 inches in heights immediately after planting.
- (4) Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

Secs. 33-203.3 – 33-203.5 . Reserved.<<

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.

05-189

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 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: **NOV 03 2005**

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

Prepared by: JAC/CHK

Joni Armstrong Coffey/Craig H. Collier

Sponsored by Commissioner Dorrin D. Rolle

RECEIVED
NOV 30 2005
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY _____

September/05

Approved _____ Mayor
Veto _____
Override _____

Amen. ✓
Agenda Item No. 7 (I)
9-8-05 ✓

ORDINANCE NO. 05-171

ORDINANCE AMENDING SECTION 20-44 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING NEW COMMUNITY COUNCIL MEMBERS TO ATTEND NEW MEMBER ORIENTATION SEMINAR AND REQUIRING EXISTING COMMUNITY COUNCIL MEMBERS TO ATTEND ANNUAL ORIENTATION WORKSHOP; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 20-44 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-44. Community Councils; organization >>; new member orientation; annual orientation workshop<<.

* * *

>>(D) Prior to serving on a Community Council, a Community Council member appointed or elected to a Council after the effective date of this ordinance shall attend a New Member Orientation Seminar conducted by the Department of Planning and Zoning, the Commission on Ethics, Team Metro and the County Attorney's Office. The seminar shall include, but shall not be limited to, review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, incorporation and annexation issues, workforce and affordable housing issues and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

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.

(E) All Community Council members shall attend an Annual Community Council Workshop organized and conducted by the Department of Planning and Zoning, the Commission on Ethics, Team Metro and the County Attorney's Office. The Workshop shall include, but shall not be limited to, review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, incorporation and annexation issues, workforce and affordable housing issues and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

(F) Notwithstanding Sec. 20-43.2, failure of any elected or appointed member of a Community Council to attend an annual Community Council Workshop shall be deemed sufficient cause for removal.<<

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.

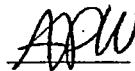
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **SEP 08 2005**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Abigail Price-Williams

Sponsored by Commissioner Jose "Pepe" Diaz

Memorandum

MIAMI-DADE
COUNTY

Date: July 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 7(M)

From: 
George M. Burgess
County Manager

05-146

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

Subject: Substitute to Proposed Zoning Ordinance Establishing the Princeton Community
Urban Center District Regulations

RECOMMENDATION

It is recommended that the Board adopt the attached proposed zoning ordinance establishing the Princeton Community Urban Center Zoning District (PCUCD) regulations.

BACKGROUND

On September 9th, 2004 the Board of County Commissioners adopted Resolution No. R-1108-04 accepting the Princeton Charrette Report, including its plan and recommendations and directing the County Manager to present to the County Commission the necessary amendments to the Code of Miami-Dade County to implement the Plan and its recommendations. Subsequent to this, the staff of the Department of Planning and Zoning began to work on the development of the Princeton Community Urban Center District (PCUCD) regulations.

The proposed PCUCD builds upon the proposed and accompanying Urban Center District Regulations and provides the additional requirements and the regulating plans that will guide development within this urban center. In addition, the proposed Princeton Community Urban Center Zoning district regulations implement the "Princeton Master Plan" which is the citizens' vision for the future growth and development of the unincorporated area of Princeton in southern Miami-Dade County. This vision resulted from the Princeton Charrette held from June 6th to June 13, 2003. The proposed Princeton Community Urban Center Zoning district regulations also further implement the policies of the County's Comprehensive Development Master Plan (CDMP).

Honorable Chairman Joe Martinez
and Members, Board of County Commissioners

Page 2

The CDMP contains directives to promote urban centers in places where mass transit, roadways and highways are highly accessible. Community Urban Centers (CUCs) are compact, mixed-use, and pedestrian-friendly activity centers that will serve localized areas. The Princeton CUC, which is designated in the CDMP's Land Use Plan Map, is located around the South Dade Busway stop at SW 244 Street.

The proposed ordinance has been subject to considerable public input, including the Princeton Charrette Steering Committee and public hearings at the Redland Community Council 14, the South Bay Community Council 15, and the Planning Advisory Board. All these Boards have recommended that the Board of County Commissioners adopt the proposed ordinance.

The proposed ordinance creates regulations to govern the new zoning district. Properties located within the boundaries of the new zoning district will become subject to the new regulations upon approval after public hearing on an application to rezone the properties within the Princeton Community Urban Center to the Princeton Community Urban Center Zoning.

FISCAL IMPACT

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



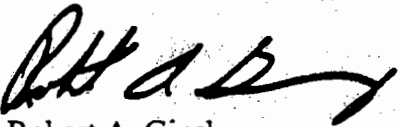
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:** July 7, 2005
and Members, Board of County Commissioners

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(M)

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. 7(M)

07-07-05

ORDINANCE NO. 05-146

ORDINANCE RELATING TO ZONING AND
OTHER LAND DEVELOPMENT REGULATIONS;
PROVIDING FOR THE PRINCETON COMMUNITY
URBAN CENTER ZONING DISTRICT; CREATING
SECTIONS 33-284.98 THROUGH 33-284.99.4 OF
THE CODE OF MIAMI-DADE COUNTY (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 33-284.98 of the Code of Miami-Dade County, Florida is
hereby created as follows:¹

ARTICLE XXXIII (M)

PRINCETON 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. 33-284.98 Purpose, intent and applicability.

- A. The regulations contained in this chapter and Chapter 18A, Landscape Code, Code of Miami-Dade County, Florida, shall apply to this article, except as otherwise added to or modified herein
- B. The Illustrative Master Plan (Figure 1), illustrates the citizens' vision and may be used to interpret this article. Where the Illustrative Master Plan conflicts with the text of this article, the text shall govern.
- C. The boundaries shown in Figure 1 shall constitute the Princeton Community Urban Center Boundary Plan and are generally described as follows: from the northwest corner of the intersection of SW 256 Street and SW 127 Avenue, then north along the west side of SW 127 Avenue to the south side of SW 240 Street, then west along the south side of SW 240 Street to the Urban Development Boundary (UDB) line, as of the effective date of this ordinance, then south, east and west along the UDB to the north side of SW 256 Street, then east along the north side of SW 256 Street to the west side of SW 127 Avenue. The exact location of the UDB line as of the effective date of this ordinance (_____, 2005) is on file with the Department of Planning and Zoning. An approximate delineation of the UDB line is depicted in the Illustrative Master Plan and in the Regulating Plans.

A more detailed legal description of the boundaries follows:

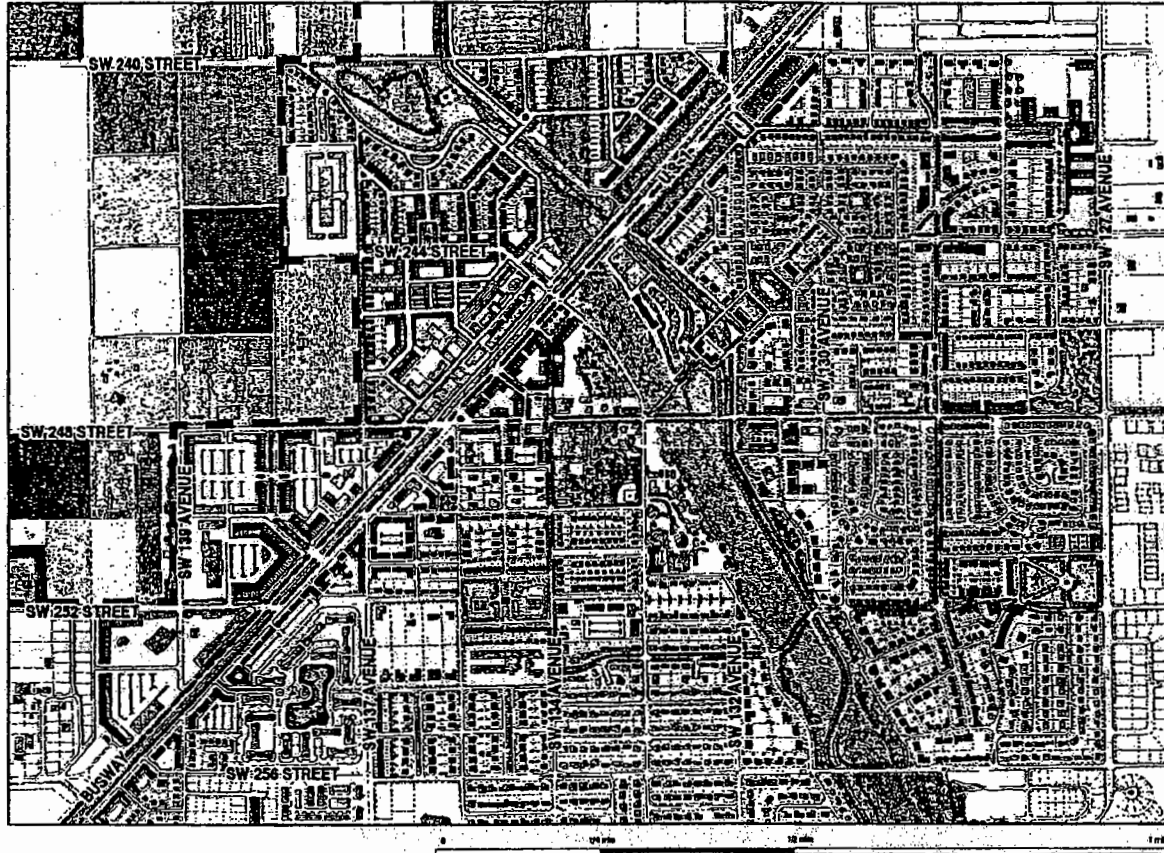
Beginning at the centerline of the intersection of SW 127th Avenue and SW 256th Street of section 26-56-39, thence North, along the centerline of SW 127th avenue to the intersection with the centerline of SW 240th Street, thence west along the centerline of SW 240 Street to the intersection with the centerline of SW 137 AVE the (UDB). Thence continue west along the centerline of SW 240 Street for 542'+ to a point (theoretical UDB). Thence on an assumed bearing S00-44-41W for 1440'+ to a point. Thence N89-26-32E for 542'+ to the centerline of SW 137 AVE. Thence south along the centerline of SE 137 AVE to the intersection with the centerline of SW 248 Street. Thence west along centerline of SW 248 Street to the intersection with the centerline of SW 139 AVE. Thence south along the

centerline of SW 139 AVE to the intersection with the centerline of SW 252 Street. Thence west along the centerline of SW 252 Street to the intersection with the centerline of SW 142 AVE. Thence on an assumed bearing S41-03-51W for approximately 1737'+ to the centerline of the intersection of SW 256 Street. Thence east along the centerline of SW 256 Street for 1563'+ to the intersection with the Centerline of Packing House Road. Thence on an assumed bearing S50-44-50E for approximately 371.65'+ to the centerline of State Hwy # 5. Thence NE/ly along the centerline of the State HWY # 5 for 334.99 + to a point. Thence east for 427.30+ to the centerline of SW 139 Ave. Thence east along the centerline of SW 256 ST to the point of beginning. (The intersection with the centerline of SW 127 AVE).

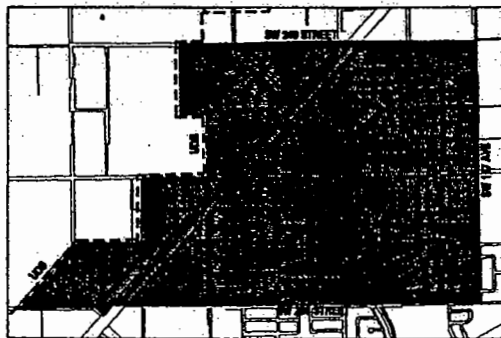
D. Full scale maps of the Illustrative Master Plan presented in Figure 1, as well as all the Regulating Plans and Street Development Parameters figures in this article, are on file with the Miami-Dade Department of Planning and Zoning.

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





Figure 1: Illustrative Master Plan



CUC BOUNDARY PLAN



KEY

-  Urban Development Boundary
-  Existing Buildings
-  Proposed Development
-  CUC Area



Section 2. Section 33-284.99 of the Code of Miami-Dade County, Florida is

hereby created as follows:

Sec. 33-284.99. Princeton Community Urban Center District (PCUC) Requirements.

Except as provided herein, all developments within the PCUC shall comply with the requirements provided in Article XXXIII(K), Standard Urban Center District Regulations, of this code.

Section 3. Sec. 33-284.99.1 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.1. Uses.

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the PCUC shall comply with Section 33-284.83 of this code.

A. Permitted Uses. The following uses shall be permitted.

1. On the west side of South Dade Busway right-of-way, Industrial (ID) lots abutting designated Mixed Use Corridor (MC) lots on at least one side, may have uses permitted in the MC area for a depth not to exceed 300 feet, as measured from the Busway right-of-way.
2. In the Industrial District (ID) area, all uses permitted in the IU-2 zoning district after public hearing pursuant to section 33-311(A)(3) of this code.
3. The following uses in the Marketplace Special District (SD) area:
 - a. outdoor produce markets
 - b. all uses permitted in the IU-1 zoning district

- c. in the Core and Center Sub-districts only, on lots fronting on SW 244 Street or SW 137 Avenue, all uses permitted in the Arts District (AD)
4. The following uses in the Arts District (AD) area:
 - a. live-work buildings, only along A-Streets and with the following uses:
 - (1) for the residential area: multiple family apartment units when vertically integrated with other lawful uses in work space area
 - (2) for the work space area:
 - (i) all uses permitted in the workshop portion of a live-work unit in the ID area
 - (ii) arts and crafts stores
 - (iii) caterers
 - (iv) drugstores
 - (v) food preparation
 - (vi) furniture manufacturing and refinishing
 - (vii) hardware stores
 - (viii) hotels/motels
 - (ix) labs
 - (x) micro-breweries
 - (xi) movie theaters, excluding drive-in theaters
 - (xii) police substations
 - (xiii) post office substations
 - (xiv) other similar uses that promote the arts and handcrafts as approved by the Director
 - b. uses permitted in the Industrial District (ID) area.
 - c. when contiguous to a property located in the Marketplace Special District (SD) that is under the same ownership, all uses permitted in the SD District
5. The following uses in the Utilities District (UD) area:
 - a. all uses permitted in the GU zoning district, excluding residences and permanent storage.

- B. Conditionally Permitted Uses. An entertainment center shall be permitted after public hearing pursuant to section 33-311(A)(3) of this code, provided that the following conditions are also satisfied:
1. The site contains a minimum of 5 net acres and a maximum of 20 net acres.
 2. A landscaped buffer of 25 feet is provided along all property lines, allowing only access and egress therein, except that facilities with frontages along SW 244 Street and US 1/Busway shall comply with the Building Placement and Design Parameters.
 3. All buildings are setback a minimum of 30 feet from all property lines except along SW 244 Street.

Section 4. Section 33-284.99.2 of the Code of Miami-Dade County, Florida is hereby created as follows:

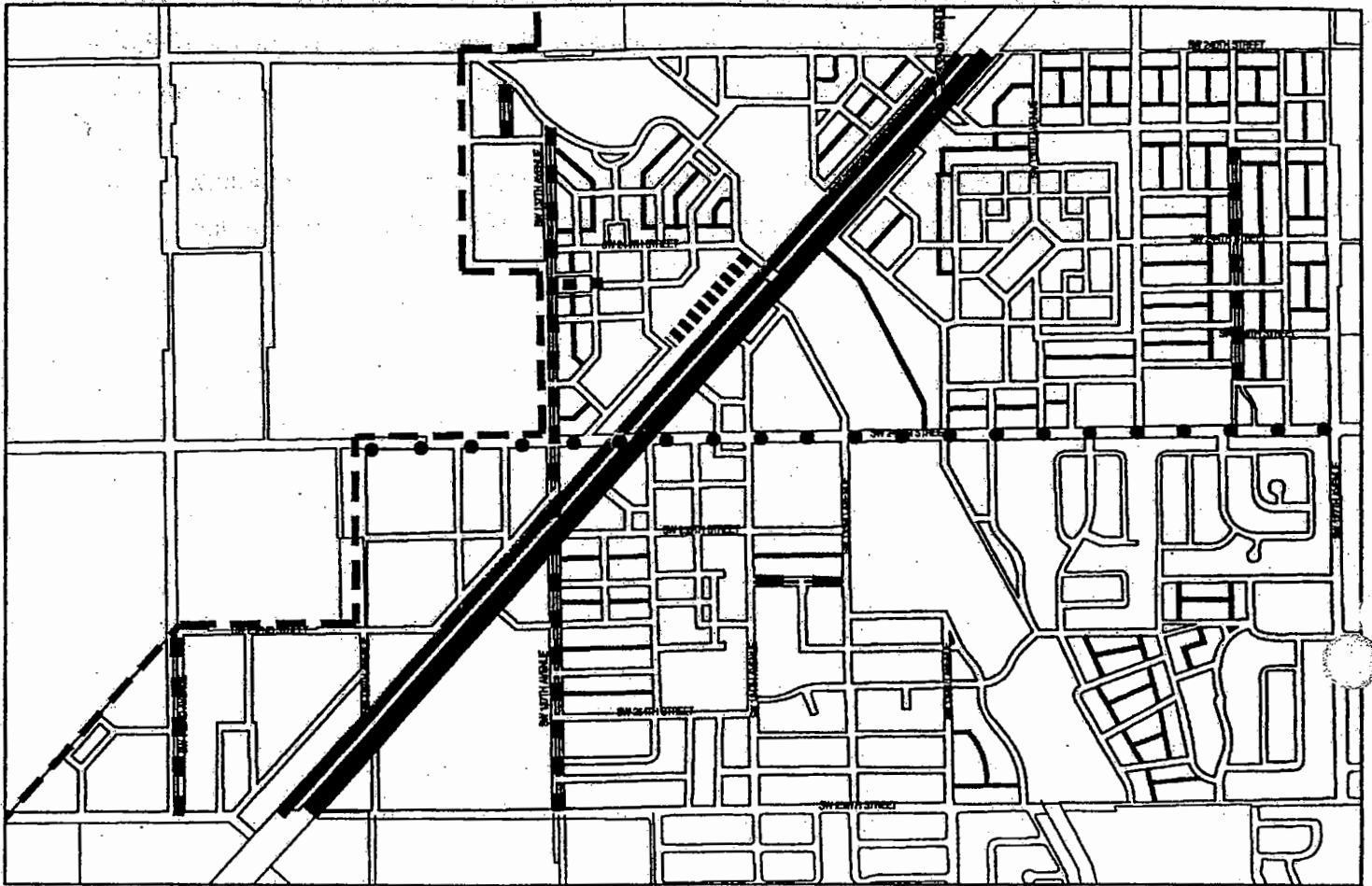
Sec. 33-284.99.2. The Regulating Plans

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

- A. The Street Types Plan, which establishes a hierarchy of street types in existing and future locations. The five Street Types and the hierarchy of streets (from most important to least important in accommodating all types of activity) are U.S. 1, Main Street, Boulevard, Minor Street, and Service Road.
- B. The Sub-districts Plan, which delineates 3 Sub-districts: Core, Center and Edge. These Sub-districts shall regulate the allowable intensity of development in accordance with the Comprehensive Development Master Plan and this article.
- C. The Land Use Plan, which delineates the areas where specified land uses and development of various types and intensities shall be permitted.
- D. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories.

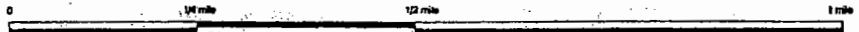
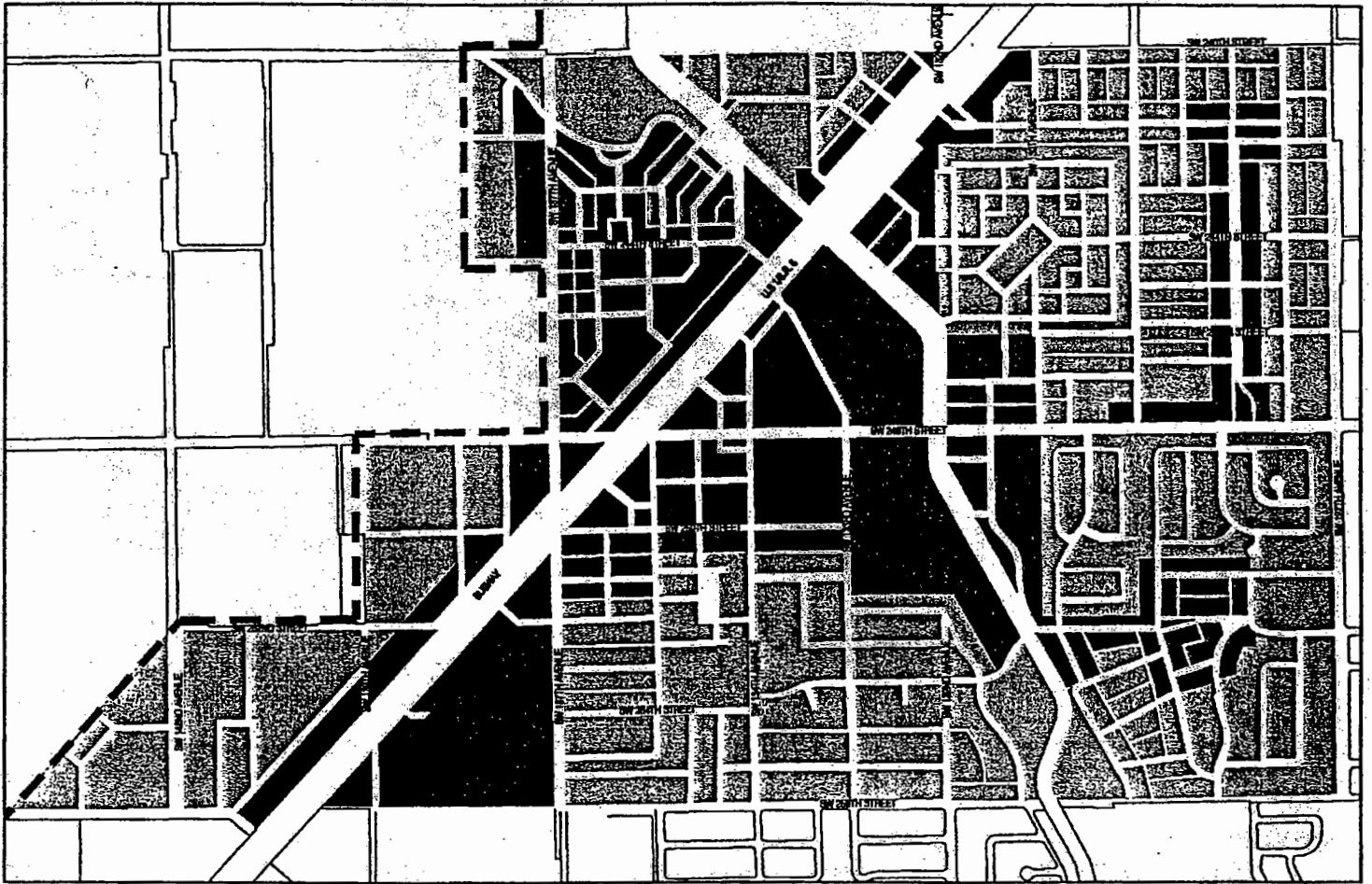
- E. The Designated Open Space Plan, which designates open spaces. The designated open spaces shall be controlled by anchor points.
- F. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within each Urban Center District. All new A streets shall be required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in Section 33-284.86(F) of this code.
- G. The Bike Route Plan, which depicts the designated bike routes, including the bike facility requirements if any, which shall be shown in all development plans.

A. Street Types Plan







- KEY:**
- US HIGHWAY 1 / S.R. 5
 - SOUTH MIAMI-DADE BUSWAY
 - MAIN STREET
 - BOULEVARD
 - MINOR STREET
 - SERVICE ROADS
CORE/CENTER SUB-DISTRICT
 - SERVICE ROADS
EDGE SUB-DISTRICT: OPTIONAL FOR
SINGLE FAMILY DETACHED ONLY
 - PEDESTRIAN PASSAGE
 - URBAN DEVELOPMENT BOUNDARY

B. Sub-Districts Plan

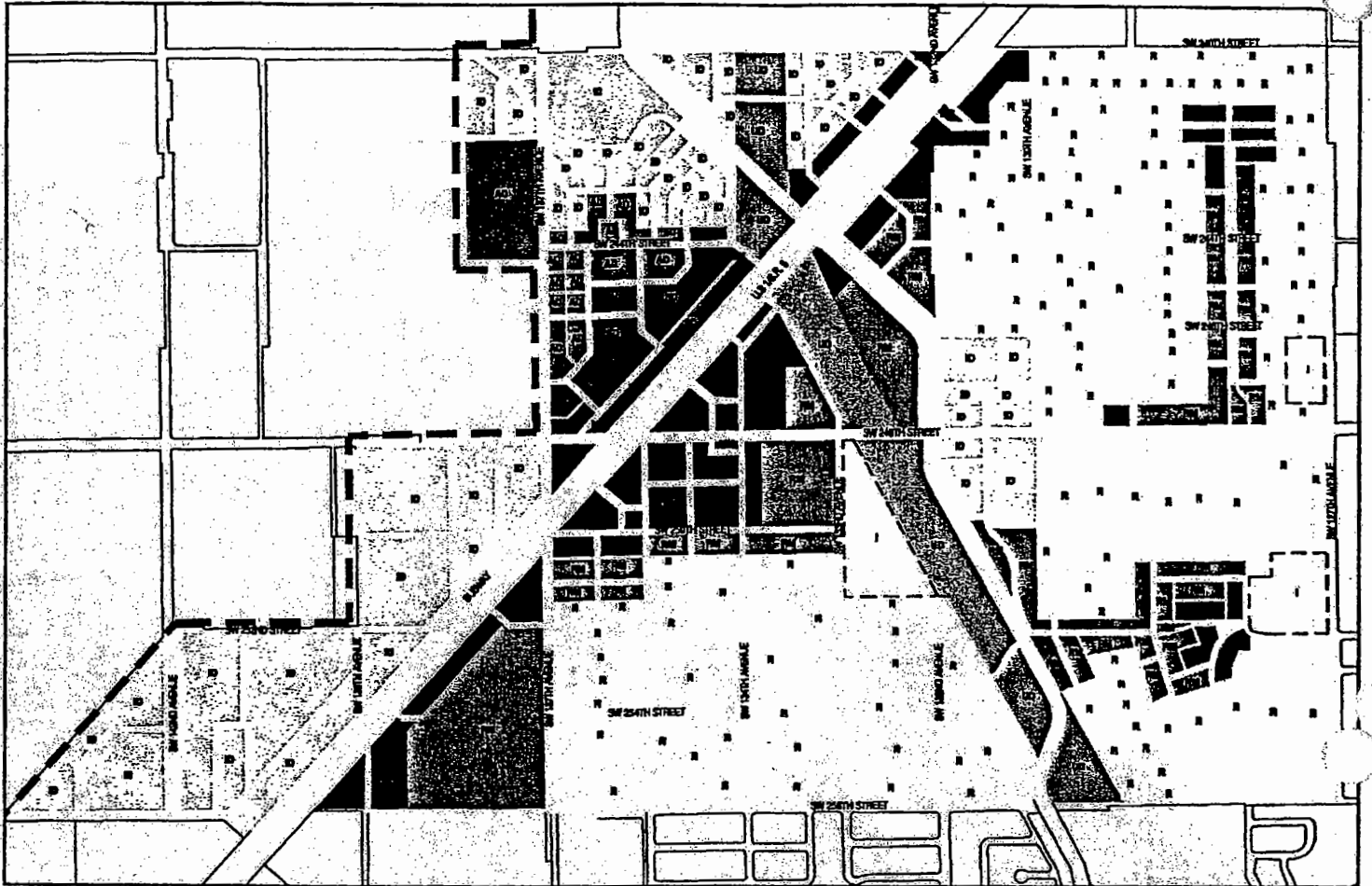


KEY:

-  CORE SUB-DISTRICT
-  CENTER SUB-DISTRICT
-  EDGE SUB-DISTRICT
-  URBAN DEVELOPMENT BOUNDARY



C. Land Use Plan



KEY:

- MM MIXED USE MAIN STREET**
First floor: businesses; professional offices; civic, education and government offices; second floor and above: residential (min. 12 units/acre net; max. 52⁺ units/acre net)
- MC MIXED USE CORRIDOR**
Residential; businesses; professional offices; civic, education and government offices (max. 52⁺ units/acre net in the Core Sub-district; max. 36 units/acre net in the Center and Edge Sub-districts)
- MO MIXED USE OPTIONAL**
First floor (optional): businesses, professional offices, civic, education and government offices; All floors: residential (min. 12 units/acre net; max. 36 units/acre net)
- — URBAN DEVELOPMENT BOUNDARY**

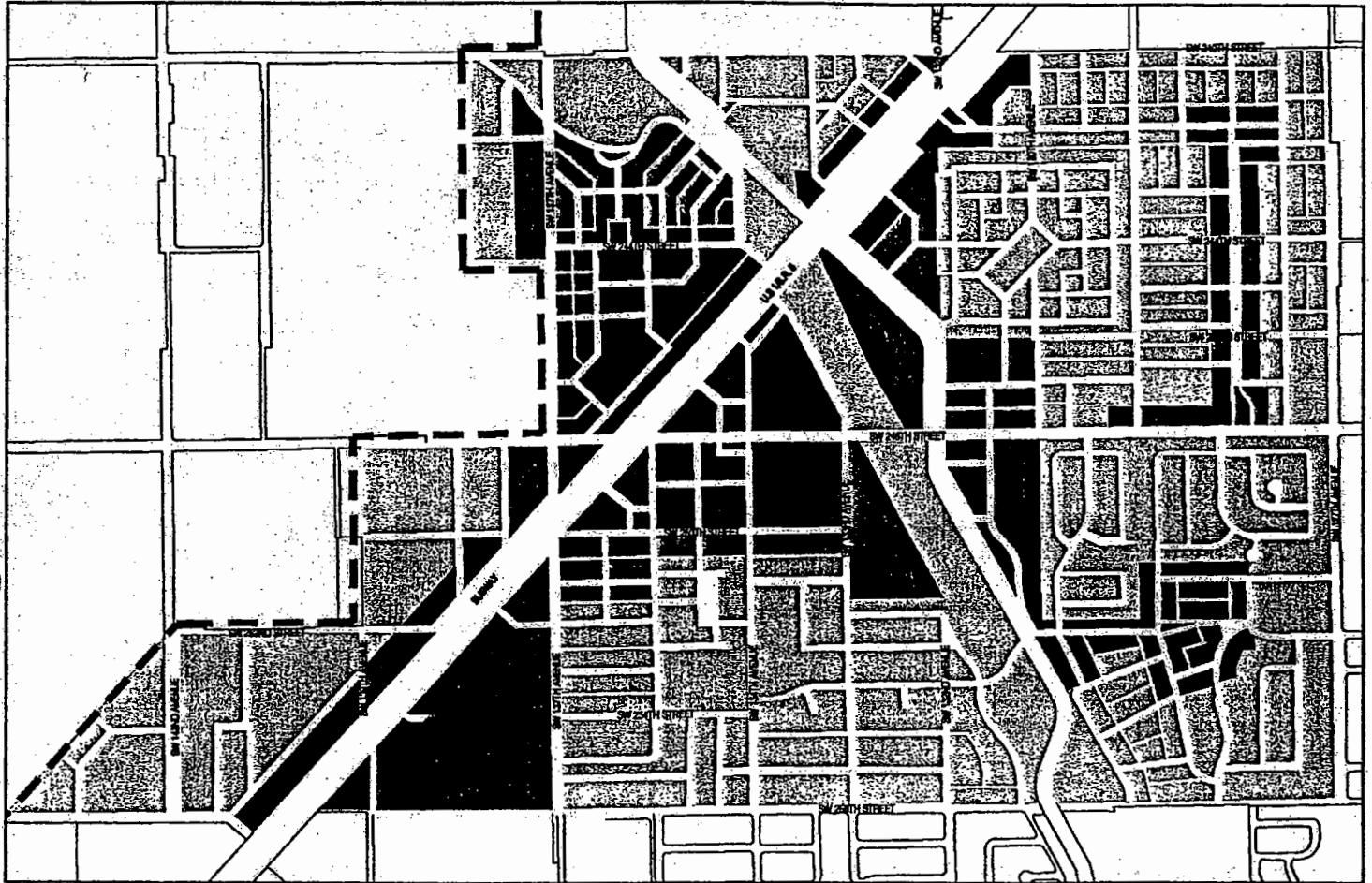
- RM RESIDENTIAL MODIFIED**
Courtyard, sideyard, duplex, rowhouse, apartment dwellings (min. 12 units/acre net; max. 36 units/acre net)
- R RESIDENTIAL**
Single family detached, courtyard, sideyard, rowhouse, duplex dwellings (min. 8 units/acre net; max. 18 units/acre net)
- AD ARTS DISTRICT**
Live/work buildings, RM uses (min. 12 units/acre net; max. 52⁺ units/acre net in the Core Sub-district; max. 36 units/acre net in the Center and Edge Sub-districts)
- SD MARKETPLACE SPECIAL DISTRICT**
Entertainment Center as per Sec. 33-284.99.1(B); IU-1 uses
- UD UTILITIES DISTRICT**
All uses permitted in GU district





- ID INDUSTRIAL DISTRICT**
In all floors and all sub-districts: IU-1 uses; live/work units (max. 36 units/acre net); in the Center Sub-district, all uses and densities permitted in Residential Modified (RM); in the Edge Sub-district, all uses and densities permitted in Residential (R). R and RM uses shall comply with Sec. 33-284.83(A)(3)(c)
- I INSTITUTIONAL**
Civic, education, government offices

See Sections 33-284.83 and 33-284.95 of this code for specific permitted uses in each land use area.

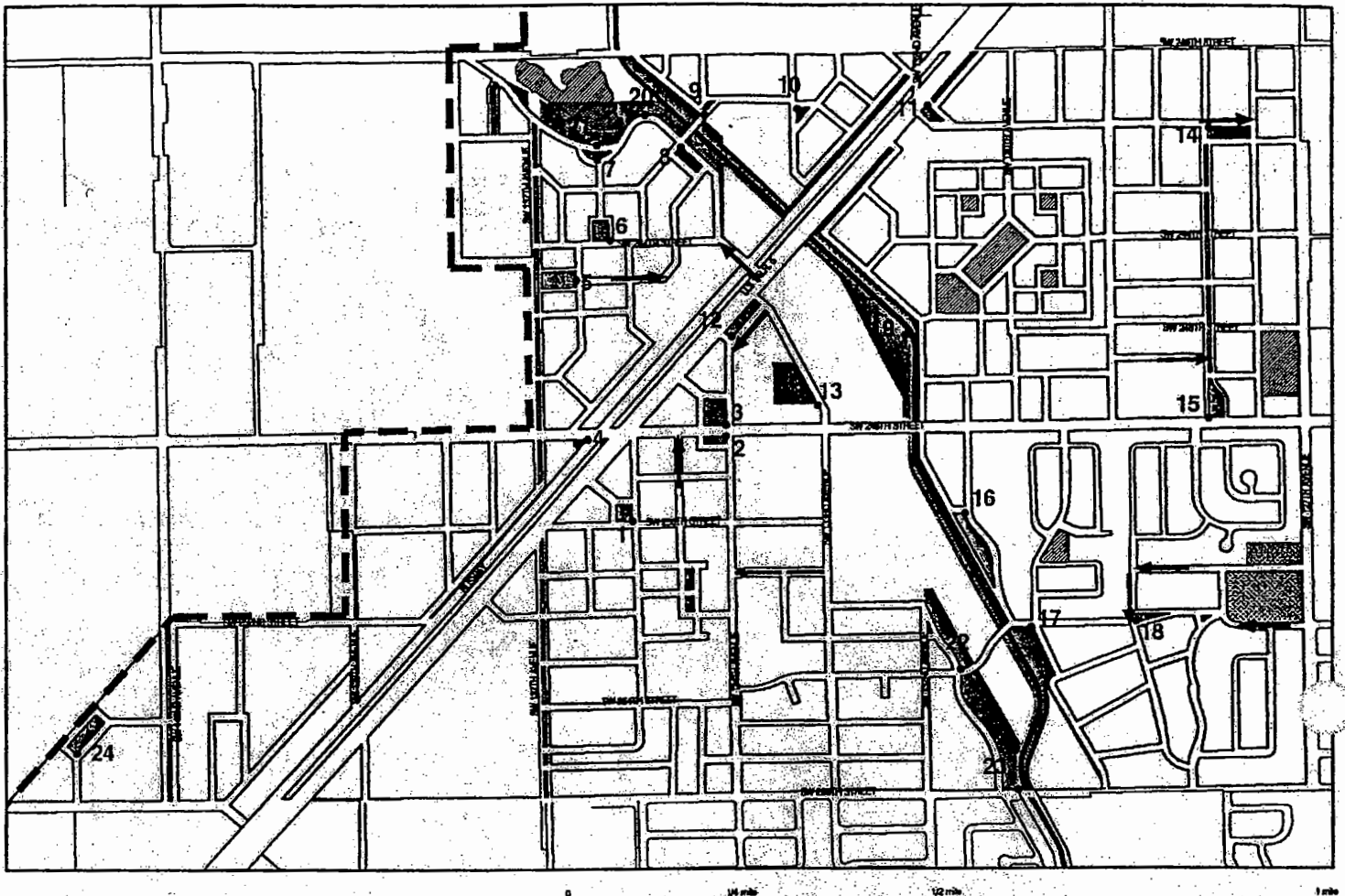
*Max. 52 units/acre net or max. 60 units/acre net with purchase of SUR (Severable Use Right as provided for in Sections 33B-41 to 33B-47 of this Code) at the rate of 2 residential credits/SUR.

D. Building Heights Plan



- KEY:**
-  3 FLOORS MIN., 6 FLOORS MAX.
 -  2 FLOORS MIN., 4 FLOORS MAX.
 -  2 FLOORS MAX.
 -  URBAN DEVELOPMENT BOUNDARY

E. Designated Open Space Plan



KEY:

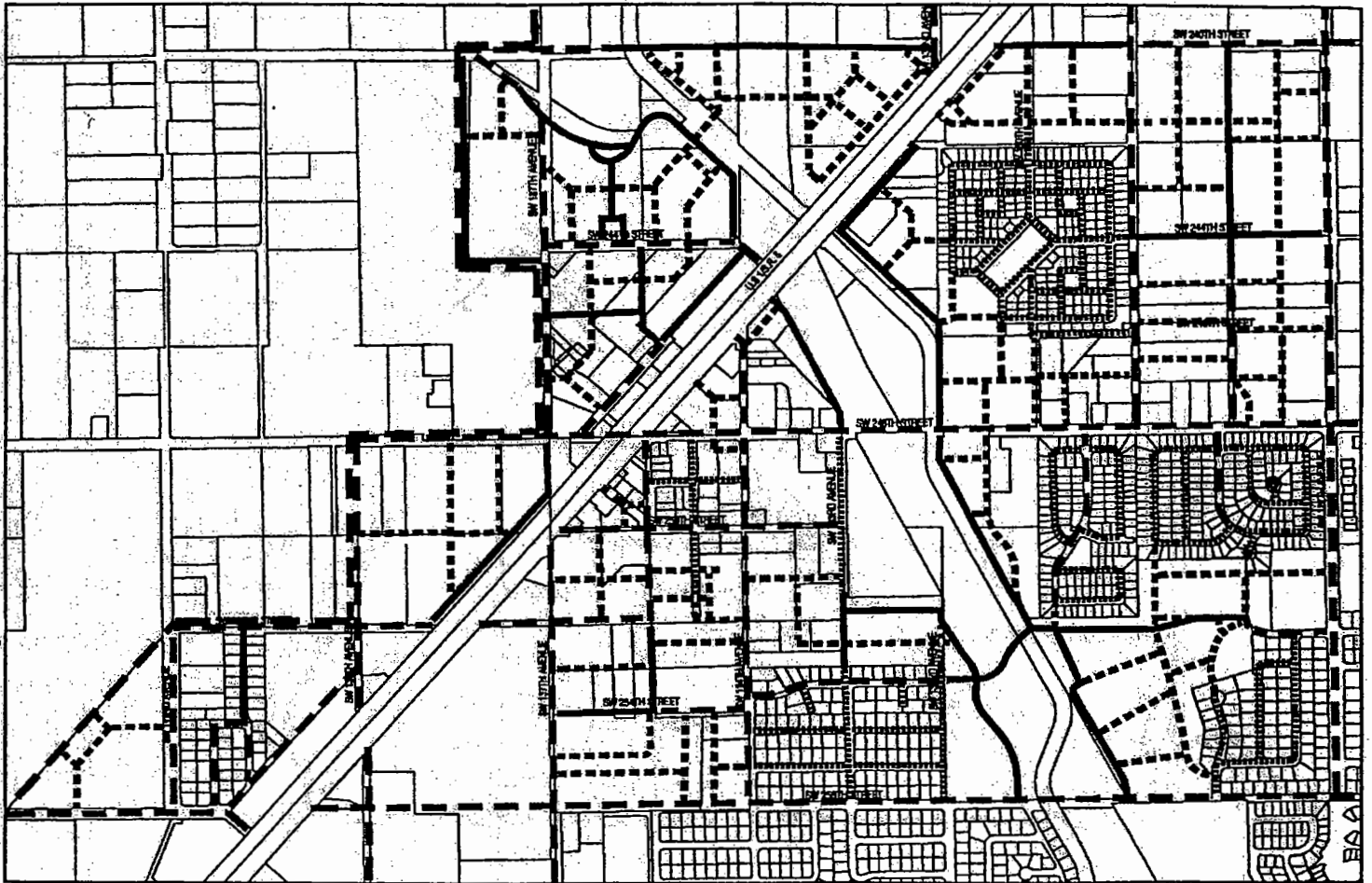
- PROPOSED BLOCKS G Green, S Square, P Plaza
- DESIGNATED OPEN SPACE
- EXISTING OPEN SPACE
- MIAMI-DADE PARKS PROPERTY
- EXISTING WATER BODIES
- STREET VISTA
- ANCHOR POINT
- URBAN DEVELOPMENT BOUNDARY

No	Type	Area	No	Type	Area
1	P	12,000 SF	20	G	17,000 SF
2	S	7,000 SF	21	G	38,000 SF
3	S	27,000 SF	22	G	50,000 SF
4	P	4,500 SF	23	G	80,000 SF
5	G	28,000 SF	24	G	25,000 SF
6	S	15,000 SF			
7	G	7,000 SF			
8	G	11,000 SF			
9	G	5,000 SF			
10	G	7,500 SF			
11	G	10,000 SF			
12	S	18,000 SF			
13	G	69,000 SF			
14	S	23,000 SF			
15	G	22,000 SF			
16	G	39,000 SF			
17	G	45,000 SF			
18	S	6,500 SF			
19	G	85,000 SF			

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

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

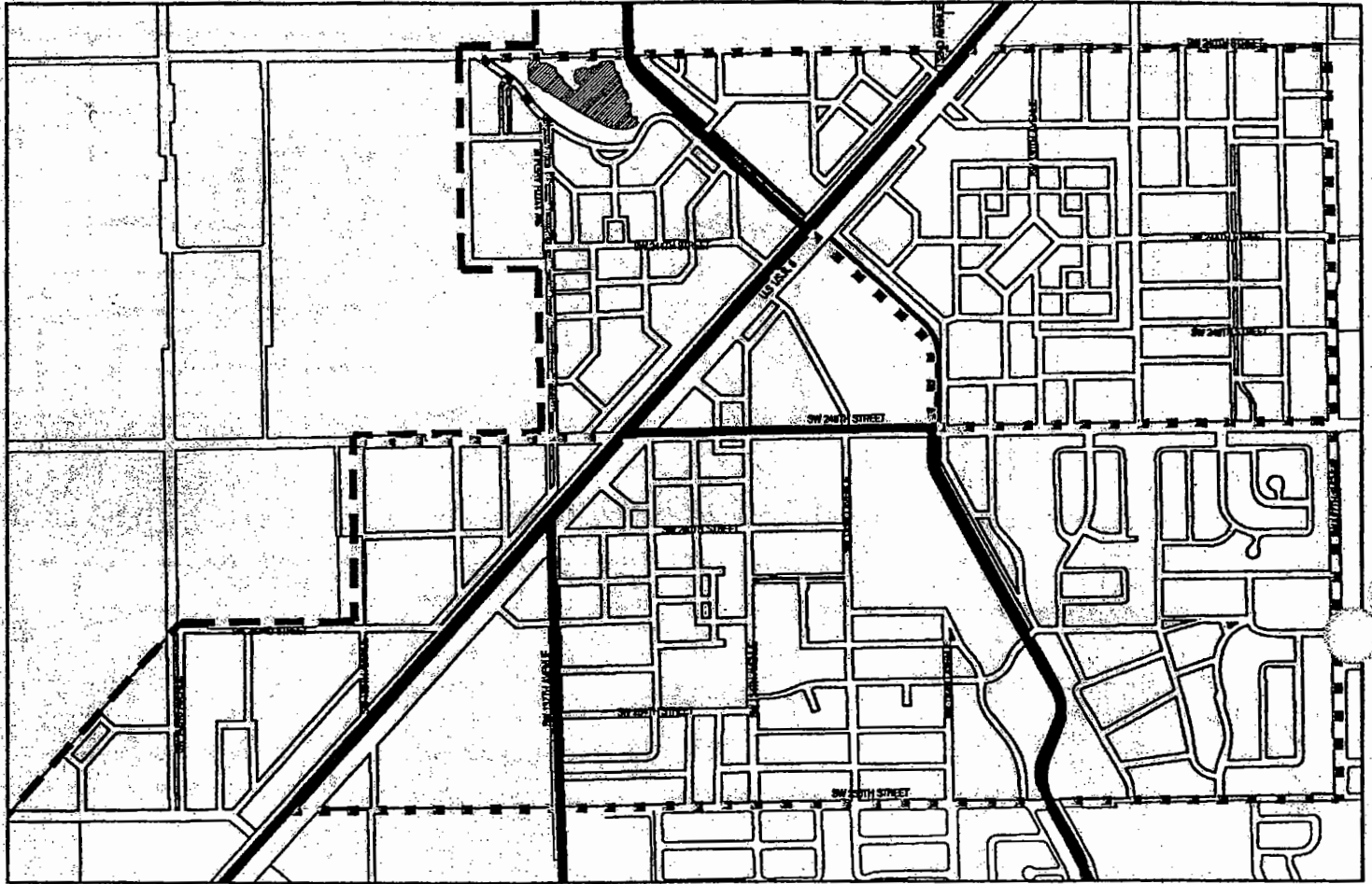
F. New Street Dedications Plan







- KEY:**
- NEW 'A' STREETS
 - EXISTING 'A' STREETS
 - NEW 'B' STREETS
 - EXISTING 'B' STREETS
 - ▨ PROPERTY OWNERSHIP PATTERN AT TIME OF CHARRETTE
 - - - URBAN DEVELOPMENT BOUNDARY

Note: New street allocations are based on the charrette illustrative plan and are approximate.

G. Bike Route Plan



- KEY:**
-  **SOUTH DADE GREENWAYS NETWORK**
 -  **BIKE LANES**
Dedicated bike lanes shall be provided as shown in the Street Development Parameters.
 -  **BIKE ROUTE**
Signage designating the above shown streets/corridors as bike routes shall be provided where appropriate.
 -  **URBAN DEVELOPMENT BOUNDARY**

Section 5. Section 33-284.99.3 of the Code of Miami-Dade County, Florida is hereby created as

follows:

Sec. 33-284.99.3. Building Placement and Street Type Development Parameters

- A. All new development and redevelopment within the PCUC shall comply with the Building Placement and Design Parameters as provided in section 33-284.85 of this code.
- B. All new development and redevelopment within the PCUC shall comply with the Street Type Parameters as provided herein:

Street type	Minimum Required Configuration	
	Core/Center	Edge
U.S. 1	As provided in this section	
Main Street	As provided in this section	
Boulevard	Street type 1, parking both sides	Street type 1 or 2
Minor Street	Street type 4, parking one side	Street type 4 or 5
Service Road	As provided in section 33-284.85	
Pedestrian Passage	As provided in section 33-284.85	

- C. Unless otherwise provided by the Building Placement and Design Parameters in section 33-284.85 of this code, the following front and side street setbacks shall be required within the PCUC:




Street type	Required Setback		
	Core	Center	Edge
U.S. 1	6 feet	6 feet	10 feet
Main Street	6 feet	6 feet	10 feet
Boulevard	0 feet	0 feet	10 feet
Minor Street	10 feet	6 feet	10 feet
Service Road	0 feet	0 feet	0 feet
Pedestrian Passage	0 feet	0 feet	10 or 15 feet

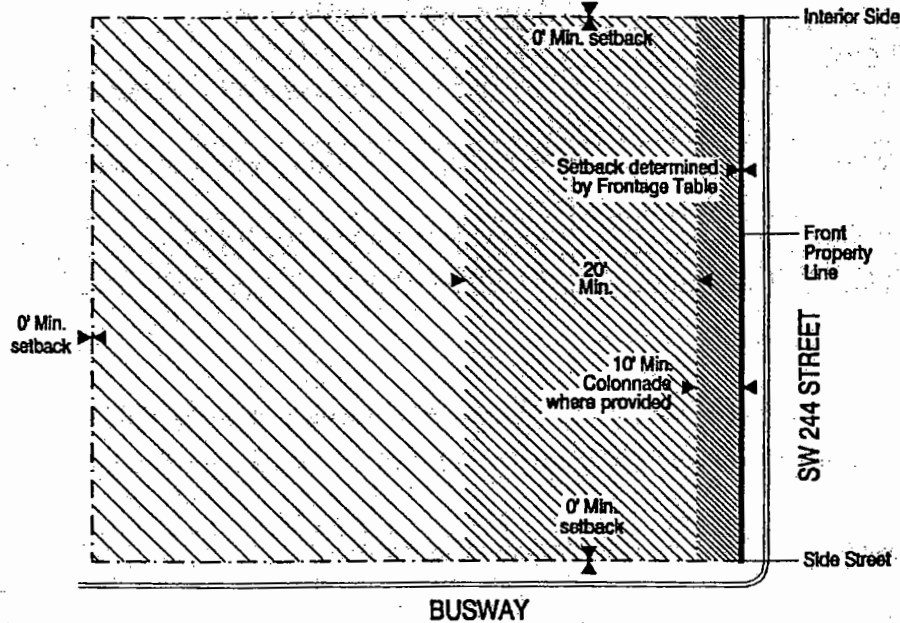
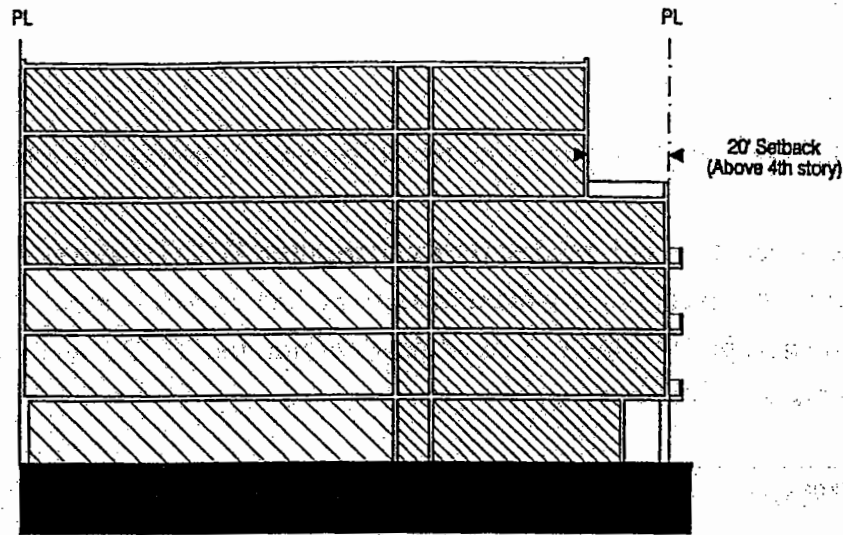
MARKETPLACE SPECIAL DISTRICT (SD)
CORE/CENTER

BUILDING PLACEMENT

- PL: Property Line
- Min: Minimum
- Max: Maximum
- Req: Required

- Build to Line
- - - Property Line

-  Colonnade
-  Habitable Space
-  Parking and/or allowable building area



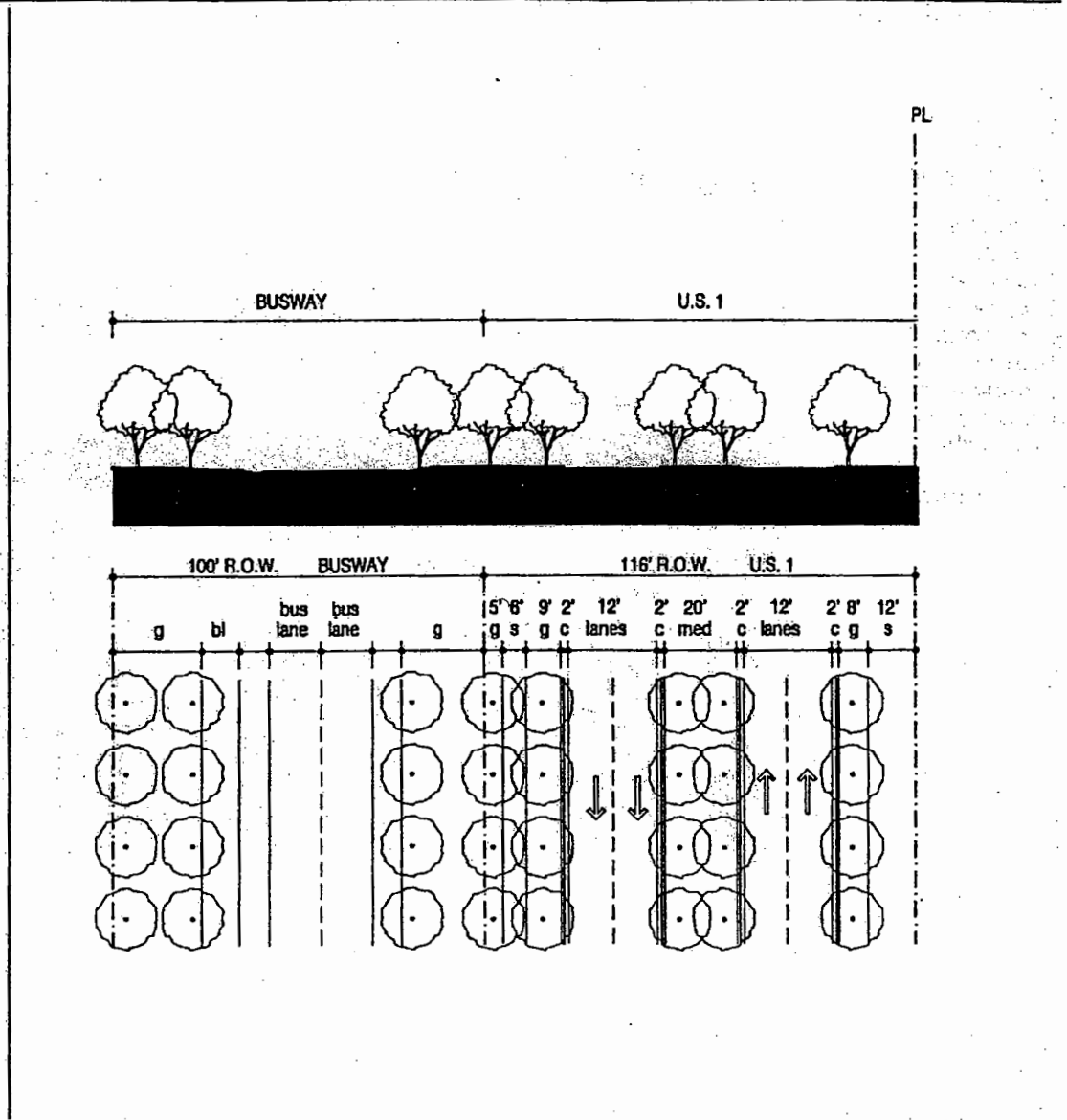
LAND USES	Applies to areas designated SD in the Core and Center Sub-district. For permitted uses refer to Sec. 33-284.99.1.
BUILDING FRONTAGE	80 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road or adjacent minor street. Up to 60% of required parking may be provided off site within a 500' radius.
SETBACK	The interior side/rear setbacks shall be as shown above. Front and side street setbacks as provided in Frontage Table; see Sec. 33-284.99.3(C).
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. Colonnades shall be a minimum of 10' deep. The colonnade depth shall not exceed the colonnade height. The exterior of the colonnade shall be no closer than 5' to the curb line.

**U.S. 1/S.R. 5
CORE/CENTER**

STREET SECTION

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

----- Property Line



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. In the Center sub-district, tree grates are optional and street trees shall be planted in a 5' continuous landscape strip.

PARKING

On-street parking shall count towards the minimum required parking.

OTHER ELEMENTS

On all Boulevard intersections, the median shall have a mountable curb.
In the Center sub-district, the sidewalk shall be a minimum of 7' wide.
If additional travel lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional travel lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

21

05-146

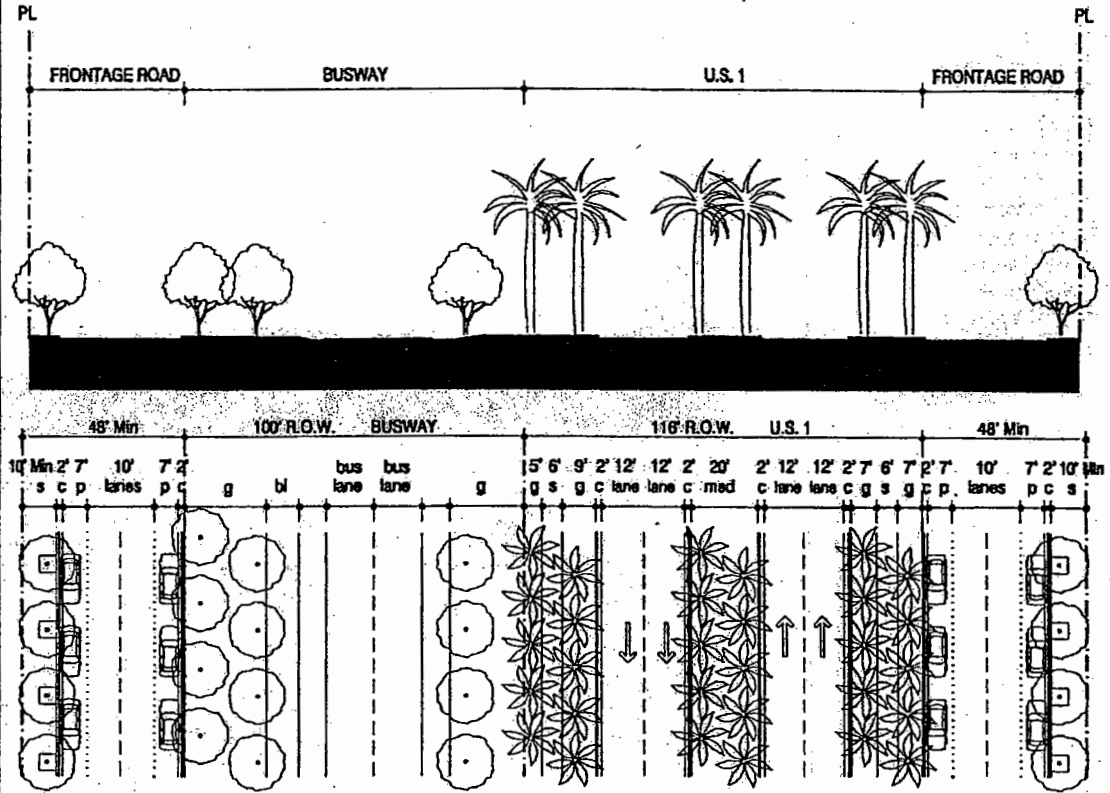
U.S. 1/S.R. 5 (With Frontage Road)

CENTER

STREET SECTION

- 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

----- Property Line



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. In the Center sub-district, tree grates are optional and street trees shall be planted in a 5' continuous landscape strip.

PARKING

On-street parking shall count towards the minimum required parking.

OTHER ELEMENTS

On all Boulevard intersections, the median shall have a mountable curb.
 In the Center sub-district, the sidewalk shall be a minimum of 7' wide.
 If additional travel lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional travel lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

22

SW 248 STREET/MAIN STREET

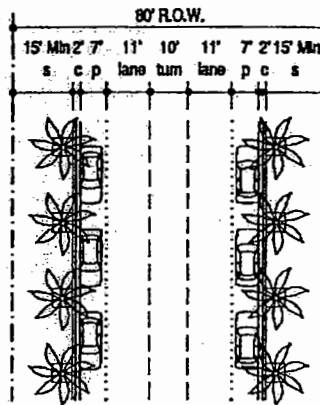
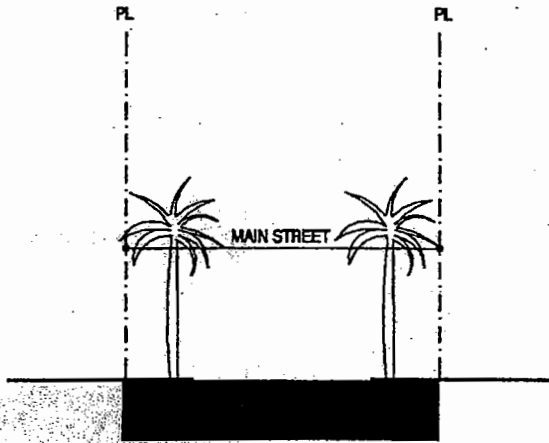
CORE/CENTER

STREET SECTION

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

----- Property Line



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. In the Center sub-district, tree grates are optional and street trees shall be planted in a minimum 5' continuous landscape strip.

PARKING

On-street parking shall count towards the minimum required parking.

OTHER ELEMENTS

On all Boulevard intersections, the median shall have a mountable curb. In the Center sub-district, the sidewalk shall be a minimum of 8' wide. If additional travel lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional travel lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

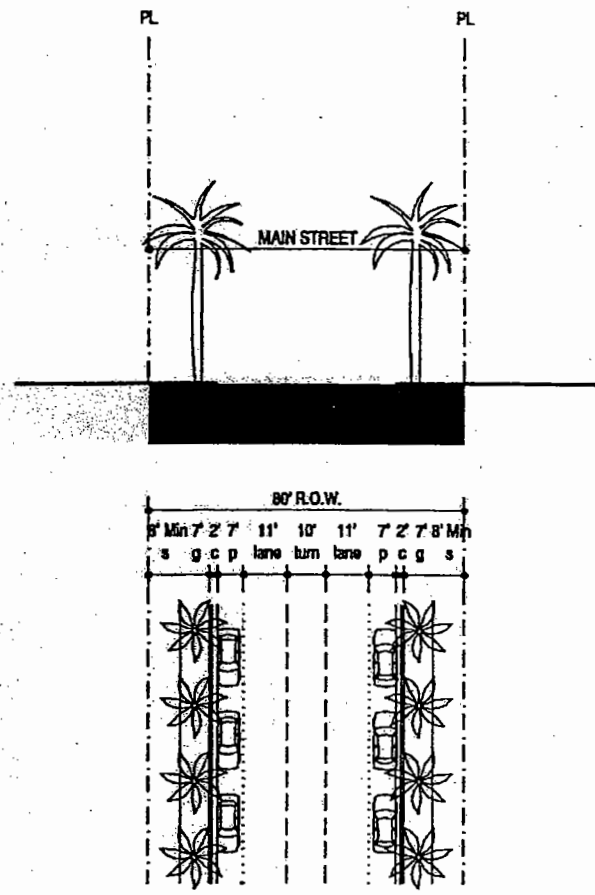
SW 248 STREET/MAIN STREET

EDGE

STREET SECTION

- 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

----- Property Line



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 minimum 7' continuous landscape strip.

PARKING

On-street parking shall count towards the minimum required parking.

OTHER ELEMENTS

On all Boulevard intersections, the median shall have a mountable curb.
 In the Edge sub-district, the sidewalk shall be a minimum of 8" wide.
 If additional travel lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional travel lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

24

Section 6. Sec. 33-284.99.4 of the Code of Miami-Dade County, Florida, is

hereby created as follows:

Sec. 33-284.99.4. Conflicts with other Chapters and Regulations.

This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this code, or with the Miami-Dade Department of Public Works Manual of Public Works.

Section 7. Sec. 33-284.99.4 of the Code of Miami-Dade County, Florida, is

hereby created as follows:

Section 33-284.99.4. 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, or occupancy in the PCUC District that either (1) was existing as of the date of the district boundary change on the property to PCUC District 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 or had a valid building permit. However, any structure, use, or occupancy in the PCUC 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 8. 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 9. 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 10. 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: JUL 07 2005

Approved by County Attorney as to form and legal sufficiency:

RA6

Prepared by:
Dennis A. Kerbel/Joni Armstrong-Coffey

JAC

Memorandum



(Second Reading 07-07-05) ✓

Date: May 17, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 7(L)

From: George M. Burgess
County Manager

05-145

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

Subject: Ordinance Updating the Naranja Community Urban Center Zoning District (NCUCD) Regulations

RECOMMENDATION

It is recommended that the Board pass and adopt the attached zoning ordinance updating the Naranja Community Urban Center Zoning district (NCUCD) regulations.

BACKGROUND

On December 2, 2004, the Board adopted Ordinance Number 04-217 establishing the Naranja Community Urban Center Zoning district regulations. To effectuate this ordinance, the Director of the Department of Planning and Zoning has filed a district boundary change application to rezone all properties within the Naranja Community Urban Center area to NCUCD. This district boundary change application is scheduled to be heard by the Board on May 19, 2005.

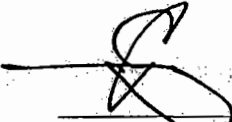
The purpose of the proposed ordinance is to update the NCUCD regulations in order to:

1. Amend the Designated Open Space regulating plan to reflect the location of a Natural Forest Community as one of the designated open spaces.
2. Amend the setbacks of single-family homes in the Edge Sub-District to reflect that of the RU-1 zoning district.
3. Amend the Administrative Site Plan and Architectural Review process in order to delete the pre-submittal conference while expanding the review process to include other County Departments as well as other public entities for potential impacts on infrastructure and other services. Included in the review process are the Miami-Dade Public Works Department, the Miami-Dade Department of Environmental Resources Management, the Miami-Dade Fire Rescue Department, and the Miami-Dade County School Board.

4. Amend the Non-conforming Structures, Uses, and Occupancies section to permit the continuation of a legal nonconforming structure, use, and occupancy in the NCUC area that was existing as of the date of the district boundary change on the property to NCUC District.

FISCAL IMPACT

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



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(L)

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 n No. 7(L)
7-7-05

Veto _____

Override _____

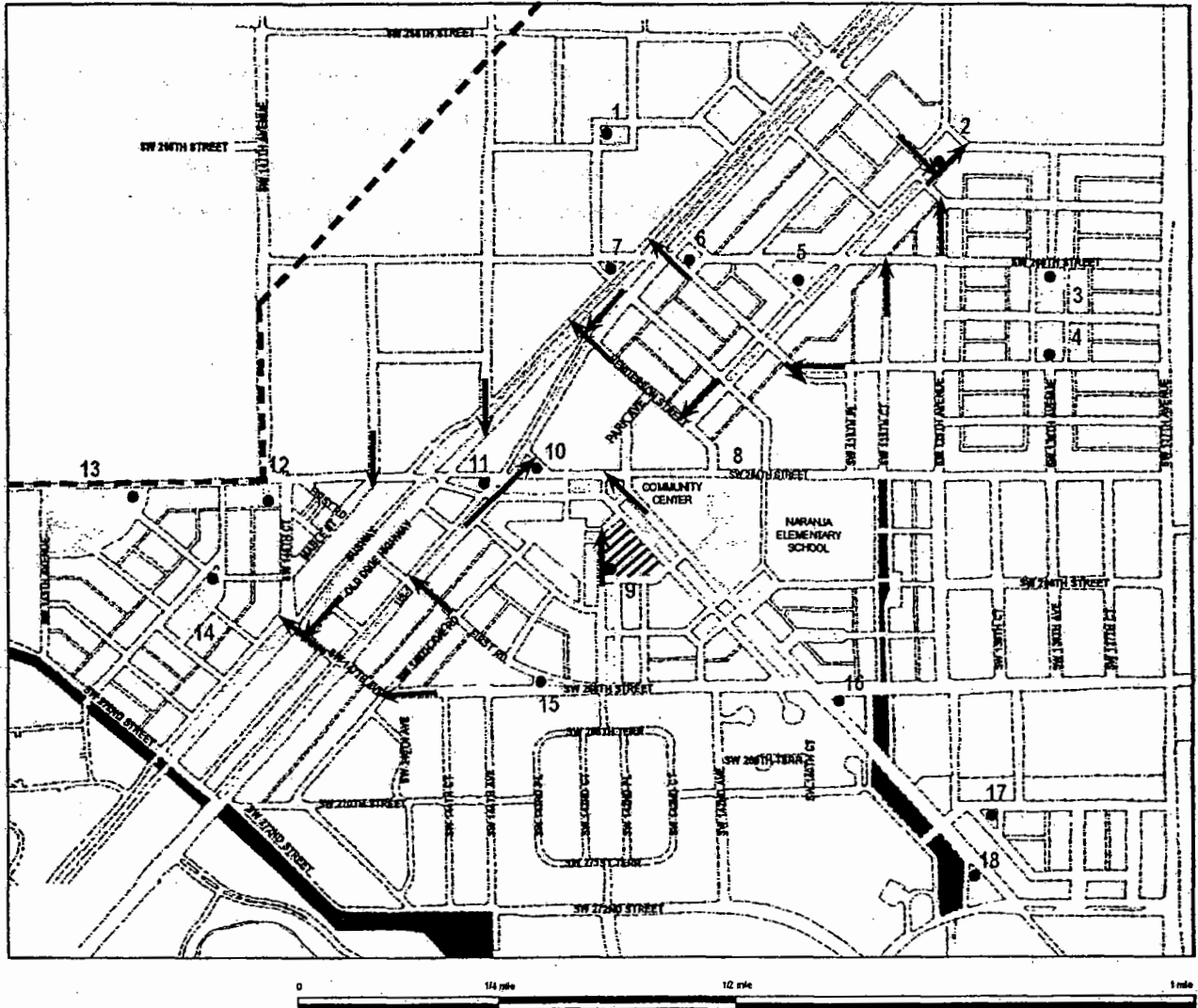
ORDINANCE NO. 05-145

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; AMENDING SECTIONS 33-284.69(V), 33-284.70, 33-284.73, AND 33-284.76 OF THE CODE OF MIAMI-DADE COUNTY (NARANJA COMMUNITY URBAN CENTER 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. Sec. 33-284.69(V) of the Code of Miami-Dade County, Florida, is hereby deleted and replaced as follows:

>>V. Designated Open Space Plan<<




KEY

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

 Natural Forest Community (NFC): Designated open space number 9 contains a designated NFC and shall comply with Chapter 24 of the County Code.

 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.	G	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

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

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

Section 2. Sec. 33-284.70 of the Code of Miami-Dade County, Florida, is amended to delete the following street types: Main Street (SW 264th Street East of US 1) EDGE, Boulevard EDGE, Minor Street (with two parking lanes) EDGE, Minor Street (Along Canal) EDGE, and Minor Street (Optional: with no parking) EDGE; and to replace them as follows:

MAIN STREET (SW 264th Street East of US1)

EDGE

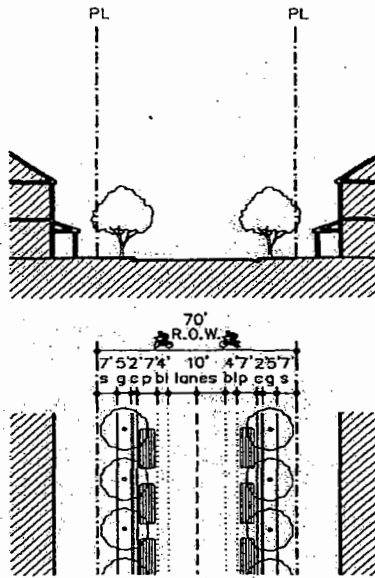
STREET SECTION

R.O.W.: 70'

Building Height:
Max: 2 stories

KEY:

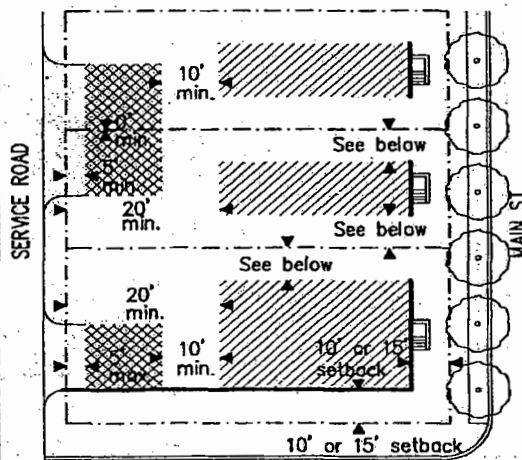
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



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 setback shall be 0' for row-houses. For single family detached and for lots with frontage between 50'-75' the minimum side setback shall be 10% of the lot frontage; for lots with frontage greater than 75' the side setback shall be a minimum of 7.5'. The rear setback shall be as shown above.

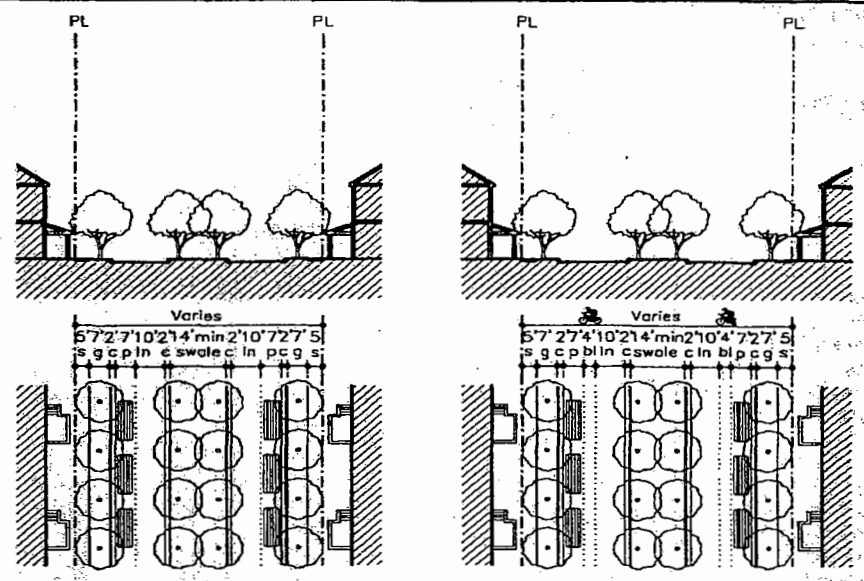
OTHER ELEMENTS

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

BOULEVARD
EDGE

STREET SECTION
R.O.W.: Varies
Building Height:
Max: 2 stories

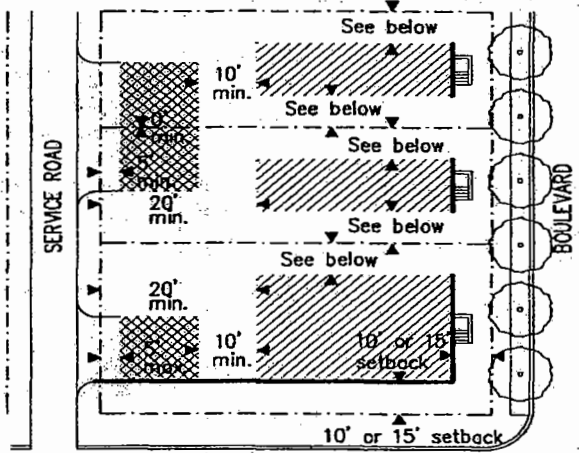
KEY:
s: sidewalk
g: green
c: curb and gutter
ln: lane
med: median
p: parking
bl: bike lane
col: colonnade
PL: property line
Min: Minimum
Max: Maximum
Req: Required
Ded: Dedication



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	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 setback shall be 0' for row-houses. For single family detached and for lots with frontage between 50'-75' the minimum side setback shall be 10% of the lot frontage; for lots with frontage greater than 75' the side setback shall be a minimum of 7.5'. The rear setback 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)

EDGE

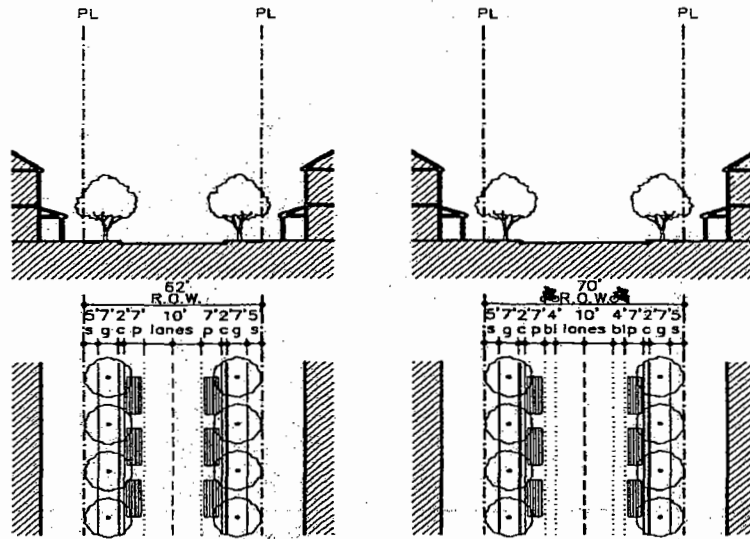
STREET SECTION

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

Building Height:
Max: 2 stories

KEY:

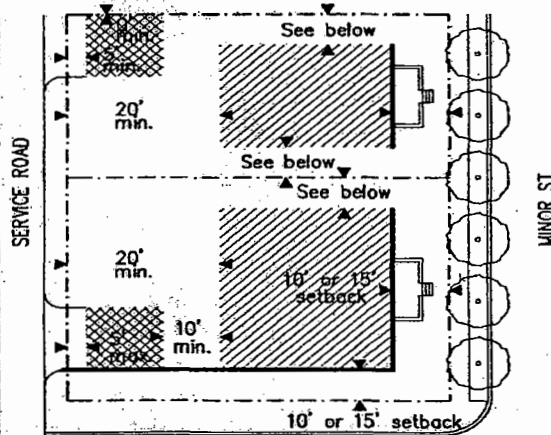
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



BUILDING PLACEMENT

Key:

- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory 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 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. For lots with frontage between 50'-75' the minimum side setback shall be 10% of the lot frontage; for lots with frontage greater than 75' the side setback shall be a minimum of 7.5'. The rear setback 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 (Along Canal)

EDGE

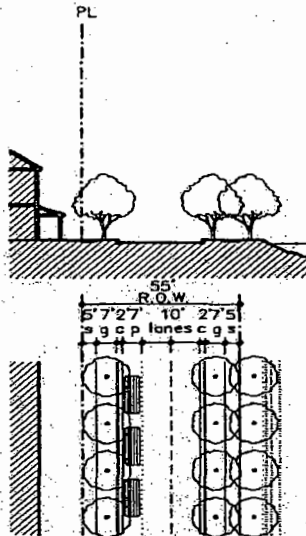
STREET SECTION

R.O.W.: 55'

Building Height:
Max: 2 stories

KEY:

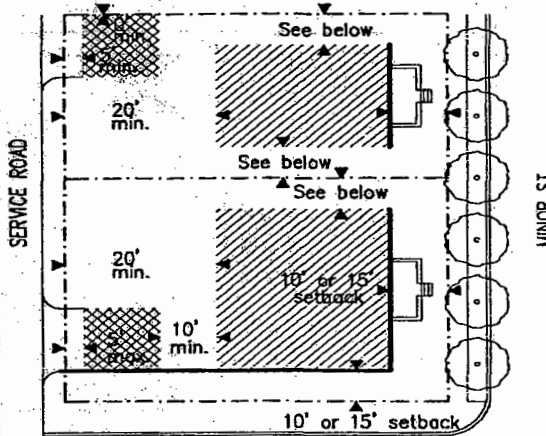
- s: sidewalk
- g: green
- c: curb and gutter
- ln: lane
- med: median
- p: parking
- bl: bike lane
- col: colonnade
- PL: property line
- Min: Minimum
- Max: Maximum
- Req: Required
- Ded: Dedication



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. For lots with frontage between 50'-75' the minimum side setback shall be 10% of the lot frontage; for lots with frontage greater than 75' the side setback shall be a minimum of 7.5'. The rear setback shall be as shown above.

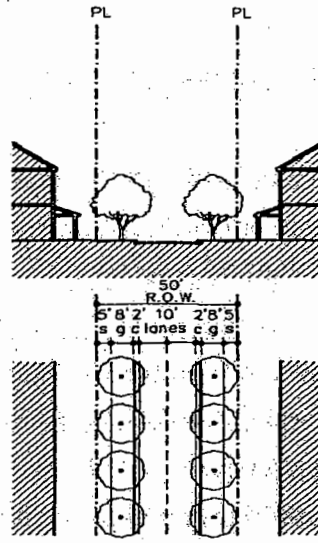
OTHER ELEMENTS

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)
EDGE

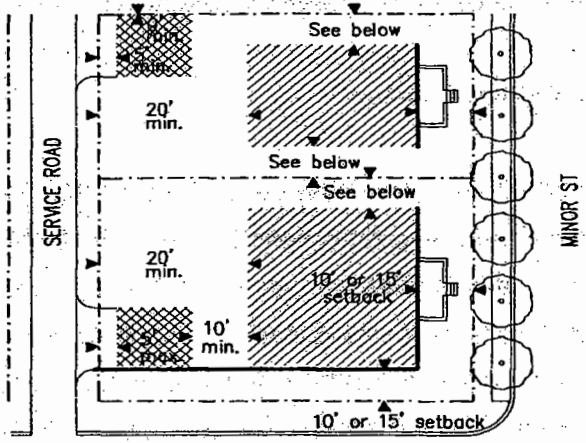
STREET SECTION
R.O.W.: 50'
Building Height:
Max: 2 stories

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 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. For lots with frontage between 50'-75' the minimum side setback shall be 10% of the lot frontage; for lots with frontage greater than 75' the side setback shall be a minimum of 7.5'. The rear setback 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.

Section 3. Sec. 33-284.73 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

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

~~[[All new development within the NCUC District, except an]]~~ >>Except for<< individual single family home>>~~s<< [[or]]~~ >>and<< duplex>>~~es<< [[home]],~~ >>all applications for development approval within the NCUC District that are not otherwise permitted as nonconforming uses or structures shall comply<< ~~[[shall be consistent]]~~ with the requirements of this article and with the site plan and architectural review criteria contained herein. ~~[[Applications for administrative approval]]~~ >>Developments<< shall be processed and approved >>administratively<< 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.]]~~ >>A.<< 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. >>Additionally,<< ~~[[All complete submissions to the Department]]~~ >>all applications<< shall be reviewed >>by the following departments of Miami-Dade County and other public entities for potential impacts on service and infrastructure and other services resulting from the application: Public Works Department, Department of Environmental Resources Management, Miami-Dade Fire Rescue

Department, and the Miami-Dade County School Board. In the event the application indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence to the Department of such discussion.<< [[and approved or denied]] >>The Director shall issue a final decision<< within 21 days after the date of submission >>of the completed application<<. 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.

>>B<< 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;
- a. 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 4. Sec. 33-284.76 of the Code of Miami-Dade County, Florida, is hereby amended 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)]]~~ >>the district boundary change on the property to NCUC District<< 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 >>or had a valid building permit<<. 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 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 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.

05-145

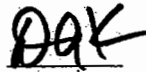
Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **MAY 07 2005**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:
Dennis A. Kerbel/Joni Armstrong-Coffey



1941

Received of the Treasurer of the University of California the sum of \$100.00 for the year 1941.

This receipt is valid only if countersigned by the Treasurer of the University of California.

Witness my hand and the seal of the University of California this 1st day of January 1941.

Very truly yours,
The President of the University of California

The Treasurer of the University of California

The Secretary of the University of California

The Controller of the University of California

The Director of the University of California

The Registrar of the University of California

The Dean of the University of California

The Vice-Chancellor of the University of California

The Provost of the University of California

The Dean of the Faculty of the University of California

The Dean of the Graduate School of the University of California

The Dean of the Law School of the University of California

Memorandum



Date: July 7, 2005
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 7(K)

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

From: 
George M. Burgess
County Manager

05-144

Subject: Substitute to Proposed Zoning Ordinance Establishing the Goulds Community Urban Center District Regulations

RECOMMENDATION

It is recommended that the Board adopt the attached proposed zoning ordinance establishing the Goulds Community Urban Center Zoning District (GCUCD) regulations.

BACKGROUND

On December 4th, 2003 the Board of County Commissioners adopted Resolution No. R-1321-03 accepting the Goulds Citizens' Master Plan Final Report, including its plan and recommendations directing the County Manager to present to the County Commission the necessary amendments to the Code of Miami-Dade County to implement the Plan and its recommendations. Subsequent to this, the staff of the Department of Planning and Zoning began to work on the development of the Goulds Community Urban Center District (GCUCD) regulations.

The proposed GCUCD builds upon the proposed and accompanying Urban Center District Regulations and provides the additional requirements and the regulating plans that will guide development within this urban center. In addition, the proposed Goulds Community Urban Center Zoning district regulations implement the "Goulds Master Plan" which is the citizens' vision for the future growth and development of the unincorporated area of Goulds in southern Miami-Dade County. This vision resulted from design charrettes held in 1997 and 1999 that were conducted by the FIU/FAU Joint Center for Environmental and Urban Problems in cooperation with the citizens of Goulds. The proposed Goulds Community Urban Center Zoning district regulations also further implement the policies of the County's Comprehensive Development Master Plan (CDMP).

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

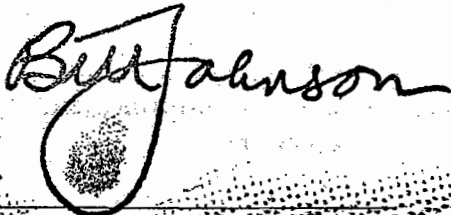
The CDMP contains directives to promote urban centers in places where mass transit, roadways, and highways are highly accessible. Community Urban Centers (CUCs) are compact, mixed-use, and pedestrian-friendly activity centers that will serve localized areas. The Goulds CUC, which is designated in the CDMP's Land Use Plan Map, is located around the South Dade Busway stop at SW 216 Street.

The proposed ordinance has been subject to considerable public input, including the Goulds Charrette Steering Committee and public hearings at the Redland Community Council 14, the South Bay Community Council 15, and the Planning Advisory Board. All these Boards have recommended that the Board of County Commissioners adopt the proposed ordinance.

The proposed ordinance creates regulations to govern the new zoning district. Properties located within the boundaries of the new zoning district will become subject to the new regulations upon approval after public hearing on an application to rezone the properties within the Goulds Community Urban Center to the Goulds Community Urban Center Zoning.

FISCAL IMPACT

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



Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(K)

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

W

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(K)

07-07-05

ORDINANCE NO. 05-144

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE GOULDS COMMUNITY URBAN CENTER ZONING DISTRICT; CREATING SECTIONS 33-284.91 THROUGH 33-284.97 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING SECTION 33-133 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 33-284.91 of the Code of Miami-Dade County, Florida is hereby created as follows:¹

ARTICLE XXXIII (L)

GOULDS 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. 33-284.91 Purpose and Intent

- A. The regulations contained in this chapter and Chapter 18A, Landscape Code, Code of Miami-Dade County, Florida, shall apply to this article, except as otherwise added to or modified herein.
- B. The Illustrative Master Plan (Figure 1), illustrates the citizens' vision and may be used to interpret this article. Where the Illustrative Master Plan conflicts with the text of this article, the text shall govern.
- C. The boundaries shown in Figure 1 shall constitute the Goulds Community Urban Center Boundary Plan and are generally described as follows: from the intersection of the south side of the right-of-way of the Black Creek Canal with the extension of the centerline of SW 114th Avenue, then south along the centerline of SW 114th Avenue to the centerline of SW 214th Street, then east along theoretical SW 214th Street to the centerline of SW 113th Avenue, then south along the centerline of SW 113th Avenue to the centerline of SW 216th Street, then west along the centerline of SW 216th Street to the centerline of SW 115th Avenue, then south along the centerline of SW 115th Avenue to the centerline of SW 220th Street, then west along the centerline of SW 220th Street to a point located approximately 190 feet west of the centerline SW 120th Avenue, then north along an imaginary line at 190 feet to the west of the centerline of SW 120th Avenue to the south side of the right-of-way of the Black Creek Canal, then east along the south side of the right-of-way of the Black Creek Canal to the beginning point.

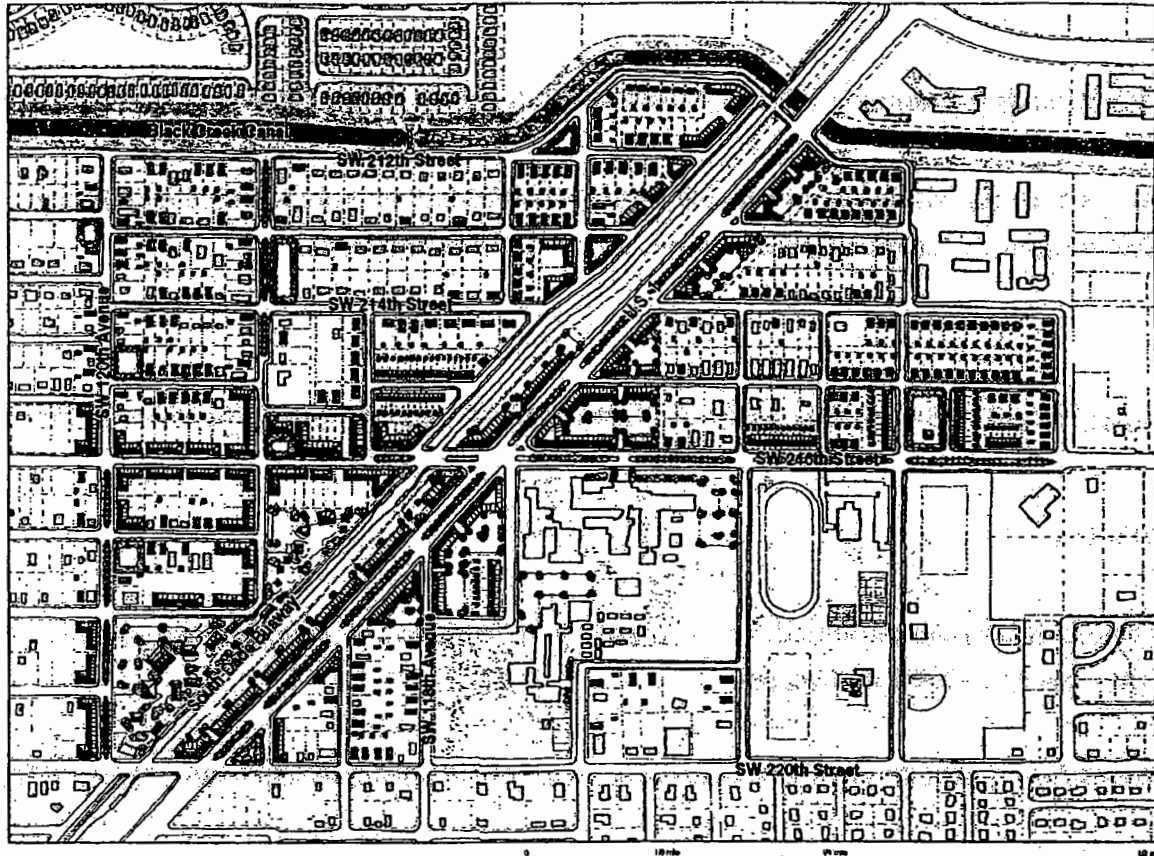
A more detailed legal description of the boundaries follows:

Beginning in the intersection of south side of the R/W of the Black Creek Canal and the centerline of SW 114th Avenue, then South along the centerline of SW 114th Avenue to the intersection with the centerline of SW 214th Street, then East along the centerline of 214th Street, to the intersection with the centerline of SW 113 Avenue, then South along the centerline of SW 113 Avenue to the intersection with the centerline of SW 216th Street, then Westerly along the centerline of SW 216th Street to the intersection with the centerline of SW 115

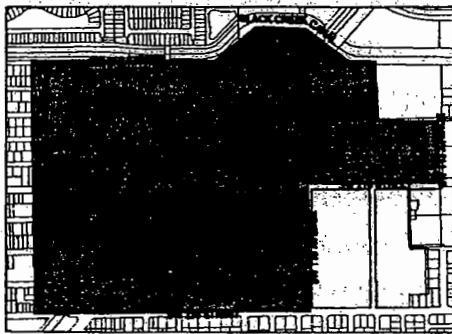
Avenue, then South along the centerline of SW 115 Avenue to the intersection with the centerline of SW 220th street, then West along the centerline of SW 220th Street to a point located approximately 190 feet West of the centerline of SW 120th Avenue, and intersecting with the centerline of the SW 220th Street, then North along an imaginary line at 190 feet parallel and west of the centerline of SW 120th Avenue to the intersection with the south side of the R/W of the Black Creek Canal, then East along the south side of the R/W of the Black Creek Canal to the point of beginning (the intersection with the centerline of SW 114th Avenue).

- D. Full scale maps of the Illustrative Master 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.
- E. No provision in this article shall be applicable to any property lying outside the boundaries of the Goulds Community Urban Center District (GCUC) as described herein. No property lying within the boundaries of the GCUC shall be entitled to the uses or subject to the regulations provided in this article until an application for a district boundary change to GCUC has been heard and approved in accordance with the provisions of this chapter.

Figure 1: Illustrative Master Plan



CUC BOUNDARY PLAN



KEY

- Existing Buildings
- Proposed Development
- CUC Area



7

Section 2. Section 33-284.92 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.92. Goulds Community Urban Center District (GCUC) Requirements

Except as provided herein, all developments within the GCUC shall comply with the requirements provided in Article XXXIII(K), Standard Urban Center District Regulations, of this code.

Section 3. Sec. 33-284.93 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.93. Uses.

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the GCUC shall comply with Section 33-284.83 of this Code.

A. Permitted Uses. The following uses shall be permitted in the Store Porch Special District (SD) Area:

- 1. outdoor produce markets
- 2. on lots fronting a Main Street, all uses permitted in Mixed Use Main Street (MM)
- 3. on lots fronting a boulevard, all uses permitted in the Mixed Use Optional (MO)
- 4. on all lots, all uses permitted in Residential Modified (RM)

B. Conditionally Permitted Uses. An entertainment center shall be permitted after public hearing pursuant to section 33-311(A)(3) of this code, provided that the following conditions are also satisfied:

- 1. The site contains a minimum of 5 net acres and a maximum of 20 net acres.
- 2. A landscaped buffer of 25 feet is provided along all property lines, allowing only access and egress therein, except that Main Street frontage shall comply with the Building Placement and Design Parameters.
- 3. All buildings are setback a minimum of 30 feet from all property lines' except along a Main Street.

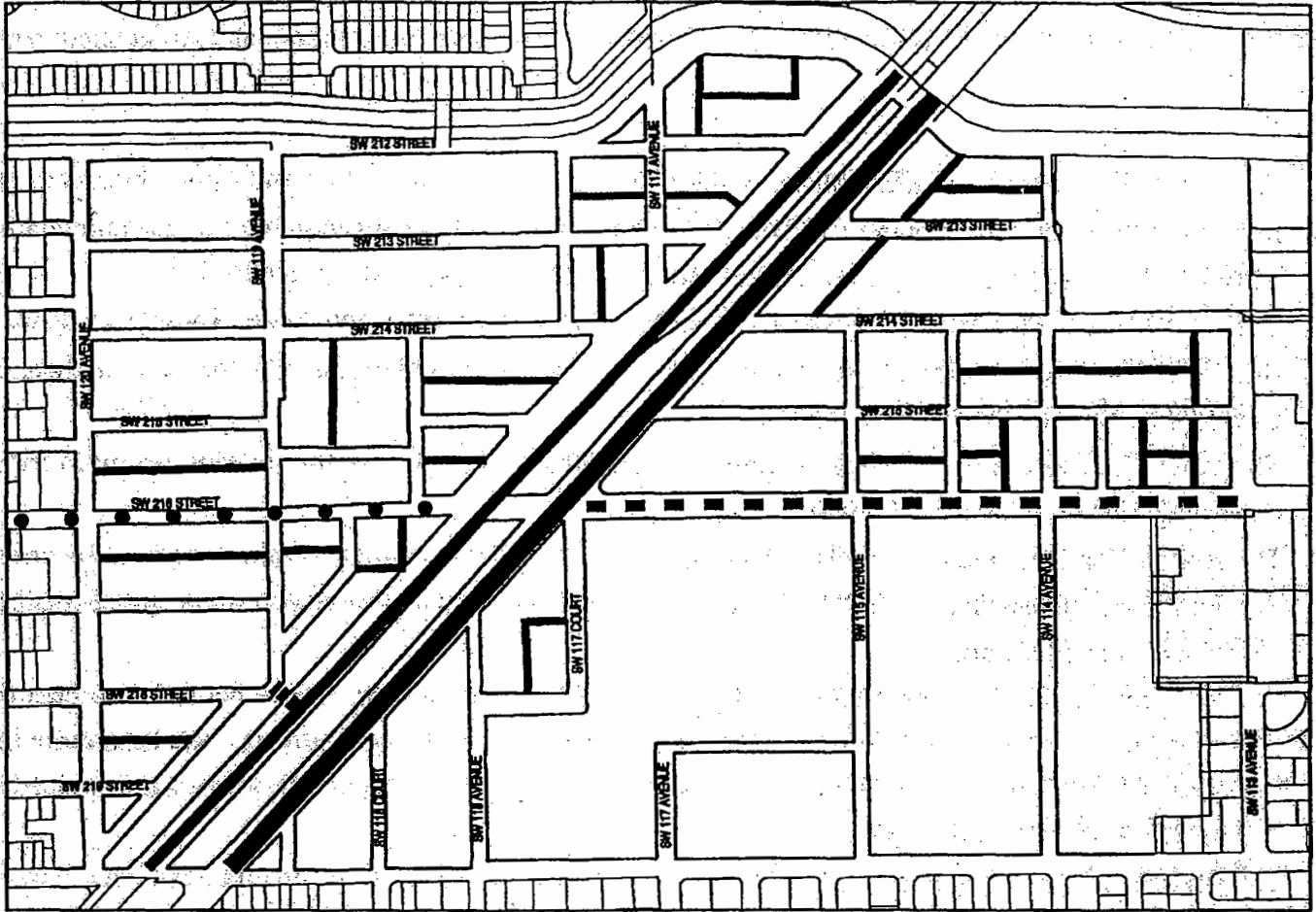
Section 4. Section 33-284.94 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.94. The Regulating Plans









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

- A. The Street Types Plan, which establishes a hierarchy of street types in existing and future locations. The five Street Types and the hierarchy of streets (from most important to least important in accommodating all types of activity) are U.S. 1, Main Street, Boulevard, Minor Street, and Service Road.
- B. The Sub-districts Plan, which delineates 3 Sub-districts: Core, Center and Edge. These Sub-districts shall regulate the allowable intensity of development in accordance with the Comprehensive Development Master Plan and this article.
- C. The Land Use Plan, which delineates the areas where specified land uses and development of various types and intensities shall be permitted.
- D. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories.
- E. The Designated Open Space Plan, which designates open spaces. The designated open spaces shall be controlled by anchor points.
- F. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within each Urban Center District. All new A streets shall be required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in Section 33-284.86(F) of this code.
- G. The Bike Route Plan, which depicts the designated bike routes, including the bike facility requirements if any, which shall be shown in all development plans.

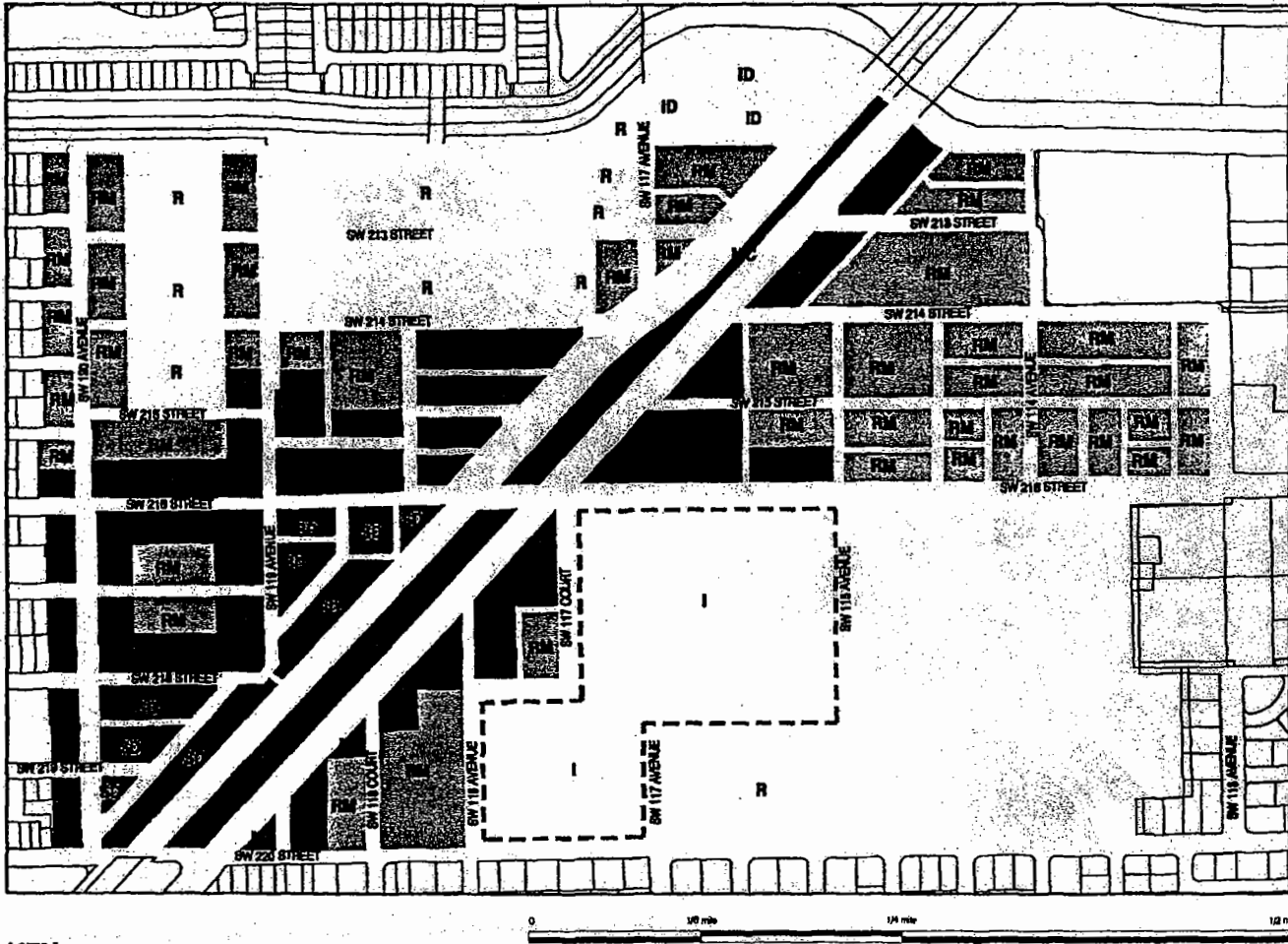
A. Street Types Plan



KEY:

-  US HIGHWAY 1 / S.R. 5
-  SOUTH MIAMI-DADE BUSWAY
-  MAIN STREET
-  BOULEVARD
-  MINOR STREET
-  SERVICE ROADS
CORE/CENTER SUB-DISTRICT
-  SERVICE ROADS
EDGE SUB-DISTRICT: OPTIONAL FOR
SINGLE FAMILY DETACHED ONLY
-  PEDESTRIAN PASSAGE

C. Land Use Plan



KEY:

MM MIXED USE MAIN STREET
First floor: businesses; professional offices; civic, education and government offices; second floor and above: residential (min. 12 units/acre net; max. 52* units/acre net)

MC MIXED USE CORRIDOR
Residential; businesses; professional offices; civic, education and government offices (max. 52* units/acre net in the Core Sub-district; max. 36 units/acre net in the Center and Edge Sub-districts)

MO MIXED USE OPTIONAL
First floor (optional): businesses, professional offices, civic, education and government offices; All floors: residential (min. 12 units/acre net; max. 36 units/ acre net)

RM RESIDENTIAL MODIFIED
Courtyard, sideyard, duplex, rowhouse, apartment dwellings (min. 12 units/acre net; max. 36 units/ acre net)

R RESIDENTIAL
Single family detached, courtyard, sideyard, rowhouse, duplex dwellings (min. 8 units/acre net; max. 18 units/acre net)

SD STOREPORCH SPECIAL DISTRICT
Entertainment Center as per Sec. 33-284.93 (B); RM uses

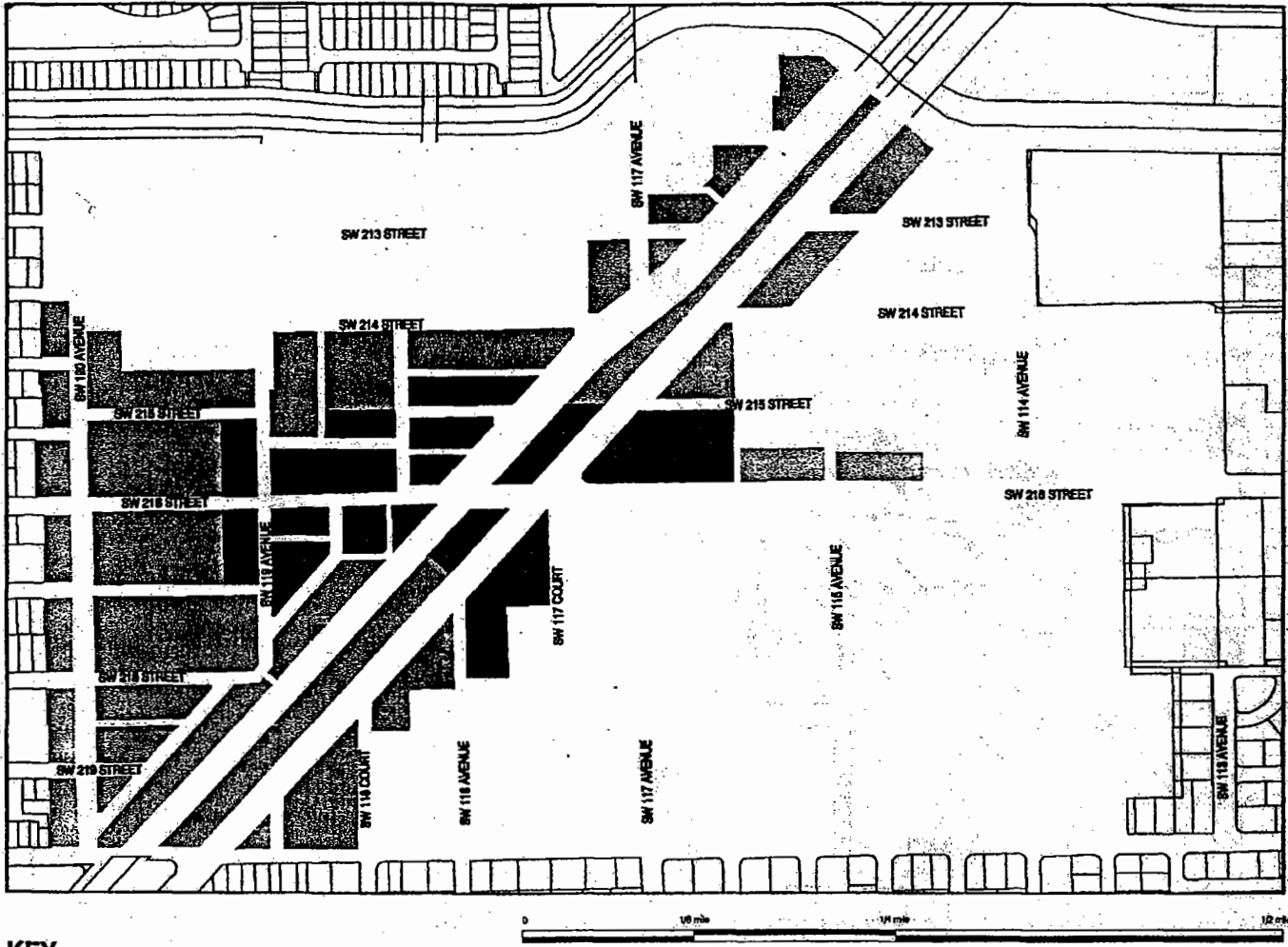
I INSTITUTIONAL
Civic, education, government offices

ID INDUSTRIAL DISTRICT
In all floors and all sub-districts: IU-1 uses; live/work units (max. 36 units/ acre net); in the Center Sub-district, all uses and densities permitted in Residential Modified (RM); in the Edge Sub-district, all uses and densities permitted in Residential (R). R and RM uses shall comply with Sec. 33-284.83(A)(3)(c).

See Sections 33-284.83 and 33-284.95 of this code for specific permitted uses in each land use area.

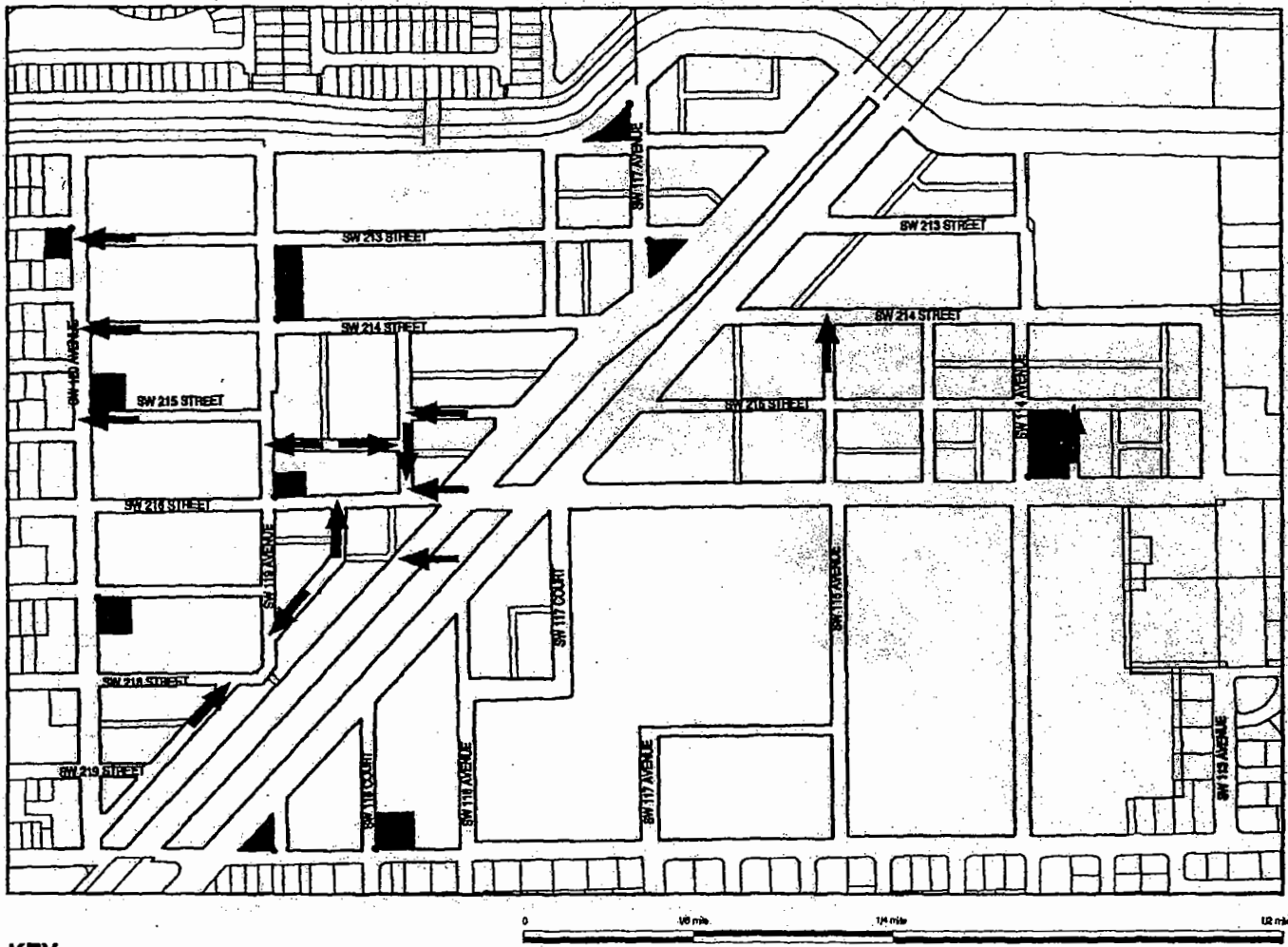
*Max. 52 units/acre net or max. 60 units/acre net with purchase of SUR (Severable Use Right as provided for in Sections 33B-41 to 33B-47 of this Code) at the rate of 2 residential credits/SUR.

D. Building Heights Plan



KEY:
[Solid Black] 3 FLOORS MIN, 6 FLOORS MAX
[Cross-hatched] 2 FLOORS MIN, 4 FLOORS MAX
[White] 2 FLOORS MAX

E. Designated Open Space Plan



KEY:

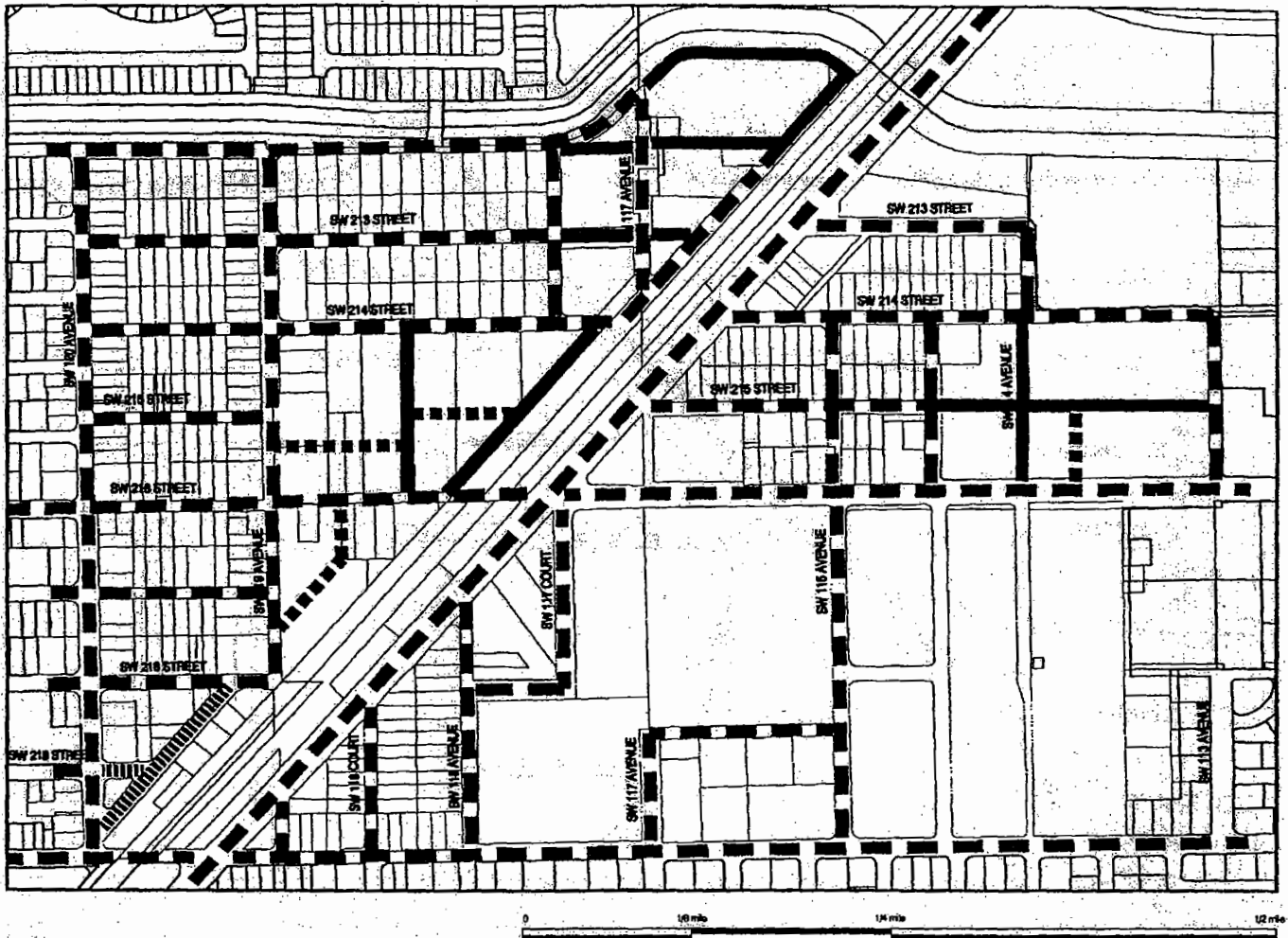
- PROPOSED BLOCKS G Green, S Square, P Plaza
- DESIGNATED OPEN SPACE
- STREET VISTA
- ANCHOR POINT

No	Type	Area
1	P	10,500 SF
2	G	17,500 SF
3	G	17,000 SF
4	G	10,000 SF
5	G	27,000 SF
6	G	9,000 SF
7	S	10,000 SF
8	S	8,500 SF
9	G	19,000 SF
10	S	35,500 SF

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

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

F. New Street Dedications Plan



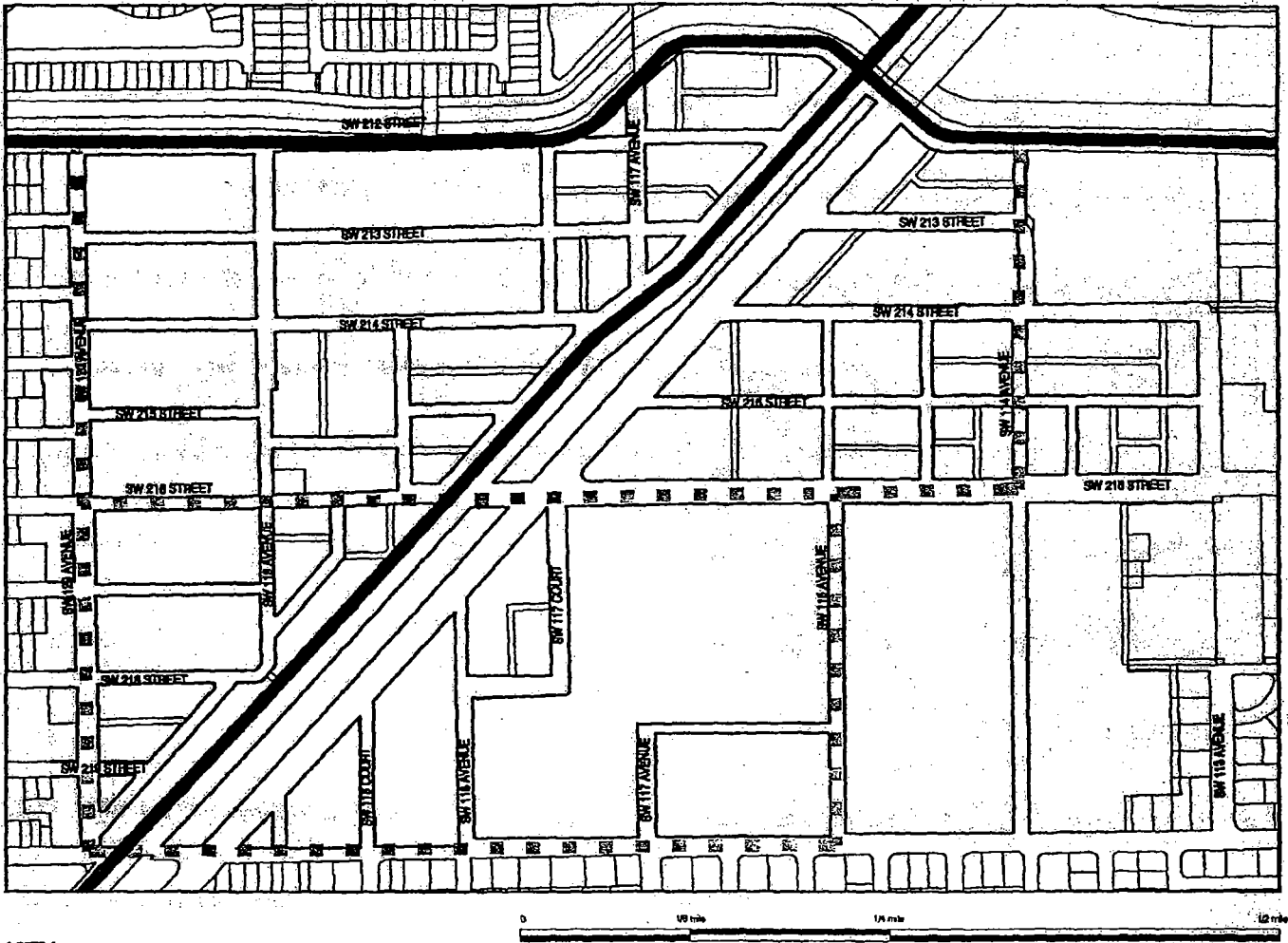
- KEY:**
- ■ ■ ■ ■ EXISTING 'A' STREETS
 - ■ ■ ■ ■ NEW 'B' STREETS
 - ■ ■ ■ ■ EXISTING 'B' STREETS
 - ▨ ▨ ▨ ▨ ▨ PROPERTY OWNERSHIP PATTERN AT TIME OF CHARRETTE





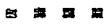
Note: New street allocations are based on the charrette illustrative plan and are approximate.

15

G. Bike Route Plan



KEY:

-  **SOUTH DADE GREENWAYS NETWORK**
-  **BIKE LANES**
Dedicated bike lanes shall be provided as shown in the Street Development Parameters.
-  **BIKE ROUTE**
Signage designating the above shown streets/corridors as bike routes shall be provided where appropriate.

Section 5. Section 33-284.95 of the Code of Miami-Dade County, Florida is

hereby created as follows:

Sec. 33-284.95. Building Placement and Design and Street Type Development Parameters

- A. All new development and redevelopment within the GCUC shall comply with the Building Placement and Design Parameters as provided in Section 33-284.85 of this code.
- B. All new development and redevelopment within the GCUC shall comply with the Street Type Parameters as provided herein:

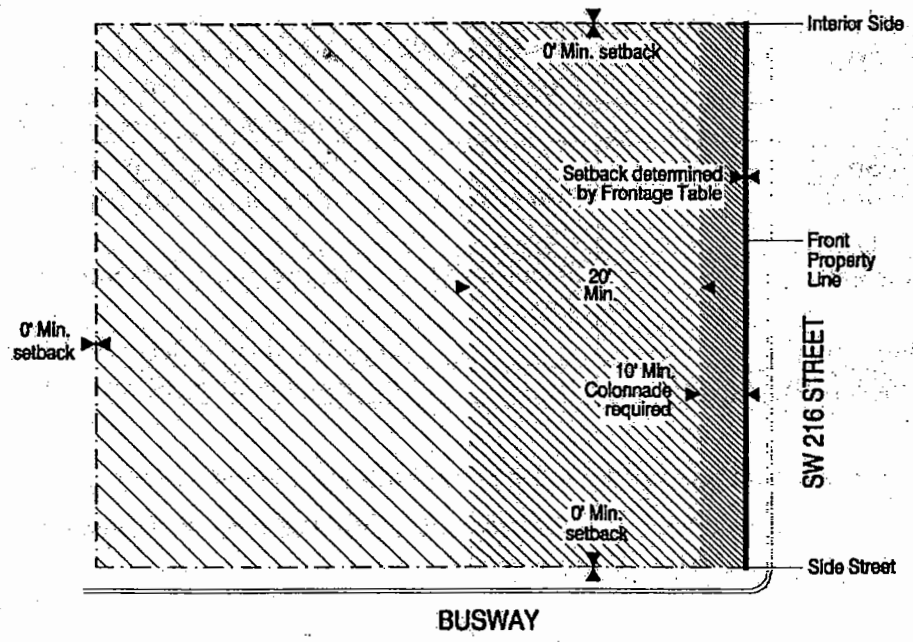
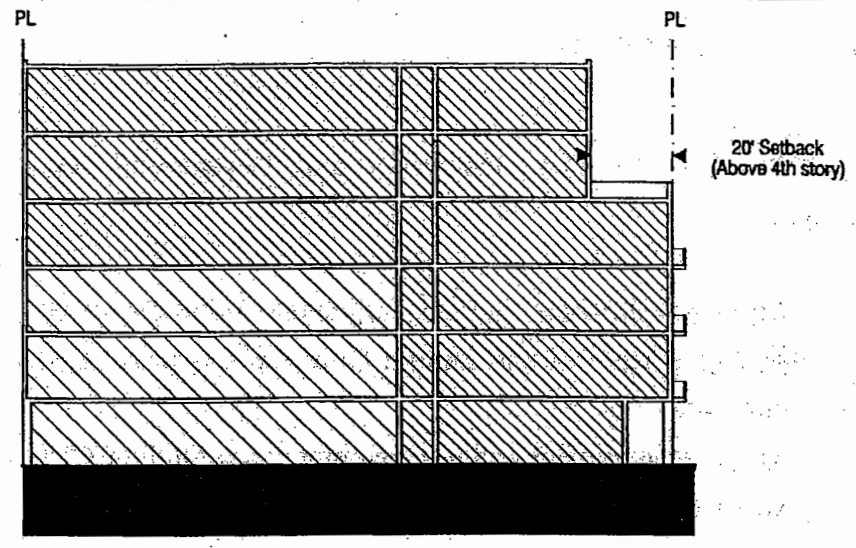
Street type	Minimum Required Configuration	
	Core/Center	Edge
U.S. 1	As provided in this section	
Main Street	As provided in this section	
Boulevard	Street type 1, parking both sides	Street type 1 or 2
Minor Street	Street type 4, parking one side	Street type 4 or 5
Service Road	As provided in section 33-284.85	
Pedestrian Passage	As provided in section 33-284.85	

- C. Unless otherwise provided by the Building Placement and Design Parameters in Section 33-284.85 of this code, the following front and side street setbacks shall be required within the GCUC:

Street type	Required Setback		
	Core	Center	Edge
U.S. 1	6 feet	6 feet	10 feet
Main Street	0 feet*	0 feet*	10 feet
Boulevard	0 feet	0 feet	10 feet
Minor Street	10 feet	6 feet	10 feet
Service Road	0 feet	0 feet	0 feet
Pedestrian Passage	0 feet	0 feet	10 or 15 feet
*Colonnade required			

STORE PORCH SPECIAL DISTRICT (SD)
CORE/CENTER

- BUILDING PLACEMENT**
- PL: Property Line
 - Min: Minimum
 - Max: Maximum
 - Req: Required
- Build to Line
 - - - Property Line
 - ▨ Required Colonnade
 - ▧ Habitable Space
 - ▩ Parking and/or allowable building area

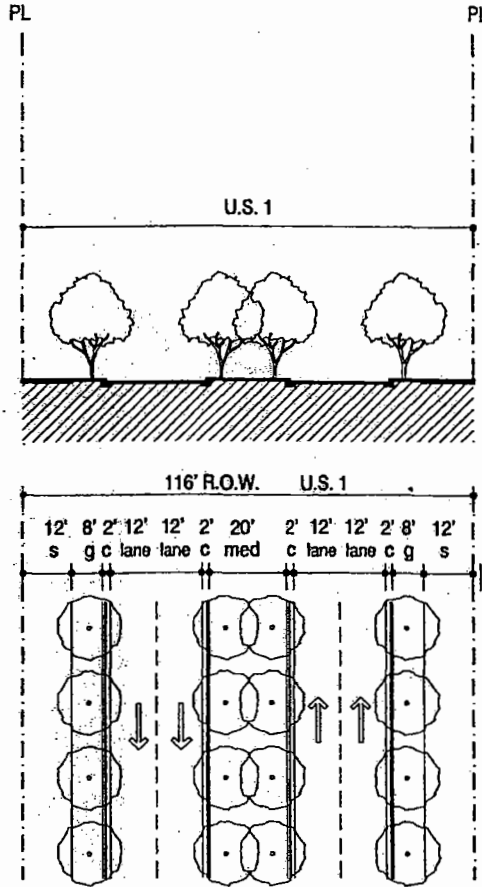


LAND USES	Applies to areas designated SD in the Core and Center Sub-district. For permitted uses refer to Sec. 33-284.93.
BUILDING FRONTAGE	80 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road or adjacent minor street. Up to 60% of required parking may be provided off site within a 500' radius.
SETBACK	The interior side/rear setbacks shall be as shown above. Front and side street setbacks as provided in Frontage Table; see Sec. 33-284.95(C).
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. Colonnades shall be a minimum of 10' deep. The colonnade depth shall not exceed the colonnade height. The exterior of the colonnade shall be no closer than 5' to the curb line.

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

STREET SECTION

- 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
- Build to Line
- - - Property Line



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' minimum continuous landscape strip. Permanent irrigation is required.

PARKING

On-street parking shall count towards the minimum required parking.

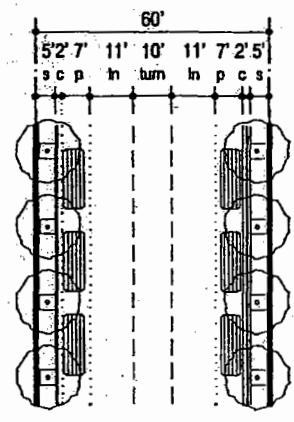
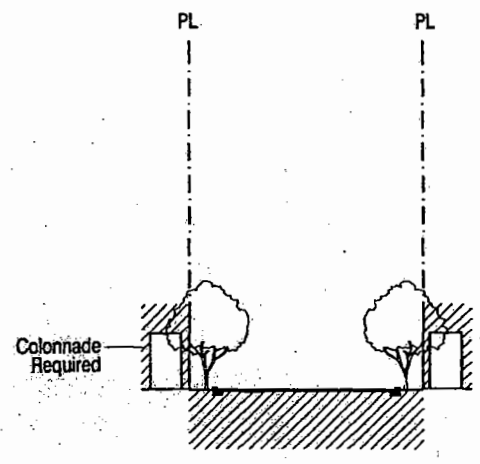
OTHER ELEMENTS

On all Boulevard intersections, the median shall have a mountable curb.
In the Center sub-district, the sidewalk shall be a minimum of 7' wide.
If additional travel lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional travel lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

SW 216 STREET/MAIN STREET
WEST OF U.S. 1 - CORE

STREET SECTION

- 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
- Build to Line
 - - - - Property Line



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.

PARKING

On-street parking shall count towards the minimum required parking.

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. On all Boulevard intersections, the median shall have a mountable curb. If additional travel lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional travel lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

Section 6. Sec. 33-284.96 of the Code of Miami-Dade County, Florida, is hereby

created as follows:

Sec. 33-284.96. Conflicts with other Chapters and Regulations.

This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this code, or with the Miami-Dade Department of Public Works Manual of Public Works.

Section 7. Sec. 33-284.97 of the Code of Miami-Dade County, Florida, is hereby

created as follows:

Section 33-284.97. 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, or occupancy in the GCUC that either (1) was existing as of the date of the district boundary change on the property to GCUC District 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 or had a valid building permit. However, any structure, use, or occupancy in the GCUC 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 8. Sec. 33-133 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

21

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:

* * *

(B) EAST AND WEST STREETS

* * *

East-West South Street

* * *

(28)(a) Coral Reef Drive (SW 152 Street) from Ludlam
Road to West Old Cutler Road..... 110

(a.1) Hainlin Mill Drive (SW 216 Street) from Biscayne
Bay bulkhead line to SW 177 Ave.>>, except as noted
below.....<< 110

>>Note: SW 216 Street from State Road No. 5 (US No. 1)
To SW 127 Avenue.....60.<<

Section 9. 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.

05-144

Section 10. 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 11. 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: JUL 07 2005

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

JAC

Dennis A. Kerbel/Joni Armstrong-Coffey

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the tools used for data collection.

3. The third part of the document presents the results of the study, including a comparison of the different methods and techniques used. It discusses the strengths and weaknesses of each method and provides a summary of the findings.

4. The fourth part of the document discusses the implications of the study and provides recommendations for future research. It highlights the need for further investigation into the effectiveness of the different methods and techniques used.

5. The fifth part of the document provides a conclusion and a summary of the key findings. It reiterates the importance of maintaining accurate records and the need for transparency and accountability in financial reporting.

6. The sixth part of the document provides a list of references and a bibliography. It includes a list of all the sources used in the study and provides a detailed description of each source.

7. The seventh part of the document provides a list of appendices and a bibliography. It includes a list of all the appendices used in the study and provides a detailed description of each appendix.

8. The eighth part of the document provides a list of appendices and a bibliography. It includes a list of all the appendices used in the study and provides a detailed description of each appendix.

Memorandum



Date: July 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

George M. Burgess
County Manager

Amended
Agenda Item No. 7(J)

From:

Subject: Substitute to Proposed Zoning Ordinance Establishing the Standard Urban Center
District Regulations #05-143

RECOMMENDATION

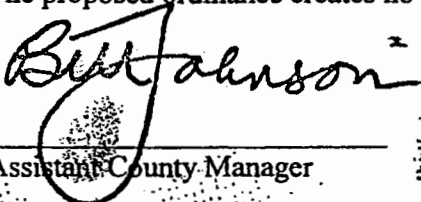
It is recommended that the Board adopt the attached zoning ordinance establishing Standard Urban Center District Regulations.

BACKGROUND

On December 2, 2004 the Board of County Commissioners adopted Ordinance No. 04-217 establishing the Naranja Community Urban Center Zoning District (NCUCD). NCUCD is the second of a series of Urban Center Districts resulting from area planning – charrette processes that have been conducted by the Department of Planning and Zoning (DP&Z) and that have been adopted by the BCC in the past few years. As DP&Z prepares additional urban center ordinances for BCC adoption, the need has arisen to streamline these zoning ordinances by codifying all their common regulatory language and provisions into the proposed Standard Urban Center District Regulations. Establishment of these common Standard Urban Center District Regulations will permit staff to reference back to the common regulations when needed rather than repeating them in the individual urban center zoning ordinances that will follow. The Planning Advisory Board reviewed and endorsed the proposed ordinance on February 7, 2005.

FISCAL IMPACT

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


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2005

FROM: Robert A. Ginsburg
County Attorney

Amended

SUBJECT: Agenda Item No. 7(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 _____
Veto _____
Override _____

Mayor

ended
Agenda Item No. 7(J)
07-07-05

ORDINANCE NO. 05-143

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE STANDARD URBAN CENTER ZONING DISTRICT REGULATIONS; CREATING SECTIONS 33-284.81 THROUGH 33-284.90 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-311, 33-313, 33-314 and 33B-45 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. 33-284.81 of the Code of Miami-Dade County, Florida, is hereby created as follows:¹

ARTICLE XXXIII (K)
STANDARD URBAN CENTER DISTRICT REGULATIONS

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. 33-284.81. Purpose and applicability.

- A. 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).
- B. The regulations in this article shall apply to urban centers, as defined in the CDMP. Specifically, these standard regulations apply to the Urban Center Districts provided for in this code that were created after the effective date of this ordinance (July 27, 2005). Each Urban Center District, as adopted by the Board of County Commissioners by separate ordinances, shall contain a set of regulating plans and additional regulations addressing unique circumstances that, in conjunction with this article, shall control development in each particular urban center.
- C. The standard 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.
- D. The area within the boundaries of an urban center is divided in three Sub-districts: Core, Center and Edge. The highest density and intensity within an urban center shall be allocated to the Core Sub-districts, a mixed-use area adjacent to the transit station(s) or major transit stop(s). The densities and intensities shall then gradually decrease from the Core to the Center Sub-district where mixed-uses are still permitted and then further decrease to the Edge Sub-district which is characterized by single uses, including low density residential.
- E. In the case of multiple-phase development, each phase of the development, whether standing independently or in conjunction with existing developed or proposed future contiguous phases, shall meet all the requirements of this article and of the additional requirements and of the regulating plans provided in each Urban Center Districts. In addition, construction of each phase shall be directed first toward the street of higher hierarchy as provided in the Urban Center Districts; and the minimum building frontage length requirements may be disregarded in approving each individual phase, provided that the building frontage length requirements are met at the conclusion of all phases.

Section 2. Sec. 33-284.82 of the Code of Miami-Dade County, Florida, is hereby created

as follows:

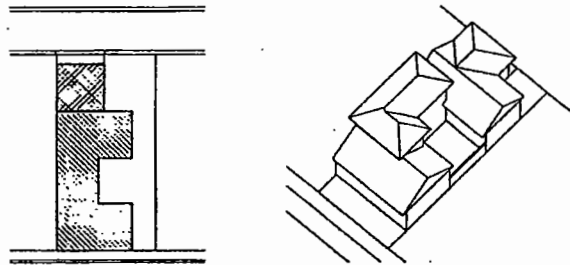
Sec. 33-284.82. Definitions.

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 contiguous 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 placement diagrams: diagrams that provide a schematic representation of the permissible footprints and profiles of structures by land use and Sub-district.
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: a use that is open to the public and conducted within a community building, including without limitation, meeting halls, libraries, schools, child care centers, police

stations, fire stations, post offices, clubhouses, religious buildings, museums, visual and performance arts buildings, and governmental facilities.

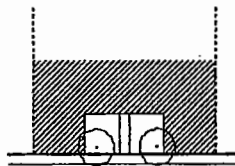
10. Clear zone: an area within the curb radius, which shall be kept clear of all objects to a prescribed height to provide vehicle clearance.
11. Colonnade: a roofed structure, extending over a private walkway, open to the street and sidewalk except for supporting columns or piers.
12. Cornice line: a molded and projecting horizontal member that crowns an architectural composition.
13. Courtyard house: a single-family dwelling distinguished by the provision of a court or atrium. The court shall be enclosed on at least three sides by habitable space and shall provide penetrable openings such as windows and doors between the interior of the dwelling and the court. A Courtyard house may occupy the full width of the lot.



Courtyard House

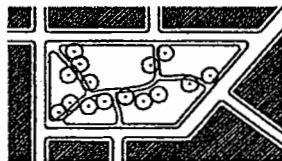
14. Designated open space: an outdoor, at-grade space including greens, squares, plazas and colonnades as indicated on the Designated Open Space Plan.
15. Entertainment Center: an amusement, entertainment, cultural, ecological, or historical complex (or any combination thereof) that is open to the public, including without limitation: buildings for public assembly; mechanical rides; games and contests; exhibits and demonstrations; art exhibits and musical shows; retail sales; marketplaces, including second-hand sales; food services, including fast food restaurants; and water attractions.

16. Fenestration: design and position of windows, entrances, and other structural openings in a building.
17. Floorplate: the shape and size of any given floor of a building. The floorplate that touches the ground is called the footprint, after the shape it leaves on the land.
18. 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 build-to line. The forecourt is suitable for gardens and outdoor seating and is required to be fronted by buildings on three sides.



Forecourt

19. Front property line: the property line abutting the higher ranking street right-of way. For equal ranking street rights-of-way, either frontage may be designated as the front property line.
20. 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, and their landscaping shall consist primarily of lawn, trees, and garden structures.

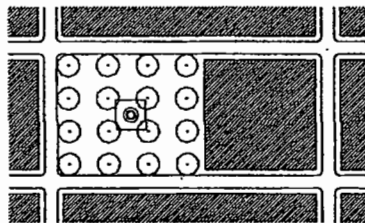


Green

21. Greenway or linear park: an outdoor open space along a natural edge, including without limitation, 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.

22. Habitable space: building space the use of which involves regular human presence. Habitable space shall not include areas devoted to the parking of vehicles in parking garage structures, self-service storage facilities, or warehouses.
23. Home office: a professional office use within a residential use, as provided in section 33-25.1 of this code.
24. 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.
25. Live-work unit: a mixed-use building type with one single-family residential dwelling located above one work space.
26. Live-work building: a mixed-use building type with residential dwellings located above work spaces.
27. Main street: a vehicular and pedestrian thoroughfare lined primarily with mixed-use buildings, as depicted on the Street Types Regulating Plan.
28. Minor street: a street that is predominantly residential in character as depicted on the Street Types Regulating Plan.
29. Mixed-use building: a building that includes a combination of two or more vertically integrated uses, such as retail and/or office uses on the ground floor, with residential uses above.
30. Off-street parking: garage parking or surface parking not on a public or private street.
31. On-street parking: parking on a public or private street.
32. Outdoor produce market: an outdoor commercial establishment where produce and hand crafted items are offered for sale.

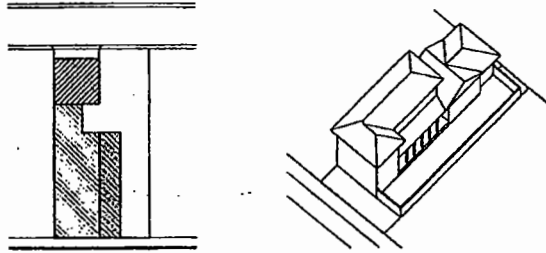
33. Pedestrian passages: interconnected paved walkways that provide pedestrian passage through blocks and that connect directly with the network of sidewalks and open spaces.
34. Plaza: an outdoor open space fronted by retail and office uses. A minimum of 50 percent and a maximum of 75 percent of the plaza's area, exclusive of dedicated rights-of-way, shall be hard surfaced. Plazas shall be located according to the Designated Open Space Plan, and their 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

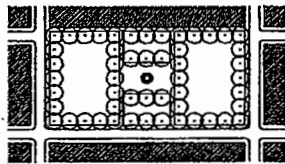
35. Residential Building Type: one of the following residential building types permitted in the Urban Center Districts: single-family detached, duplex, rowhouse, courtyard house, side yard house, and apartment.
36. Rowhouse: a single-family attached dwelling unit of a group of 3 or more units, each separated from the adjoining unit by a common party fire wall. 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 serviced with separate utilities and shall otherwise be independent of any other unit.
37. Service road: a private or public vehicular passageway providing primary, secondary, or service access to the sides or rear of building lots.

38. **Sideyard house:** a single-family dwelling that provides an extensive porch oriented toward a side yard; the side yard is screened from the view of the street by a 6-foot masonry wall along the build-to line.



Sideyard house

39. **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, and their 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

40. **Storefront:** the portion of a building at the first story of a mixed-use building consisting of habitable space to be used for business, office, or institutional purposes.
41. **Story:** an enclosed floor level within a building containing habitable space.
42. **Street network:** a system of intersecting and interconnecting streets and service roads.
43. **Street Type Development Parameters:** the design criteria that establish the required elements for the placement and size of the following: sidewalks, curbs and gutters, parking, medians, bike lanes, traffic lanes, street trees, and landscape strips in the public right of way.

44. Street vista: a view through or along a street centerline terminating with the view of a significant visual composition of an architectural structure or element. Street Vistas are indicated on the Open Space Regulating Plan by arrows; direction of the vista is indicated by the direction of the arrow. Garages and blank walls are not significant visual compositions.
45. Urban Center District: a zoning district resulting from the implementation of an area plan for a CDMP-designated urban center that has been accepted by the Board of County Commissioners.
46. Weather protection elements: architectural elements that provide protection from the sun and the rain, including without limitation, colonnades, awnings, bus shelters, or projecting roofs.

Section 3. Sec. 33-284.83 of the Code of Miami-Dade County, Florida, is hereby created

as follows:

Sec. 33-284.83. 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 Urban Center (UC) Districts, 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. Residential uses are permitted in the areas designated in the Land Use Regulating Plan as Residential (R), Residential Modified (RM), Mixed-Use Corridor (MC), Mixed-Use Main Street (MM), and Mixed-Use Optional (MO), as provided in the table below. Limited residential uses shall also be

permitted in areas designated Industrial District (ID), pursuant to sub-paragraph (4) and the table below. In addition, density averaging shall be permitted when a unified development is located on multiple parcels, with different land uses or Sub-district designations, under the same ownership.

Land Use Areas						Permitted Residential Uses
R	RM	MC	MM	MO	ID	
X						detached single family dwelling
X	X					courtyard and sideyard dwellings
X	X					duplex
X	X					rowhouse
X	X					family day care (upon compliance with the applicable requirements of the RU-1 zoning district regulations)
X	X					group home (upon compliance with the applicable requirements of the RU-1 zoning district regulations)
X	X					municipal recreation building, playground or park owned and operated by a municipality, county, state, or the federal government
X	X					civic uses: only on sites no greater than three acres and only in accordance with the Building Placement and Design Development Parameters
	X	X	X	X		Multiple family apartment units are permitted in RM and when vertically integrated with other lawful uses in MC, MM and MO
					X	Limited residential uses are permitted in areas designated Industrial District (ID), pursuant to sub-paragraph (3) below
(X) permitted in the Land Use Area						

2. Ancillary uses. The following uses shall be permitted as ancillary uses to a lawful residential unit in the areas designated Residential (R) and Residential Modified (RM):

- a. the following accessory buildings and non-residential uses, when located in the rear yard: workshop, garage, utility shed, gazebo, cabana, garden features, basketball hoop, pool and the like, and carport;
 - b. for an attached or detached single family unit, a single accessory dwelling unit with a maximum of 600 square feet of habitable space under the same ownership as the single family unit;
 - c. home office, as provided in section 33-25.1 of this code.
3. Mixed uses. The vertical or horizontal integration of residential, business and office, and institutional uses shall be permitted as provided herein. Vertical integration allows any combination of primary uses, with business uses typically located on the ground floor and office and/or residential uses on the upper floors. Horizontal integration allows any combination of parcels with different primary uses within the same block. The following uses shall be permitted in accordance with the Land Use Regulating Plan, in the areas designated as Mixed-Use Optional (MO), Mixed-Use Main Street (MM) and Mixed-Use Corridor (MC):
- a. Multiple family apartment units shall be permitted in MM areas only when vertically integrated with other lawful uses.
 - b. Multiple family apartment units shall be permitted in MO and MC areas, either alone or when vertically integrated with other lawful uses.
 - c. The professional office, institutional and business uses provided in this sub-section shall be permitted in MC areas, either alone or when vertically integrated with other lawful uses.
 - d. professional offices, as allowed in the RU-5 zoning district
 - e. civic uses
 - f. schools, in accordance with applicable provisions of this code
 - g. governmental offices
 - h. hotels and apartment hotels
 - i. the following business uses:
 - (1) antique shops

- (2) apparel store new and used merchandise, provided such establishments contain no more than 4,000 square feet of gross floor area
- (3) appliance and electrical fixture stores
- (4) art goods stores, artist studios, galleries, and museums
- (5) auditoriums, convention halls, and theaters
- (6) bait and tackle shops
- (7) banks, excluding drive-in teller services
- (8) banquet halls and convention halls
- (9) beauty parlors
- (10) bakeries
- (11) barber shops
- (12) bicycle sales, rentals, and repairs (non-motorized)
- (13) billiard rooms
- (14) card shops and book stores
- (15) confectionaries, ice cream stores, and dairy stores
- (16) conservatories and music and dance studios
- (17) department stores, provided such establishments contain no more than 40,000 square feet of ground floor area
- (18) drugstores
- (19) dry-cleaning establishments where cleaning is not done onsite, offering drop-off and pick-up service only, but allowing other related services, including without limitation, tailoring and shoe repair, provided such establishments contain no more than 4,000 square feet of floor area
- (20) florist shops and garden shops
- (21) furniture stores and upholstery shops
- (22) grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets, and other similar food stores
- (23) handcrafted product shops and hobby shops, including related workshops
- (24) hardware stores
- (25) health and exercise clubs
- (26) information booths
- (27) interior design shops

- (28) jewelry stores
- (29) leather goods and luggage shops
- (30) locksmith
- (31) meeting halls
- (32) movie theaters, excluding drive-in theaters
- (33) municipal recreation buildings
- (34) newsstands
- (35) night clubs
- (36) office and stationery supplies
- (37) optical stores
- (38) paint and wallpaper stores
- (39) photography studios, photo supply shops, and photo galleries
- (40) physical training schools with indoor training facilities up to 4,000 square feet in size, including without limitation, gymnastics, martial arts, and dance academies
- (41) police and fire substations
- (42) post offices
- (43) pottery shops
- (44) printing shops
- (45) pubs and bars, provided that these establishments comply with the distance requirements and other applicable provisions of this code
- (46) libraries
- (47) transit stations
- (48) religious facilities
- (49) restaurants and 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:
 - i. The restaurant furniture located on the sidewalk shall maintain a minimum five-foot wide obstacle-free corridor for pedestrian circulation along the sidewalk.
 - ii. Alcoholic beverages may be served outdoors only where such service is strictly incidental to the service of food.
 - iii. Drive-through restaurants shall be prohibited.
- (50) second hand stores and indoor flea markets
- (51) shoe stores and shoe repair shops

- (52) souvenir shops and gift shops
- (53) sporting goods stores
- (54) tailor shops
- (55) tobacco shops
- (56) other similar small retail stores, provided such establishments contain no more than 4,000 square feet of gross floor area

4. Industrial uses. The following uses shall be permitted in the Industrial District (ID) area. These uses shall be allowed in conformance with the Land Use Regulating Plan and the Street Type Development Parameters.

- a. all uses permitted in the IU-1 zoning district
- b. In any Sub-district, live-work units as follows:
 - a single-family residential unit in connection with one of the following permitted uses for the workshop area:
 - (1) antique shops
 - (2) art goods stores, artist studios, galleries
 - (3) artisanal use
 - (4) bait and tackle shops
 - (5) bakeries
 - (6) cabinet shops
 - (7) dance studios
 - (8) dry cleaning and dyeing establishments
 - (9) engines, sales and service
 - (10) glass installation
 - (11) health and exercise clubs
 - (12) interior design shops
 - (13) leather goods manufacturing, excluding tanning
 - (14) locksmith shops, sharpening and grinding shops
 - (15) mail order office, including storage of products
 - (16) office uses
 - (17) photography labs
 - (18) pottery shops
 - (19) printing shops
 - (20) restaurants, excluding drive-through service
 - (21) secondhand stores

- (22) shoe stores and shoe repair shops
- (23) upholstery and furniture shops
- (24) veterinarian and air conditioned pet hospitals
- (25) wholesale salesrooms

c. the following limited residential uses shall be permitted when buffered from an industrial use by a street, a service road or live-work units, and 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 net acre to a maximum density of 18 dwelling units per net acre.
- (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 net acre to a maximum density of 36 dwelling units per net acre

d. in the Edge Sub-district, automobile service stations and drive-through facilities when in compliance with the requirements of subsections (B)(2) and (3) below.

5. Institutional uses. The following uses are permitted in the Institutional (I) area in accordance with the Land Use Regulating Plan and the Street Types Development Parameters:

- a. civic uses in accordance with the Street Types Development Parameters.

B. Conditionally Permitted Uses. The following conditional uses shall be permitted subject to the administrative approval of a site plan, pursuant to section 33-284.88 of this code, to assure compliance with the requirements established herein:

- 1. Liquor package stores shall be permitted only in the Core Sub-district and only in compliance with all applicable regulations of this code.
- 2. Automobile service stations shall:
 - a. be permitted only in the Industrial District (ID) areas in the Edge and Center Sub-districts; and

- b. be exempt from the minimum height requirement; and
 - c. provide a continuous street façade consisting of buildings or walls along all rights-of-way except driveways. When provided, walls shall not exceed 3.5 feet in height and shall be a minimum of 75% opaque. The main building shall provide a minimum of 40% of building frontage along the front property line.
3. Drive-through facilities shall:
- a. be permitted only in the Industrial District (ID) areas in the Edge and Center Sub-districts; and
 - b. provide a continuous street façade consisting of buildings or walls along all rights-of-way except driveways. When provided, walls shall not exceed 3.5 feet in height and shall be a minimum of 75% opaque. The main building shall provide a minimum of 40% of building frontage along the front property line.

Section 4. Sec. 33-284.84 of the Code of Miami-Dade County, Florida, is hereby created

as follows:

Sec. 33-284.84. Regulating Plans.

A set of Regulating Plans shall be provided with each adopted Urban Center District. The Regulating Plans shall consist of a series of controlling plans that include at least the following:

- A. The Street Types Plan, which establishes a hierarchy of street types in existing and future locations that shall be provided and shown in all development plans.
- B. The Sub-districts Plan, which delineates 3 Sub-districts: Core, Center and Edge. These Sub-districts shall regulate the allowable intensity of development in accordance with the Comprehensive Development Master Plan and this article.
- C. The Land Use Plan, which delineates the areas where specified land uses and development of various types and intensities shall be permitted.
- D. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories.

- E. The Designated Open Space Plan, which designates open spaces, which shall be shown in all development plans. The designated open spaces shall be controlled by anchor points.
- F. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within each Urban Center District. All new A streets shall be required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in section 33-284.86(F) of this code.
- G. The Bike Route Plan, which depicts the designated bike routes, including the bike facility requirements if any, which shall be shown in all development plans.

Section 5. Sec. 33-284.85 of the Code of Miami-Dade County, Florida, is hereby created

as follows:

Sec. 33-284.85. Building Placement and Street Type Development Parameters.

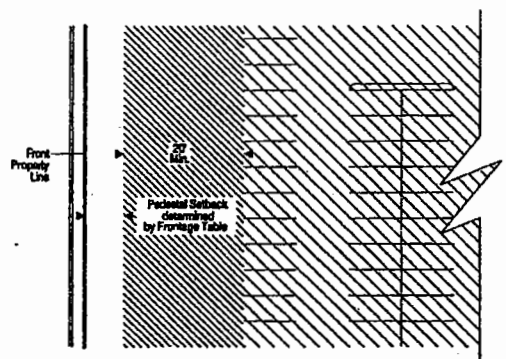
- A. The following diagrams establish the Building Placement and Design Parameters by land use and sub-district. Building setbacks shall be required as illustrated in the Building Placement parameters; where setbacks reference a Frontage Table, such table specific to each Urban Center shall be provided in the individual Urban Center District ordinance.

Applies to:
Metropolitan
MUC

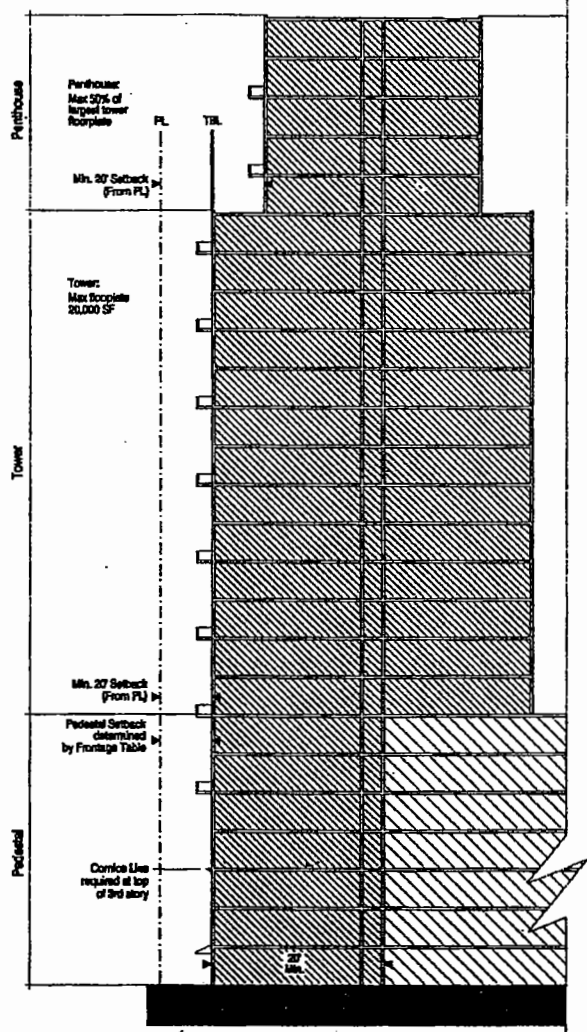
MIXED-USE/INDUSTRIAL (MM, MO, MC, ID)
CENTER/EDGE

BUILDING PLACEMENT

- Key:**
 PL: Property Line
 Min: Minimum
 Max: Maximum
 Req: Required
 TBL: Tower Build-to line
 ——— Build to Line
 - - - - - Property Line
 Habitable Space
 Parking and/or allowable building area



BUILDING PLACEMENT AT FIRST STORY OF PEDESTAL





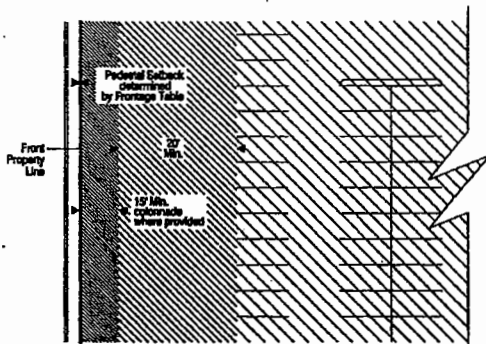
LAND USES	Applies to areas designated MM, MO, MC, and ID in the Center and Edge Sub-districts. For permitted uses refer to Sec. 33-284.B3.
BUILDING FRONTAGE	80 Percent minimum at build-to line.
PARKING	All on-site parking shall be accessed from a service road or as provided for in the Urban Center District Regulations. Where a service road is not accessible parking shall be accessed from the minor street only. The vehicular entry width permitted shall be a maximum of 33'. Up to 60% of required parking may be provided off site within a 500' radius.
SETBACK	Front pedestal setback as provided in Frontage Table; see Sec. 33-284.B5. The interior side/rear setback for the pedestal shall be 0'. The interior side/rear setback for the tower and penthouse shall be a minimum of 30'.
OTHER ELEMENTS	Entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. The front setback shall be hard surfaced and finished to match the adjoining sidewalk. A minimum of 5' clear width within the setback shall be kept unobstructed for pedestrians. Weather protection elements shall be provided on the building facade.

Applies to:
 Metropolitan
MUC

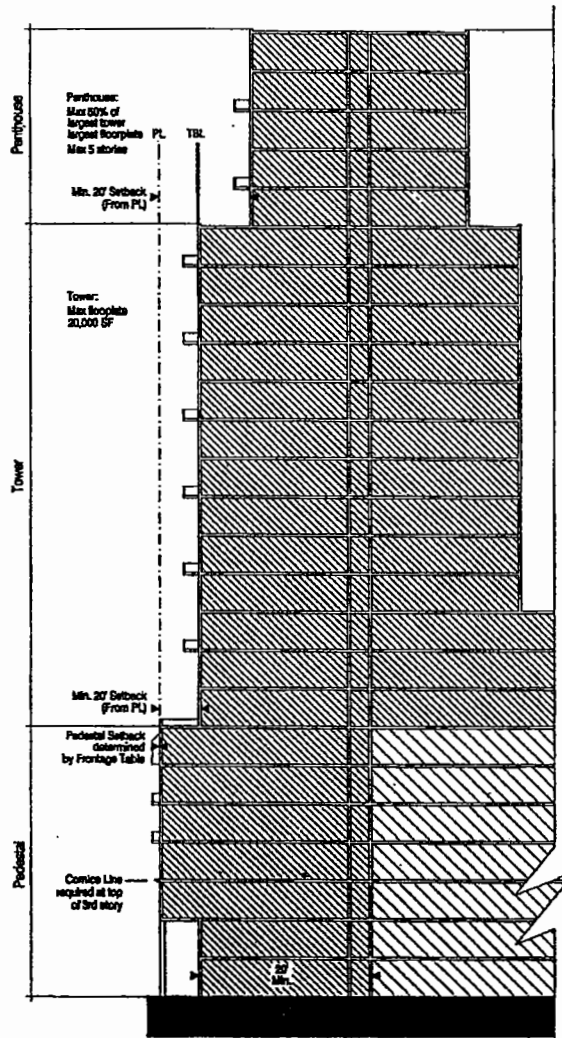
MIXED-USE/INDUSTRIAL (MM, MO, MC, ID)
CORE/CENTER (COLONNADE PROVIDED)

BUILDING PLACEMENT

- Key:**
 PL: Property Line
 Min: Minimum
 Max: Maximum
 Req: Required
 TBL: Tower Build-to line
 ——— Build to Line
 - - - Property Line
 Required Colonnade
 Habitable Space
 Parking and/or allowable building area



BUILDING PLACEMENT AT FIRST STORY OF PEDESTAL



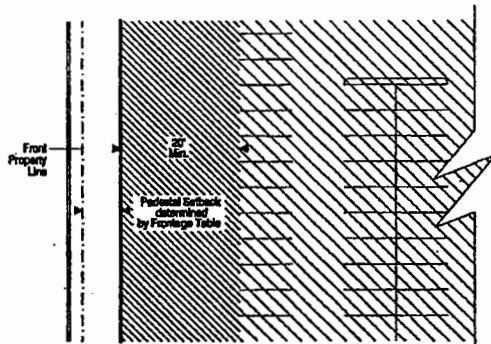
LAND USES	Applies to areas designated MM, MO, MC, and ID in the Core and Center Sub-districts where a colonnade is provided. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	80 Percent minimum at build-to line.
PARKING	All on-site parking shall be accessed from a service road or as provided for in the Urban Center District Regulations. Where a service road is not accessible parking shall be accessed from the minor street only. The vehicular entry width permitted shall be a maximum of 33'. Up to 60% of required parking may be provided off site within a 500' radius.
SETBACK	Front pedestal setback as provided in Frontage Table; see Sec. 33-284.85. The interior side/rear setback for the pedestal shall be 0'. The interior side/rear setback for the tower and penthouse shall be a minimum of 30'.
OTHER ELEMENTS	Entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. Colonnades shall be 2 stories high and a minimum of 15' deep. The colonnade depth shall not exceed the colonnade height. The exterior of the colonnade shall be no closer than 5' from curb line.

Applies to:
Metropolitan
MUC

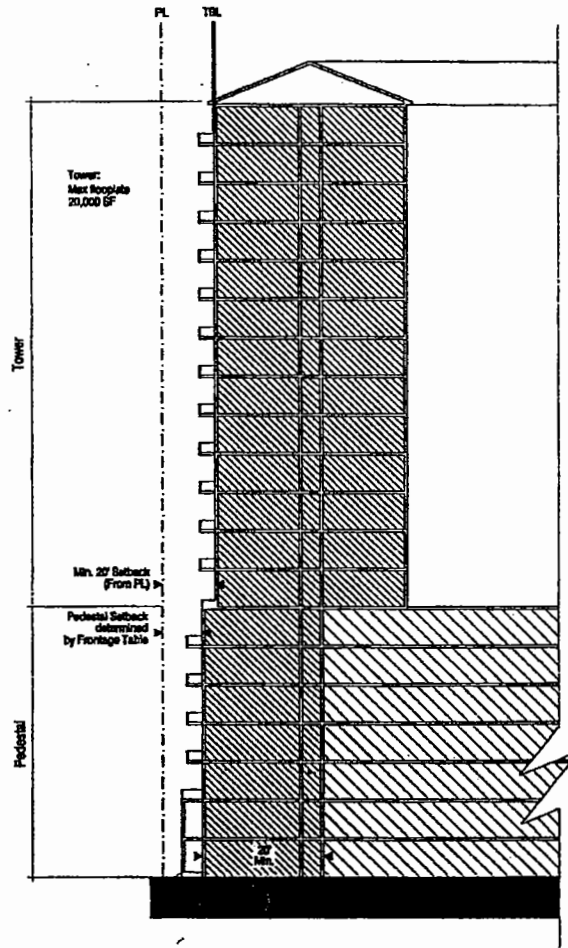
RESIDENTIAL MODIFIED (RM)
CENTER/EDGE

BUILDING PLACEMENT

- Key:**
 PL: Property Line
 Min: Minimum
 Max: Maximum
 Req: Required
 TBL: Tower Build-to line
 ——— Build to Line
 - - - Property Line
 Habitable Space
 Parking and/or allowable building area



BUILDING PLACEMENT AT FIRST STORY OF PEDESTAL



LAND USES	Applies to areas designated RM in the Center and Edge Sub-districts. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	80 Percent minimum at build-to line.
PARKING	All on-site parking shall be accessed from a service road or as provided for in the Urban Center District Regulations. Where a service road is not accessible parking shall be accessed from the minor street only. The vehicular entry width permitted shall be a maximum of 33'. Up to 60% of required parking may be provided off site within a 500' radius.
SETBACK	Front pedestal setback as provided in Frontage Table; see Sec. 33-284.85. The interior side/rear setback for the pedestal shall be 0'. The interior side/rear setback for the tower and penthouse shall be a minimum of 30'.
OTHER ELEMENTS	Entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. The front setback shall be landscaped.

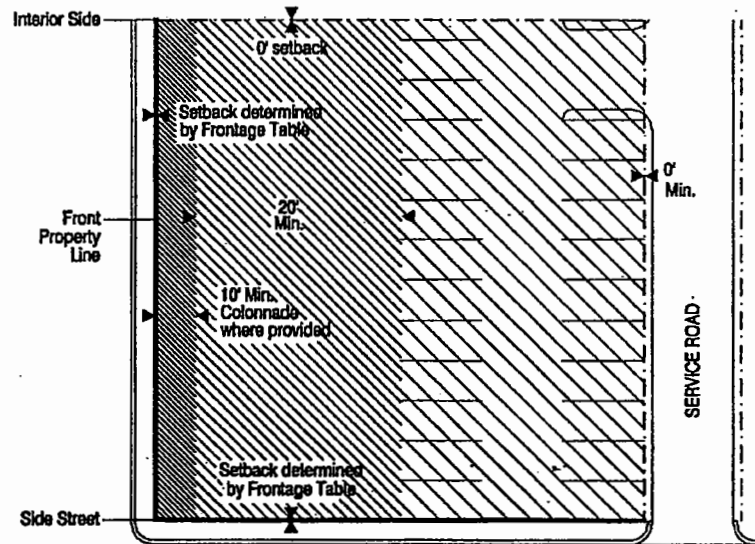
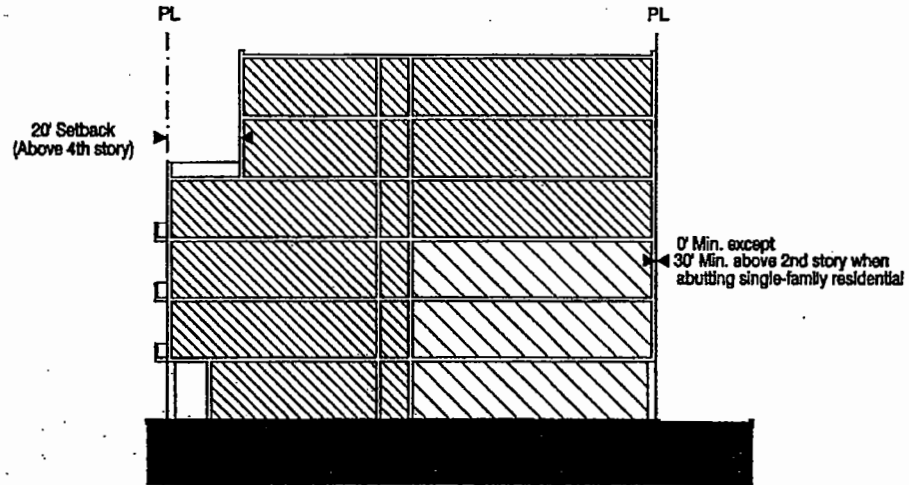
Applies to:
 Metropolitan, Community
MUC/CUC

MIXED-USE/INDUSTRIAL (MM, MO, MC, AD, ID)
CORE/CENTER (COLONNADE PROVIDED)

BUILDING PLACEMENT

- PL: Property Line
- Min: Minimum
- Max: Maximum
- Req: Required

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



LAND USES	Applies to areas designated MM, MO, MC, AD and ID in the Core and Center Sub-district where a colonnade is provided. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	100 Percent Minimum at build-to line in the Core Sub-district; 80 percent minimum at build-to line in the Center Sub-district. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road or adjacent minor street. Up to 60% of required parking may be provided off site within a 500' radius.
SETBACK	The interior side/rear setbacks shall be as shown above. Front and side street setbacks as provided in Frontage Table; see Sec. 33-284.85.
OTHER ELEMENTS	Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. Colonnades shall be a minimum of 10' deep. The colonnade depth shall not exceed the colonnade height. The exterior of the colonnade shall be no closer than 5' to the curb line.

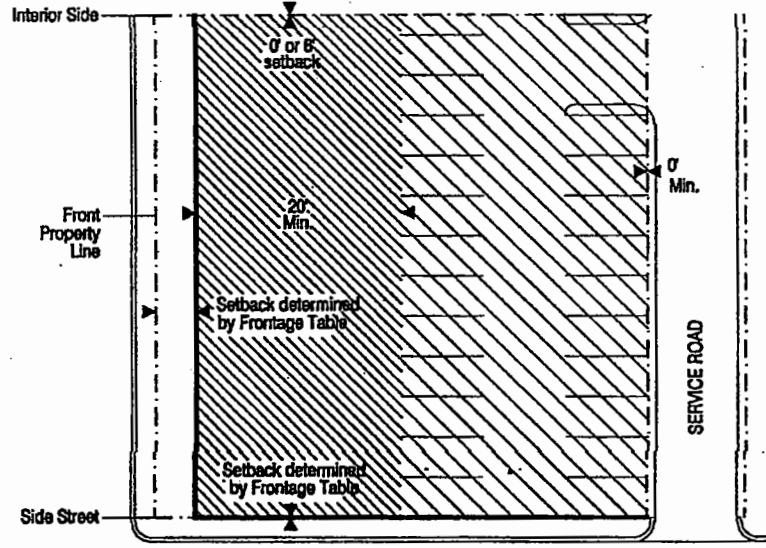
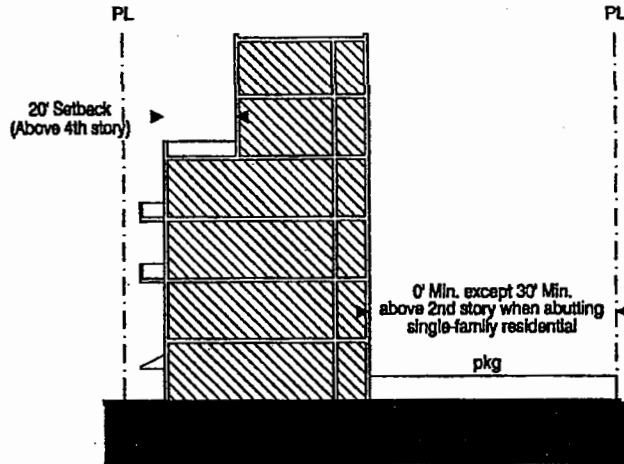
Applies to:
 Metropolitan, Community
MUC/CUC

MIXED-USE/INDUSTRIAL (MM, MO, MC, AD, ID)
CENTER/EDGE

BUILDING PLACEMENT

- PL: Property Line
- Min: Minimum
- Max: Maximum
- Req: Required

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





LAND USES	Applies to areas designated MM, MO, MC, AD and ID in the Center and Edge Sub-districts. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	80 percent minimum at build-to line. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road or adjacent minor street. Up to 60% of required parking may be provided off site within a 500' radius.
SETBACK	The interior side/rear setbacks shall be as shown above. Front and side street setbacks as provided in Frontage Table; see Sec. 33-284.85.
OTHER ELEMENTS	The front setback shall be hard surfaced and finished to match the adjoining sidewalk. A minimum of 5' clear width within the setback shall be kept unobstructed for pedestrians. Weather protection elements shall be provided on the building facade. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

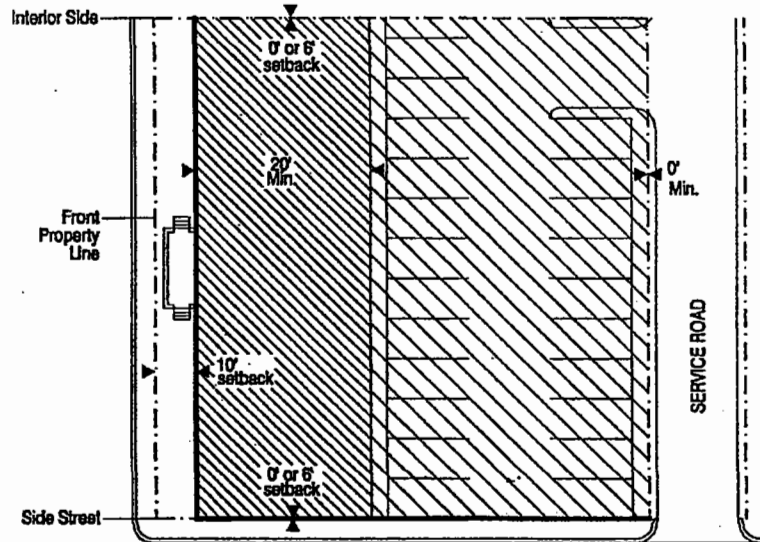
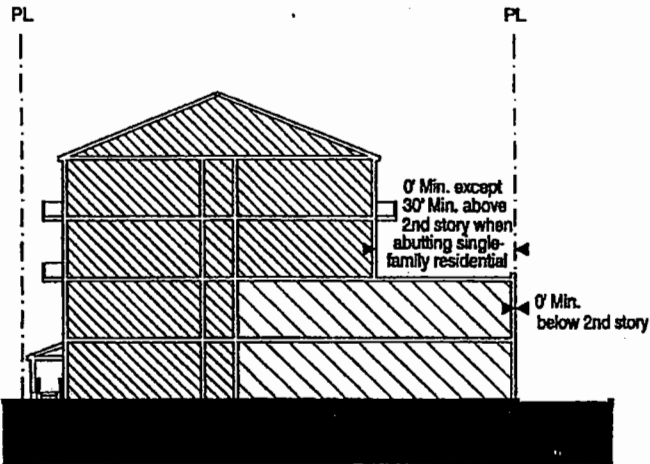
Applies to:
 Metropolitan, Community
MUC/CUC

RESIDENTIAL MODIFIED (RM)
CENTER (APARTMENTS)

BUILDING PLACEMENT

- PL: Property Line
- Min: Minimum
- Max: Maximum
- Req: Required

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



LAND USES	Applies to areas designated RM in the Center Sub-district developed as apartments. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	80 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road or adjacent minor street. Up to 60% of required parking may be provided off site within a 500' radius.
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 landscaped. Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

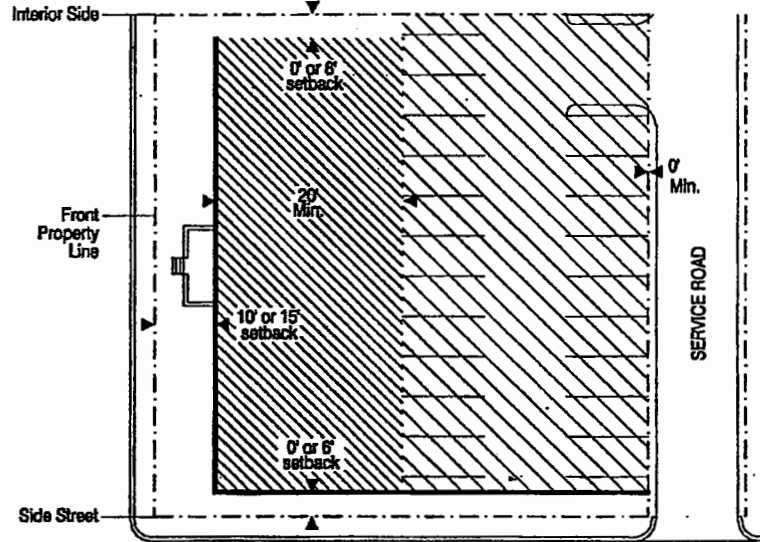
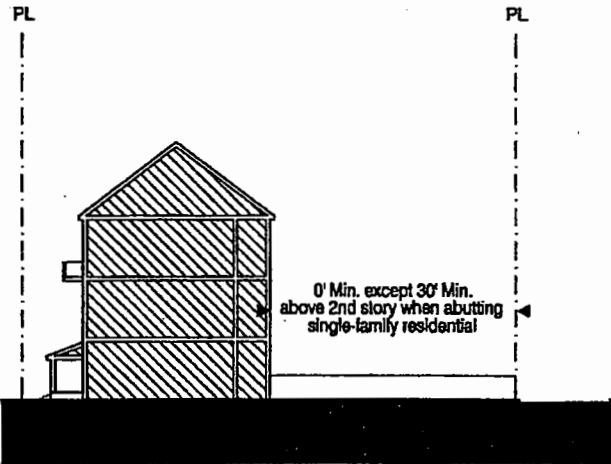
Applies to:
Metropolitan, Community
MUC/CUC

RESIDENTIAL MODIFIED (RM)
EDGE (APARTMENTS)

BUILDING PLACEMENT

PL: Property Line
Min: Minimum
Max: Maximum
Req: Required

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



LAND USES	Applies to areas designated RM in the Edge Sub-district developed as apartments . For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	80 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road or adjacent minor street.
SETBACK	The side setback shall be 0' or 6' and the front setback shall be 10' or 15' in order to implement urban design principles. The rear setback 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.

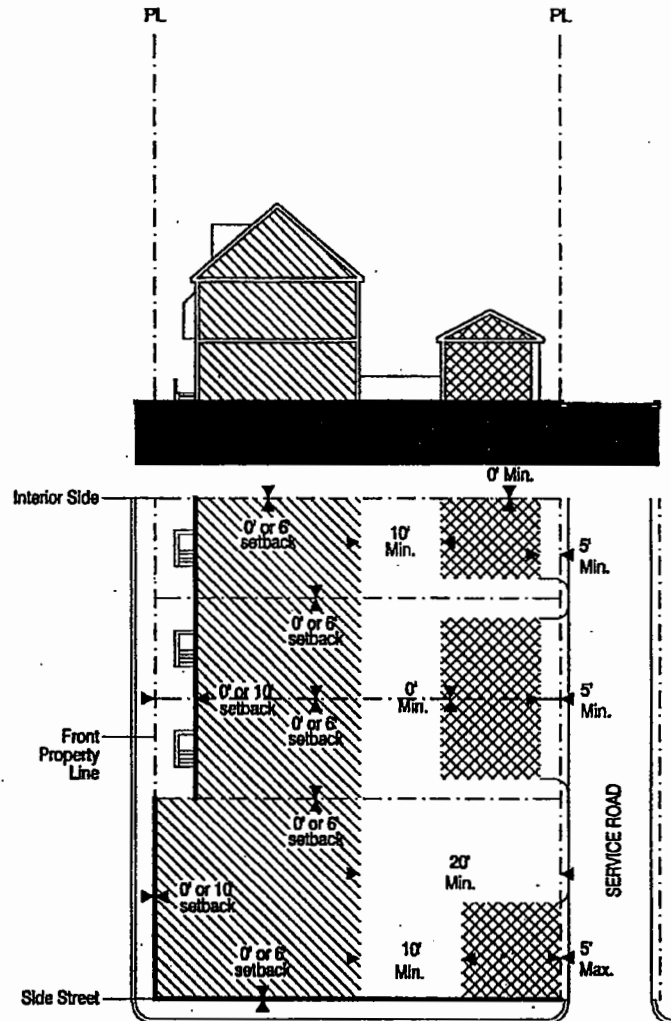
Applies to:
 Metropolitan, Community
MUC/CUC

RESIDENTIAL MODIFIED (RM)
CENTER (APARTMENT OR ROWHOUSE)

BUILDING PLACEMENT

PL: Property Line
 Min: Minimum
 Max: Maximum
 Req: Required

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



LAND USES	Applies to areas designated RM in the Center Sub-district developed as apartments and rowhouses. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	100 percent minimum at build-to line for rowhouses except at end of building groups. 80 Percent Minimum at build-to line for apartments. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road.
SETBACK	The side setback shall be 0' or 6' and the front setback shall be 0' or 10' in order to implement urban design principles. The rear setback 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.

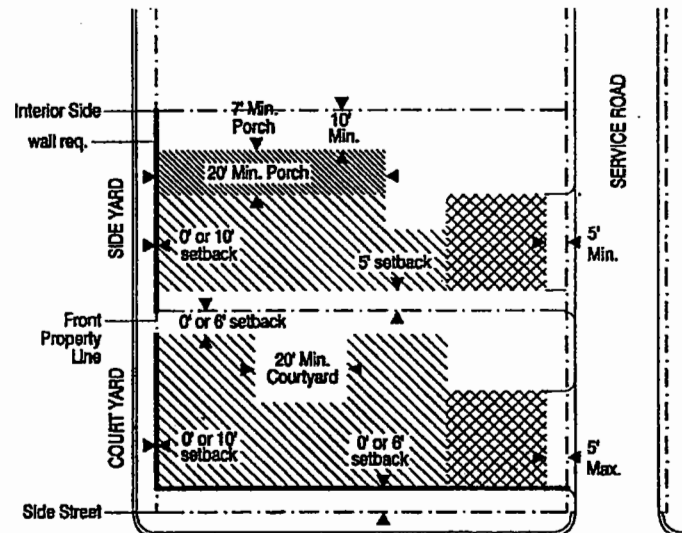
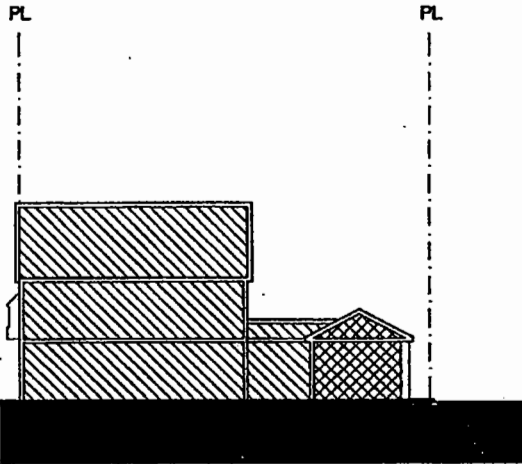
Applies to:
 Metropolitan, Community
MUC/CUC

RESIDENTIAL MODIFIED/RESIDENTIAL (RM, R)
CENTER/EDGE (SIDEYARD OR COURTYARD)



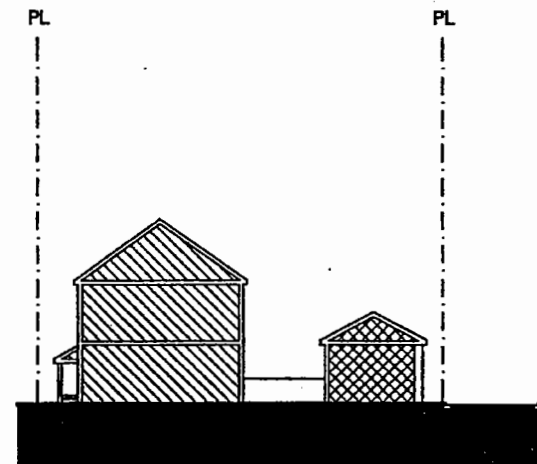
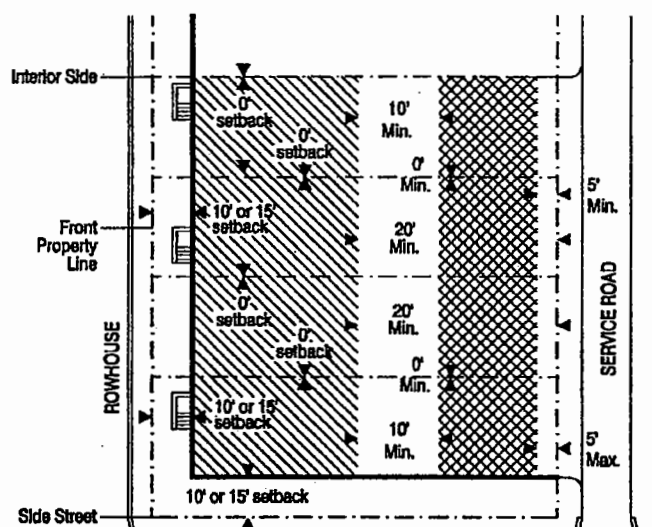
BUILDING PLACEMENT

PL: Property Line
 Min: Minimum
 Max: Maximum
 Req: Required

- Build to Line
- - - Property Line
- ▨ Required Porch
- ▩ Habitable Space
- ▤ Accessory Building/Dwelling/Parking Area



LAND USES	Applies to areas designated RM and R in the Center and Edge Sub-districts developed as Courtyard or Sideyard Houses. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	65 Percent Minimum at build-to line for Courtyard Houses and Sideyard Houses. Minimum frontage requirement applies along the front property line only.
PARKING	For Sideyard and Courtyard Houses all on-site parking shall be accessed from the service road.
SETBACK	For Courtyard Houses, the side setback shall be 0' or 6' in order to implement urban design principles. The front setback shall be 0' or 10' in order to implement urban design principles. The rear setback shall be as shown above.
OTHER ELEMENTS	The front setback shall be landscaped. Perimeter walks, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

Applies to: Metropolitan, Community MUC/CUC		RESIDENTIAL (R) EDGE (ROWHOUSE)
BUILDING PLACEMENT PL: Property Line Min: Minimum Max: Maximum Req: Required ——— Build to Line - - - - Property Line  Habitable Space  Accessory Building/Dwelling/Parking Area		
		
LAND USES	Applies to areas designated R in the Edge Sub-district developed as Rowhouses. For permitted uses refer to Sec. 33-284.83.	
BUILDING FRONTAGE	100 percent at build-to line except at end of building groups. Minimum frontage requirement applies along the front property line only.	
PARKING	For Rowhouses all on-site parking shall be accessed from the service road.	
SETBACK	The front setback shall be 10' or 15' in order to implement urban design principles. The rear and side setback 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.	

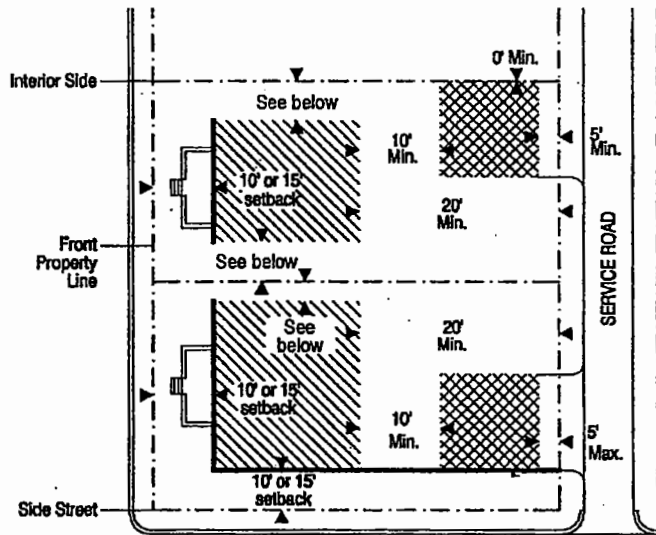
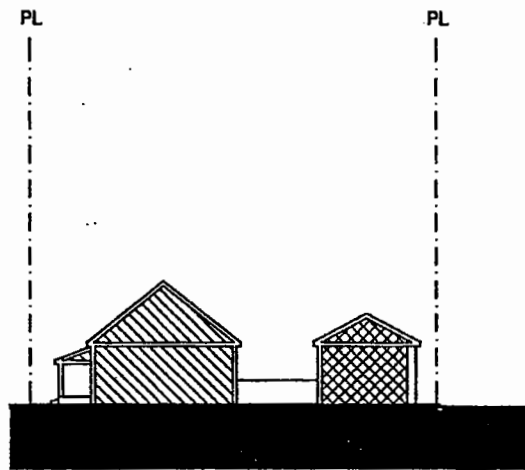
Applies to:
 Metropolitan, Community
MUC/CUC

RESIDENTIAL (R)
EDGE (SINGLE FAMILY DETACHED)

BUILDING PLACEMENT

PL: Property Line
 Min: Minimum
 Max: Maximum
 Req: Required

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



LAND USES	Applies to areas designated R in the Edge Sub-district developed as single-family detached dwellings. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	40 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road where provided.
SETBACK	The front setback shall be 10' or 15' in order to implement urban design principles. For lots with frontage between 50 and 75 feet the minimum side setback shall be 10% of the lot frontage; for lots with frontage greater than 75 feet the side setback shall be a minimum of 7.5 feet. The rear setback 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.

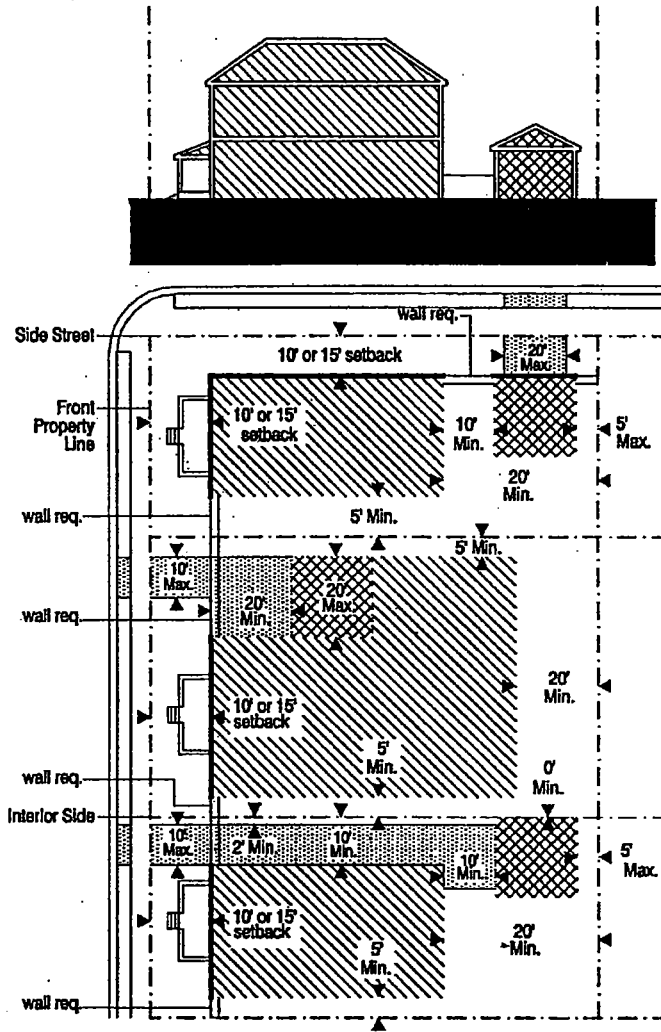
Applies to:
Metropolitan, Community
MUC/CUC

RESIDENTIAL (R)
EDGE (SINGLE FAMILY DETACHED WITHOUT SERVICE ROAD)


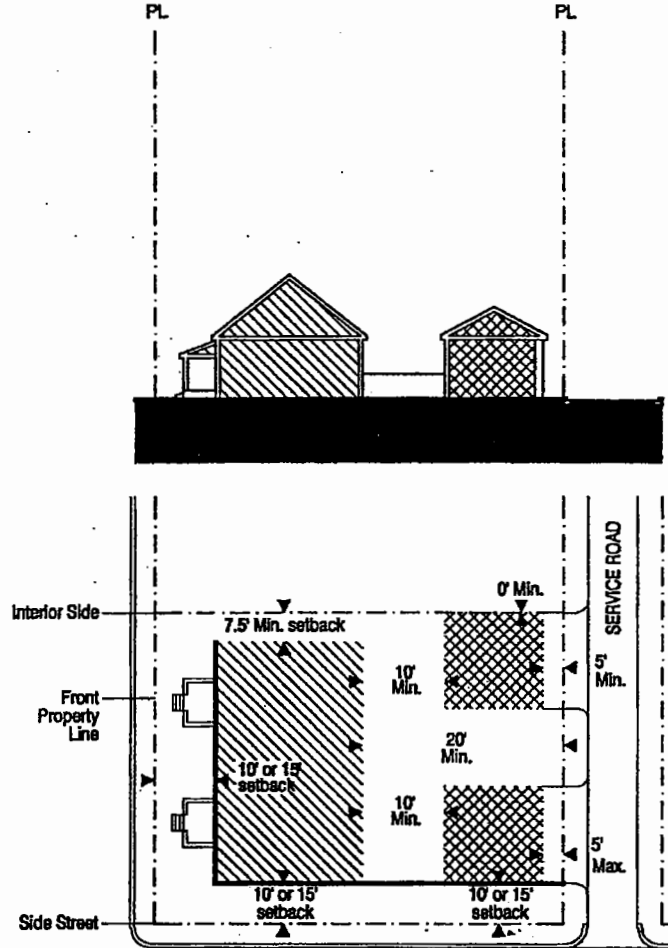
BUILDING PLACEMENT

Lots > or = 50' Only PL

- PL: Property Line
- Min: Minimum
- Max: Maximum
- Req: Required
- Build to Line
- Property Line
- Habitable Space
- Accessory Building/Dwelling/Parking Area
- Driveway



LAND USES	Applies to areas designated R in the Edge Sub-district where a service road is not provided and for lots greater than or equal to 50'. For permitted uses refer to Sec. 33-284.83.
BUILDING FRONTAGE	60 percent minimum at build-to line on all frontages. The garage shall not count toward the frontage requirements. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking for single family detached units on lots greater or equal to 50 feet wide and in the Edge Sub-district only, shall be accessed from the service road or from the street as shown above.
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	Where a driveway intersects a sidewalk, the sidewalk shall remain at a continuous level.

Applies to: Metropolitan, Community MUC/CUC	RESIDENTIAL (R, RM) CENTER/EDGE (DUPLEX)
BUILDING PLACEMENT Lots > or = 75' Only PL: Property Line Min: Minimum Max: Maximum Req: Required 	
LAND USES	Applies to areas designated R or RM in the Center or Edge Sub-districts developed as single-family duplex dwellings. For permitted uses refer to Sec. 33-264.83.
BUILDING FRONTAGE	40 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only.
PARKING	All on-site parking shall be accessed from the service road where provided.
SETBACK	The front setback shall be 10' or 15' in order to implement urban design principles. The side and rear setback 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.

B. The following diagrams establish the Street Type Parameters by sub-district.

BOULEVARD (Parking Both Sides)																																																																																
CORE/CENTER																																																																																
STREET TYPE 1																																																																																
<p>STREET SECTION</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>--- Property Line</p>																																																																																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="12" style="text-align: center;">Varies</td> </tr> <tr> <td style="text-align: center;">Min.</td> <td style="text-align: center;">14'</td> <td style="text-align: center;">2'</td> <td style="text-align: center;">7'</td> <td style="text-align: center;">11'</td> <td style="text-align: center;">2'</td> <td style="text-align: center;">14'</td> <td style="text-align: center;">2'</td> <td style="text-align: center;">11'</td> <td style="text-align: center;">7'</td> <td style="text-align: center;">2'</td> <td style="text-align: center;">14'</td> <td style="text-align: center;">Min.</td> </tr> <tr> <td style="text-align: center;">s</td> <td style="text-align: center;">c</td> <td style="text-align: center;">p</td> <td style="text-align: center;">ln</td> <td style="text-align: center;">c</td> <td style="text-align: center;">med</td> <td style="text-align: center;">c</td> <td style="text-align: center;">ln</td> <td style="text-align: center;">p</td> <td style="text-align: center;">c</td> <td style="text-align: center;">s</td> <td style="text-align: center;">s</td> <td style="text-align: center;">Min.</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="12" style="text-align: center;">Varies</td> </tr> <tr> <td style="text-align: center;">Min.</td> <td style="text-align: center;">14'</td> <td style="text-align: center;">2'</td> <td style="text-align: center;">7'</td> <td style="text-align: center;">4'</td> <td style="text-align: center;">11'</td> <td style="text-align: center;">2'</td> <td style="text-align: center;">14'</td> <td style="text-align: center;">2'</td> <td style="text-align: center;">11'</td> <td style="text-align: center;">4'</td> <td style="text-align: center;">7'</td> <td style="text-align: center;">2'</td> <td style="text-align: center;">14'</td> <td style="text-align: center;">Min.</td> </tr> <tr> <td style="text-align: center;">s</td> <td style="text-align: center;">c</td> <td style="text-align: center;">p</td> <td style="text-align: center;">bl</td> <td style="text-align: center;">ln</td> <td style="text-align: center;">c</td> <td style="text-align: center;">med</td> <td style="text-align: center;">c</td> <td style="text-align: center;">ln</td> <td style="text-align: center;">bl</td> <td style="text-align: center;">p</td> <td style="text-align: center;">c</td> <td style="text-align: center;">s</td> <td style="text-align: center;">Min.</td> </tr> </table>	Varies												Min.	14'	2'	7'	11'	2'	14'	2'	11'	7'	2'	14'	Min.	s	c	p	ln	c	med	c	ln	p	c	s	s	Min.	Varies												Min.	14'	2'	7'	4'	11'	2'	14'	2'	11'	4'	7'	2'	14'	Min.	s	c	p	bl	ln	c	med	c	ln	bl	p	c	s	Min.
Varies																																																																																
Min.	14'	2'	7'	11'	2'	14'	2'	11'	7'	2'	14'	Min.																																																																				
s	c	p	ln	c	med	c	ln	p	c	s	s	Min.																																																																				
Varies																																																																																
Min.	14'	2'	7'	4'	11'	2'	14'	2'	11'	4'	7'	2'	14'	Min.																																																																		
s	c	p	bl	ln	c	med	c	ln	bl	p	c	s	Min.																																																																			
LANDSCAPE/ OPEN SPACE	<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 5' x 5' tree grates. Permanent irrigation is required. In the Center sub-district, tree grates are optional and street trees shall be planted in a 6' continuous landscape strip.</p>																																																																															
PARKING	<p>On-street parking shall count towards the minimum required parking.</p>																																																																															
OTHER ELEMENTS	<p>Where a colonnade is provided on the ground floor the sidewalk shall be 5' maximum along the building side only. On all Boulevard intersections, the median shall have a mountable curb. In the Center sub-district, the sidewalk shall be a minimum of 8' when adjacent to a 6' landscape strip. If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as denicted above.</p>																																																																															

STREET TYPE 1

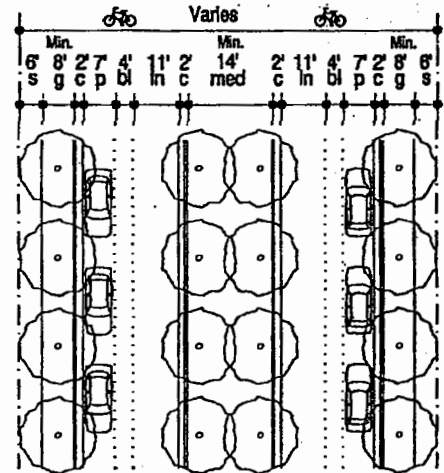
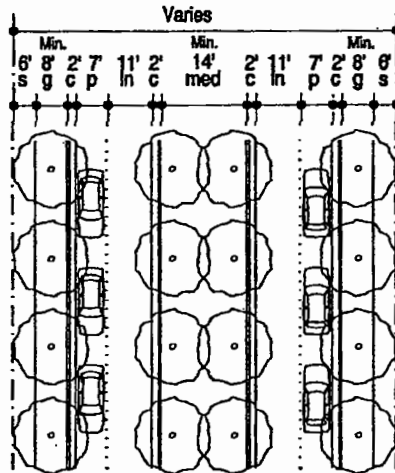
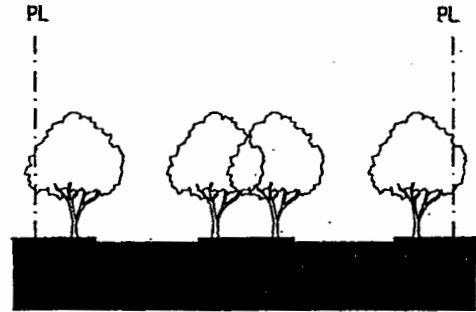
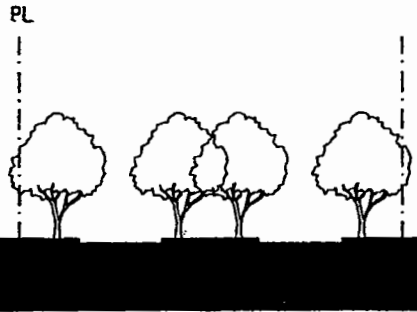
BOULEVARD (Parking Both Sides)

EDGE

STREET SECTION

- 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

----- Property Line



**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 8' minimum continuous landscape strip.

PARKING

On-street parking shall count towards the minimum required parking.

OTHER ELEMENTS

On all Boulevard intersections, the median shall have a mountable curb.
 If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

BOULEVARD (No Parking)																																											
CORE/CENTER																																											
<p>STREET TYPE 2</p> <p>STREET SECTION</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>--- Property Line</p>	<p style="text-align: center;">Varies</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>Min.</td> <td>2'</td> <td>11'</td> <td>2'</td> <td>14'</td> <td>2'</td> <td>11'</td> <td>2'</td> <td>14'</td> <td>Min.</td> </tr> <tr> <td>s</td> <td>c</td> <td>ln</td> <td>c</td> <td>med</td> <td>c</td> <td>ln</td> <td>c</td> <td>s</td> <td></td> </tr> </table> <p style="text-align: center;">Varies</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>Min.</td> <td>2'</td> <td>11'</td> <td>2'</td> <td>14'</td> <td>2'</td> <td>11'</td> <td>4'</td> <td>2'</td> <td>14'</td> <td>Min.</td> </tr> <tr> <td>s</td> <td>col</td> <td>ln</td> <td>c</td> <td>med</td> <td>c</td> <td>ln</td> <td>bl</td> <td>c</td> <td>s</td> <td></td> </tr> </table>	Min.	2'	11'	2'	14'	2'	11'	2'	14'	Min.	s	c	ln	c	med	c	ln	c	s		Min.	2'	11'	2'	14'	2'	11'	4'	2'	14'	Min.	s	col	ln	c	med	c	ln	bl	c	s	
Min.	2'	11'	2'	14'	2'	11'	2'	14'	Min.																																		
s	c	ln	c	med	c	ln	c	s																																			
Min.	2'	11'	2'	14'	2'	11'	4'	2'	14'	Min.																																	
s	col	ln	c	med	c	ln	bl	c	s																																		
LANDSCAPE/ OPEN SPACE	<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 5' x 5' tree grates. Permanent irrigation is required. In the Center sub-district, tree grates are optional and street trees shall be planted in a 6' continuous landscape strip.</p>																																										
PARKING	N/A																																										
OTHER ELEMENTS	<p>Where a colonnade is provided on the ground floor the sidewalk shall be 5' maximum along the building side only. On all Boulevard intersections, the median shall have a mountable curb. In the Center sub-district, the sidewalk shall be a minimum of 8' when adjacent to a 6' landscape strip. If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>																																										

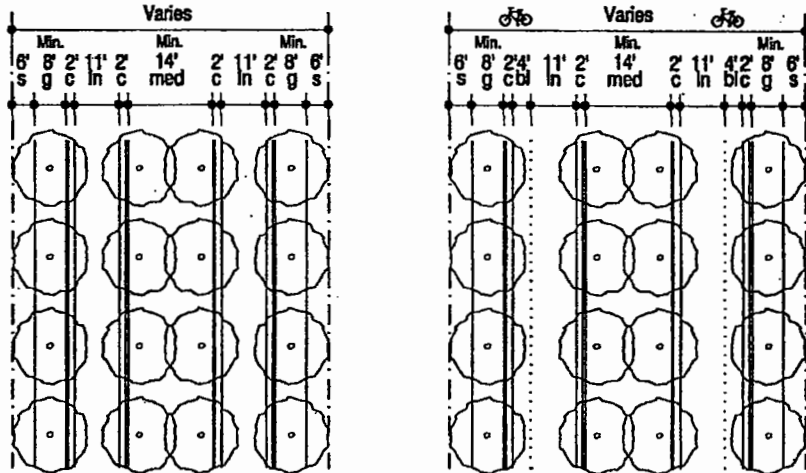
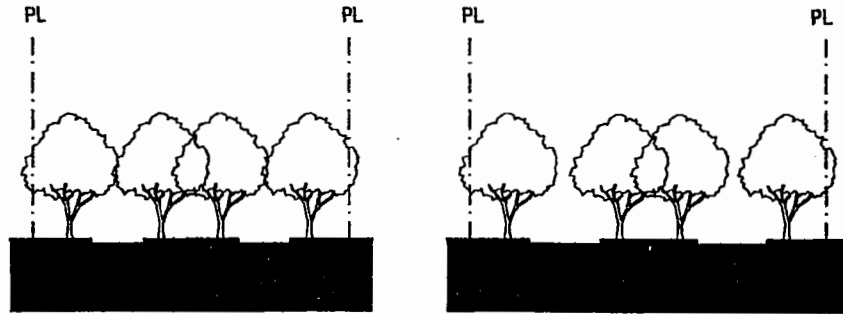
STREET TYPE 2

BOULEVARD (No Parking)
EDGE

STREET SECTION

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

----- Property Line



**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 8' minimum continuous landscape strip.

PARKING

N/A

OTHER ELEMENTS

On all Boulevard intersections, the median shall have a mountable curb.
 If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

MINOR STREET (Parking Both Sides)	
STREET TYPE 3 CORE/CENTER	
<p>STREET SECTION</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>--- Property Line</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 5' x 5' tree grates. Permanent irrigation is required. In the Center sub-district, tree grates are optional and street trees shall be planted in a 6' continuous landscape strip.</p>
<p>PARKING</p>	<p>On-street parking shall count towards the minimum required parking.</p>
<p>OTHER ELEMENTS</p>	<p>Where a colonnade is provided on the ground floor the sidewalk shall be 5' maximum along the building side only. In the Center sub-district, the sidewalk shall be a minimum of 8' when adjacent to a 6' landscape strip. If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>

MINOR STREET (Parking Both Sides)	
EDGE	
STREET TYPE 3	STREET SECTION
<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>----- Property Line</p>	<p style="text-align: center;"> Min. varies Min. Min. varies Min. </p> <p style="text-align: center;"> 6' 8' 2' 7' 10' 7' 2' 8' 8' 6' 8' 2' 7' 4' 10' 4' 7' 2' 8' 8' </p> <p style="text-align: center;"> s g c p lanes p c g s s g c p bl lanes bl p c g s </p>
LANDSCAPE/ OPEN SPACE	<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 a 8' minimum continuous landscape strip.</p>
PARKING	<p>On-street parking shall count towards the minimum required parking.</p>
OTHER ELEMENTS	<p>If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>

STREET TYPE 4	MINOR STREET (Parking One Side) CORE/CENTER
<p>STREET SECTION</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>--- Property Line</p>	<p>Diagram illustrating the street section layout for a Minor Street (Parking One Side) in the Core/Center sub-district. The diagram shows two options for the street section, each with a minimum of 7' 2" 9" lanes.</p> <p>Option 1 (Left):</p> <ul style="list-style-type: none"> Min. 10' s 2' c 10' lanes 7' 2" 9" p c s <p>Option 2 (Right):</p> <ul style="list-style-type: none"> Min. 10' s 2' 4" c bl 10' lanes 4' 7' 2" 9" bl p c s <p>The diagram also shows a Property Line (PL) and a tree planted in a 5' x 5' tree grate.</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 5' x 5' tree grates. Permanent irrigation is required. In the Center sub-district, tree grates are optional and street trees shall be planted in a 4' continuous landscape strip.</p>
<p>PARKING</p>	<p>On-street parking shall count towards the minimum required parking.</p>
<p>OTHER ELEMENTS</p>	<p>Where a colonnade is provided on the ground floor the sidewalk shall be 5' maximum along the building side only. In the Center sub-district, the sidewalk shall be a minimum of 5' when adjacent to a 4' landscape strip. If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>

MINOR STREET (Parking One Side)	
EDGE	
<p>STREET TYPE 4</p> <p>STREET SECTION</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>--- Property Line</p>	<p>Diagram illustrating the street section layout for a Minor Street (Parking One Side) at the Edge. The diagram shows two cross-sections of the street, each with a property line (PL) indicated by a dashed line. The layout includes a sidewalk (s), green space (g), curb and gutter (c), lane (ln), and property line (PL). Trees are shown planted in a 4-foot wide landscape strip. Dimensions are provided for each section.</p> <p>Section 1 (Left): Min. 5' s 5' g 2' c 10' ln 7' p 2' c 4' g 5' s Min. varies</p> <p>Section 2 (Right): Min. 5' s 5' g 2' c 4' bl 10' ln 4' bl 7' p 2' c 5' s Min. varies</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 a 4' minimum continuous landscape strip.</p>
<p>PARKING</p>	<p>On-street parking shall count towards the minimum required parking.</p>
<p>OTHER ELEMENTS</p>	<p>If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>

MINOR STREET (No Parking)	
CORE/CENTER	
<p>STREET TYPE 5</p> <p>STREET SECTION</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>--- Property Line</p>	
LANDSCAPE/ OPEN SPACE	<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 5' x 5' tree grates. Permanent irrigation is required. In the Center sub-district, tree grates are optional and street trees shall be planted in a 5' continuous landscape strip.</p>
PARKING	<p>N/A</p>
OTHER ELEMENTS	<p>Where a colonnade is provided on the ground floor the sidewalk shall be 5' maximum along the building side only. In the Center sub-district, the sidewalk shall be a minimum of 8' when adjacent to a 5' landscape strip. If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>

MINOR STREET (No Parking)	
EDGE	
STREET TYPE 5	STREET SECTION
<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>--- Property Line</p>	
LANDSCAPE/ OPEN SPACE	<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' minimum continuous landscape strip.</p>
PARKING	<p>N/A</p>
OTHER ELEMENTS	<p>If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>

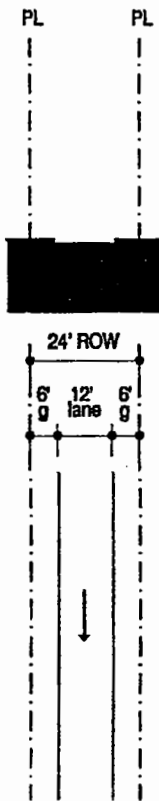
MINOR STREET (Canal Side)	
CORE/CENTER	
<p>STREET TYPE 6</p> <p>STREET SECTION</p> <p>Key: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bl: bike lane col: colonnade PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p> <p>--- Property Line</p>	
<p>LANDSCAPE/ 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 5' x 5' tree grates. Permanent irrigation is required. In the Center sub-district, tree grates are optional and street trees shall be planted in a 6' continuous landscape strip.</p>
<p>PARKING</p>	<p>On-street parking shall count towards the minimum required parking.</p>
<p>OTHER ELEMENTS</p>	<p>Where a colonnade is provided on the ground floor the sidewalk shall be 5' maximum along the building side only. In the Center sub-district, the sidewalk shall be a minimum of 8' when adjacent to a 6' landscape strip. If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>

1/4

MINOR STREET (Canal Side)																																																	
STREET TYPE 6	EDGE																																																
<p>STREET SECTION</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>----- Property Line</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PL</p> </div> <div style="text-align: center;"> <p>PL</p> </div> </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>varies</p> <table border="1" style="font-size: small; border-collapse: collapse; margin: 0 auto;"> <tr> <td>Min.</td> <td colspan="5"></td> <td>Min.</td> </tr> <tr> <td>6'</td> <td>8'</td> <td>2'</td> <td>7'</td> <td>10'</td> <td>2'</td> <td>8'</td> </tr> <tr> <td>s</td> <td>g</td> <td>c</td> <td>p</td> <td>lanes</td> <td>c</td> <td>g</td> </tr> </table> </div> <div style="text-align: center;"> <p>varies</p> <table border="1" style="font-size: small; border-collapse: collapse; margin: 0 auto;"> <tr> <td>Min.</td> <td colspan="5"></td> <td>Min.</td> </tr> <tr> <td>6'</td> <td>8'</td> <td>2'</td> <td>7'</td> <td>4'</td> <td>10'</td> <td>2'</td> <td>8'</td> <td>6'</td> <td>4'</td> </tr> <tr> <td>s</td> <td>g</td> <td>c</td> <td>p</td> <td>bl</td> <td>lanes</td> <td>c</td> <td>g</td> <td>s</td> <td>bl</td> </tr> </table> </div> </div>	Min.						Min.	6'	8'	2'	7'	10'	2'	8'	s	g	c	p	lanes	c	g	Min.						Min.	6'	8'	2'	7'	4'	10'	2'	8'	6'	4'	s	g	c	p	bl	lanes	c	g	s	bl
Min.						Min.																																											
6'	8'	2'	7'	10'	2'	8'																																											
s	g	c	p	lanes	c	g																																											
Min.						Min.																																											
6'	8'	2'	7'	4'	10'	2'	8'	6'	4'																																								
s	g	c	p	bl	lanes	c	g	s	bl																																								
LANDSCAPE/ OPEN SPACE	<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 a 8' continuous landscape strip.</p>																																																
PARKING	<p>On-street parking shall count towards the minimum required parking.</p>																																																
OTHER ELEMENTS	<p>If additional traffic lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional traffic lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>																																																

45

SERVICE ROAD (In all land use areas)	
STREET TYPE 7	CORE/CENTER/EDGE
<p>STREET SECTION</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>--- Property Line</p>	<p>The diagram illustrates a cross-section of a service road. At the top, two vertical dashed lines are labeled 'PL' (Property Line). Below these lines is a solid black rectangular area. Underneath the black area, a horizontal dimension line indicates a '24' ROW' (Right-of-Way). Below the ROW, there are two vertical lines representing the edges of the road. Between these lines, a horizontal dimension line indicates '20' lanes'. On either side of the lanes, there are '2'' (2-foot) shoulders. At the bottom of the diagram, two vertical arrows point in opposite directions, indicating traffic flow.</p>
LANDSCAPE/ OPEN SPACE	N/A
PARKING	All on-site parking shall be accessed from the service road.
OTHER ELEMENTS	Multi-story garages, parking courts, and surface parking lots are permitted along service roads only in areas designated MM, MO, MC, ID, and RM. Accessory dwellings, single family garages and accessory buildings are permitted along service roads in RM and R designated areas in Center and Edge Sub-districts.

STREET TYPE 7	SERVICE ROAD (Optional in R areas) EDGE
<p>STREET SECTION</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>--- Property Line</p>	 <p>The diagram illustrates a cross-section of a service road. At the top, two vertical dashed lines are labeled 'PL' (Property Line). Below these lines, a solid horizontal line indicates the '24' ROW' (Right-of-Way). Underneath the ROW line, there are three vertical lines: the outermost two are labeled '6' g' (6-foot green area) and the middle one is labeled '12' lane' (12-foot lane). A downward-pointing arrow is located in the center of the lane. A blacked-out rectangular area is positioned above the ROW line, between the two PL lines.</p>
<p>LANDSCAPE/ OPEN SPACE</p>	<p>A 6' landscape strip is required on both sides of paved area.</p>
<p>PARKING</p>	<p>All on-site parking shall be accessed from the service road where provided. Service roads are optional in the Edge Sub-district for detached single family only.</p>
<p>OTHER ELEMENTS</p>	<p>Single family garages, accessory dwellings, and accessory buildings are permitted along service roads in R-designated areas in the Edge Sub-district only.</p>

PEDESTRIAN PASSAGE (In MM, MO, M1, ID and RM areas)	
STREET TYPE 8	CORE/CENTER/EDGE
<p>STREET SECTION</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>----- Property Line</p>	
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' tree grate or individual planter.
PARKING	N/A
OTHER ELEMENTS	For mixed-use buildings only, a minimum of 50 percent of building frontage shall be required along the passage. The setback along the passage shall be 0'. 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 (In R areas)	
STREET TYPE 8	EDGE
<p>STREET SECTION</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>--- Property Line</p>	
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' continuous landscape strip in a random pattern.
PARKING	N/A
OTHER ELEMENTS	The setback along the passage shall be 10' or 15' in order to implement urban design principles. 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. 33-284.86 of the Code of Miami-Dade County, Florida, is hereby created

as follows:

Sec. 33-284.86. General Requirements.

Setbacks, building frontage, and building placement shall be as set forth in the Building Placement and Design Parameters in section 33-284.85 of this code, except as specifically provided herein.

A. Lots and blocks. The following shall be required:

Minimum Lot Requirements		
	Size (Square Feet)	Frontage (Feet)
Rowhouse	1,200*	20
Courtyard house and Sideyard house	3,000*	35
Single-family detached	5,000 ** 4,375 ***	50
Duplex	7,500	75
Live-work units	1,700	20 (max 40)
Irregularly shaped lots		15 (****)
All lots shall share a frontage line with a street or an open space		
(*) service roads are required when these types are provided.		
(**) when service roads are not provided.		
(***) when service roads are provided.		
(****) such lots shall be located only at the end of a series of lots.		
Maximum Block Requirements		
	Length (Feet)	
Maximum length (+)	500	
(+) unless otherwise provided in the Regulating Plans.		

B. Buildings.

1. Storefronts shall be provided on the first floor of mixed-use buildings, and shall be 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.
 - 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 surveillance 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. All colonnades shall comply with the following:
 - a. Finished floor elevation of the colonnade shall match the adjoining sidewalk.
 - b. Colonnades shall have a minimum clear height of 10 feet (including lighting) and a minimum clear width of 10 feet (on the first floor from build-to line to exterior building face, excluding supporting structures). Awnings shall be 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. In no instance shall the depth of a colonnade exceed the colonnade's height.
 - c. Free-standing colonnades shall not satisfy the build-to line requirement.

3. A minimum of 30% of all first floor streetwalls shall be fenestrated with windows. Mirror type glass shall be prohibited. All glazing shall be of a type that permits view of human activities and spaces within the structure. Colonnade column spacing, windows, and doors shall be proportioned such that the height of each opening is greater than its width. At least 50 percent of the area of security screens and gates shall be transparent.

4. In the Core and Center Sub-districts, the build-to line shall be maintained in accordance with the Building Placement and Design Parameters, except that the building may be set back up to 25 feet to accommodate a forecourt.
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-foot spacing as shown in the Building Placement and Design 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 required setbacks, to a maximum of:

	Front Setback, Side Street Setback		Interior Side
	In a setback of 10 feet	In a setback of 15 feet	
Bay windows	3 feet	3 feet	3 feet
Balconies	6 feet	6 feet	3 feet
Awnings	6 feet	6 feet	3 feet
Stoops	6 feet	6 feet	3 feet
Stairs	6 feet	8 feet	3 feet
Porches	6 feet	8 feet	3 feet

Roof eaves, chimneys, signs, and ramps may encroach into all setbacks. Porticoes, canopies, and colonnades shall be guttered, and drainage shall be deposited onsite.

8. In the Core and Center Sub-districts, where a 0-foot setback is permitted, roof eaves, bay windows and balconies may encroach beyond the property line a maximum of 3 feet, except when abutting private property. In the Core and Center Sub-districts, awnings may encroach into the rights-of-way but shall not extend into the street more than 6 inches from the face of the curb. All right-of-way encroachments shall be a minimum of 11 feet above the sidewalk.

9. In the Edge Sub-district, accessory buildings shall be permitted to have balconies or bay windows that encroach a maximum of 3 feet into the rear yard setback.
10. Service areas shall be screened and located out of the view from adjacent properties or from the street.
11. 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.
12. Each story shall have a maximum height of 16 feet, as measured from floor to floor. Any height above 16 feet shall count as an additional story, except that a single story may have a maximum height of 30 feet, provided that no mezzanine area exceeds 10 percent of the floor area of that story.
13. In the Edge Sub-district, rowhouses may have up to 3 stories when fronting a green.
14. 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 façade shall have a transparent clear glazed area of not less than 70 percent. The primary entrance of the residential component of a live-work unit shall be separate from the workshop component of the unit and shall directly lead to a primary street frontage or an open space.
15. Projects with 50 or fewer single-family units shall have a minimum of 3 substantially different front elevations. Projects with more than 50 but fewer than 100 single-family units shall have a minimum of 5 substantially different front elevations. Projects with more than 100 single-family units shall have a minimum of 5 substantially different front elevations and shall provide a diversity of building types by block and by street. Substantially different front elevations shall include variations in fenestration, material, and color.

16. Rowhouses shall provide a minimum of 15 feet between building groups.
 17. A cornice line shall project a minimum of 2 inches from the front elevation of the structure.
 18. Maximum building floorplates above 8 stories shall be 20,000 square feet. Cantilever balconies that are 6 feet or less in depth, open on 3 sides or more, and have a combined aggregate length of no more than 50 percent of each floor perimeter shall not be included in floorplate calculation.
- C. Open Space. Open spaces under this article shall be classified as (1) designated or (2) private open spaces.
1. Designated open spaces shall be subject to the following requirements:
 - a. The general location, area, and dimensions shall conform with the Designated Open Space Plan.
 - b. Designated open spaces shall include the anchor point depicted on the Regulating Plan, and shall be provided at grade level.
 - c. Provided that all other parameters on the Designated Open Space Plan are met and that an individual/developer owns the entire designated open space area and an adjacent area, the final location of the designated open space may be pivoted around its anchor point onto such 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. Golf courses and parking lot buffers shall not count towards the designated open space requirement. Fifty percent of an area designated as open space may contain a lake.
 - 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 shall be developable in a

contiguous pattern and at a density in compliance with its land use designation for the entire parcel. Two additional stories above the number of stories permitted by the Sub-districts and Building Heights Plans shall be permitted. 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 a lot or group of lots is designated partially 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 density/intensity permitted by the land use designation for the entire parcel. An additional story above the number of stories permitted by the Sub-districts and Building Heights Plans shall be permitted only to allow the increased density/intensity.
- i. Around designated open spaces, the building's frontage, height and placement shall be in accordance with the Building Placement and Design Parameters.

2. Private open spaces

- 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 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 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 comply with subsection 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. Except as provided herein, landscape shall be provided as required by Chapter 18A of this code. In the Core and Center Sub-districts, landscape shall be provided as follows:

1. Street trees shall be planted at a maximum of 25 feet average on center, with a minimum 4-inch diameter at breast height.
2. Street trees shall not be required when colonnades are being provided along the street.

E. Parking. Except as provided herein, parking shall be provided as required by section 33-124 of this code.

1. Multi-story parking garages, parking lots, and on-street parking shall count toward all parking requirements except for the parking requirements of detached single-family residences, courtyard and sideyard houses, rowhouses, or duplexes.
2. Parking shall be provided as follows:

Single Family Residential (off-street):
single family detached: 2 spaces/unit
courtyard or sideyard house: 2 spaces/unit
rowhouse: 2 spaces/unit
duplex: 2 spaces/unit
Multi-family Residential:
1.5 spaces/1 bedroom unit
1.75 spaces/2 bedroom unit
2 spaces/3 or more bedroom units
Hotel: 1 space/first 40 guest rooms and 1 additional space/ every 2 guest rooms or suites thereafter
Retail: 1 space/250 square feet of gross floor area
Office: 1 space/400 square feet of gross floor area
Restaurants: 1 space/ 50 square feet of patron area
Industrial and Institutional: shall comply with section 33-124 of this code.
Live-work units:
(1) residential component: 2 spaces/unit, and
(2) workshop component: 1 space/325 square feet of workshop area
Live-work buildings:
(1) residential component: shall comply with the multi-family residential requirements described in this sub-section , and
(2) work space, non-residential component: shall comply with section 33-124, Standards, of this code.
Civic uses: shall comply with section 33-284.51(B)(4) of this code.
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.

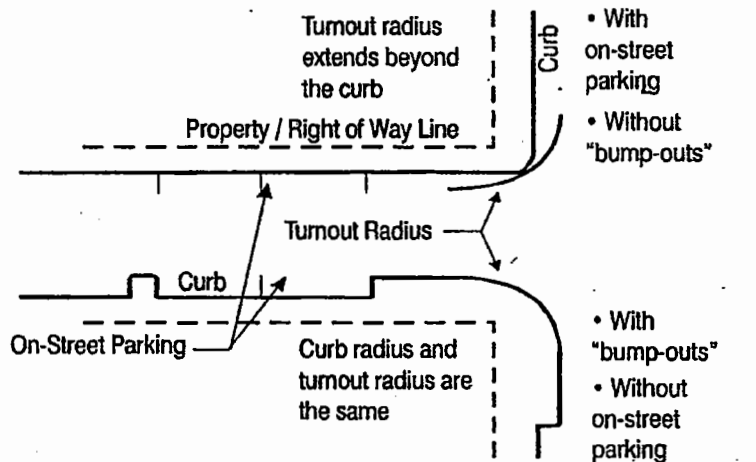
5. Residential uses on a lot or group of lots entirely or partially designated as open space and located in a Residential Modified (RM) area, as provided in section 33-284.86(C) of this code, may provide off-site parking of up to 60 percent of the parking required if portions of the lot(s) were to be developed as RM. 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. Individual parking garages for single-family homes shall count towards the parking requirement.
7. Parking for individuals with disabilities shall comply with the Florida Building Code.
8. Parking for persons transporting strollers shall comply with section 33-122.2 of this code.
9. Except for detached single-family homes, courtyard or sideyard houses, rowhouses, and duplexes, all parking may be in the form of multi-story parking garage structures or parking lots which shall be provided in the rear or on one side of the building, screened from public right-of-way. Parking is not permitted in the front setback.
10. Multi-story parking garage structures shall be screened along all frontages, except along a service road or minor street, by a liner building containing a minimum depth of 20 feet of habitable space. Surface parking lots shall be located to the rear of buildings. Parking lots shall be screened along all frontages, except rear.
11. Parking lots shall provide for vehicular connectivity to adjacent parking areas.
12. Parking for detached single family homes, courtyard or sideyard houses, 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. In the Edge Sub-district and when provided, attached garages and carports shall be placed as shown in the building placement diagrams for residential areas without service roads.
- 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.

1. 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. All streets shall allow general public access. Privately built streets shall provide 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 or B streets shall be deleted.
2. The Director shall approve the modification of A or B streets if the following conditions are satisfied:
 - a. The modification has been approved by the Director of Public Works who shall review the proposed modification for traffic and safety issues.
 - b. The modification does not diminish the general size and location of an open space shown in the Designated Open Space Plan.
 - c. The modification maintains connectivity to the surrounding area.
 - d. The modification enhances pedestrian safety.
 - e. The modification is compatible with the surrounding area.

- f. The modification allows for the appropriate use of private property.
3. The design of new streets and modifications of existing streets shall comply with the following requirements:
- a. Street rights-of-way shall be in accordance with the Street Type Development Parameters.
 - b. All streets and service roads shall connect to other streets or service roads. Cul-de-sacs, T-turnarounds, and dead end streets shall be prohibited.
 - c. All sidewalks shall provide the following:
 - (1) Minimum width of 6 feet, unless a different width is required by the Street Development Parameters;
 - (2) Minimum unobstructed area of 60 inches;
 - (3) Where a colonnade is required, free and clear use of a continuous unobstructed area of at least 60 inches within the colonnade; and
 - (4) No utility poles, fire hydrants or any other temporary or permanent structures within the unobstructed area.
 - d. Where on-street parking is provided, parking lanes shall be no closer than 25 feet from the intersection measured from the outermost corner of the nearest corner property line
 - e. Maximum curb radii at intersections shall comply with the following:



Sub-district; Street Type	With On-Street Parking, without Bump-out	With Bump-Out	Without On- Street Parking
All Sub-districts; County and State Arterials*	15'	34'-6"	34'-6"
All Sub-districts; County Collectors*	15'	20' curb radii 25' clear zone	20' curb radii 25' clear zone
Core Sub-district; All other streets	15'	20' curb radii 25' clear zone	20' curb radii 25' clear zone
Center Sub-district; All other streets	15'	15' curb radii 25' clear zone	15' curb radii 25' clear zone
Edge Sub-district; All other streets	15'	15' curb radii 25' clear zone	15' curb radii 25' clear zone
* Roadway Classifications as designated in the CDMP Transportation Element			

- f. Curb and gutters shall be provided as follows:
- (1) All Sub-districts: At all intersections and roadway edges of arterials, boulevards and Main Street.
 - (2) Core and Center Sub-districts: At all intersections and roadway edges of minor streets.
- g. Utilities other than fire hydrants shall run underground.
- h. Buildings placed at the end of a Street Vista may provide one additional story above that otherwise permitted by the Building Height Regulating Plan; such additional story shall occupy up to 15% of the floor area of the story immediately below.
- i. Service roads may occur within buildings.
- j. Service road access from the front property line shall be limited to 1 point of access for every 250 feet of frontage.

G. Street Lighting. Street lighting shall comply with the following:

1. Street lighting shall be provided in these areas: commercial and live-work unit driveways and parking areas, sidewalks and pedestrian passages, commercial establishment entryways, recreation areas, and multi-family residential common areas and entryways.
2. Outdoor lighting of these areas shall comply with section 33-4.1 of this code.
3. All light fixtures shall be of a pedestrian scale, with a maximum height of 18 feet and a maximum spacing between fixtures of 40 feet.

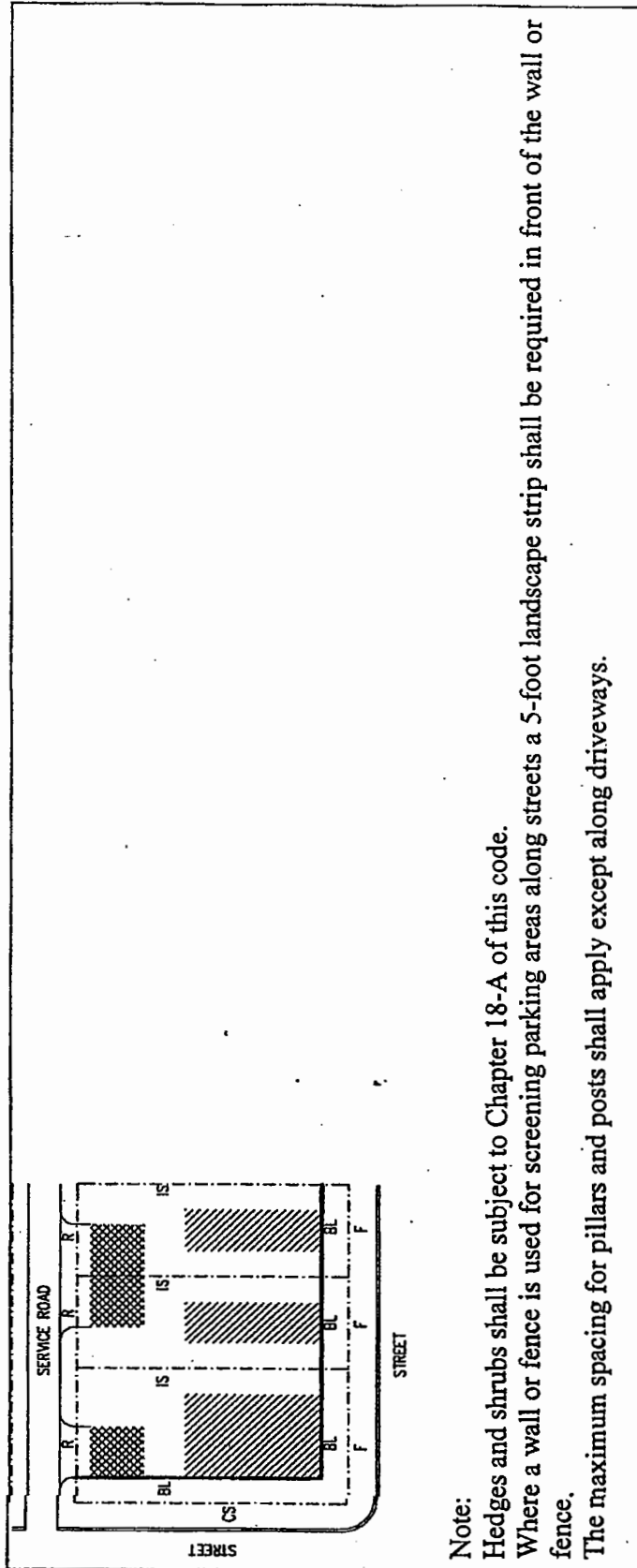
4. The type and spacing of light fixtures shall be approved by the Department of Public Works. Approval shall be based on uniformity of types, location, right-of-way width, and luminosity.
5. Weather and vandalism resistant covers shall protect all light fixtures.
6. Streetlamps shall be installed on both sides of streets.
7. Cobra-head lights shall not be permitted.

H. Walls, fences, and hedges. The following shall be permitted:

Location	Type and Material	Spacing	Height	Transparency
Around perimeter of designated open space	Walls or Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron	Posts and Pillars: Max. 10' Apart	Max. 3'-6" (*)	75% Minimum
		Hedges and shrubs	At time of planting Min. 18"	N/A
In front of the build-to-line (BL), Along front (F), corner side (CS), interior side (IS), and rear (R) property lines	Walls or Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron Hedges and shrubs	Posts and Pillars: Max. 10' Apart	Max. 3'-6" (*)	75% Minimum
		Max. 30" O.C.	At time of planting Min. 18"	N/A
Behind the build-to-line (BL), Along interior side (IS) and rear (R) property lines	Walls or Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron Hedges and Shrubs	Max. 48" O.C.	Max. 3'-6"	75% Maximum
		N/A	Min. 48" Max. 72"	N/A
Along the build-to-line (BL)	Walls or Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron Hedges and shrubs	Max. 30" O.C.	At time of planting Min. 18"	25% Maximum
		Max. 48" O.C.	Max. 72"	N/A
	Chain Link	N/A	Min. 60" Max. 72"	N/A
		Posts and Pillars: Max. 10' Apart	Min. 48" Max. 72"	25% Maximum
		Max. 30" O.C.	At time of planting Min. 18"	N/A
		Max. 48" O.C.	Max. 72"	N/A

Location	Type and Material	Spacing	Height	Transparency
Parking Areas Along Streets	Walls or Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron Hedges and shrubs	Posts and Pillars: Max. 10' Apart Max. 48" O.C.	Min. 3'-6" (*) At time of planting Min. 3'-6" N/A N/A	25% Maximum N/A N/A N/A
Construction Areas	Chain Link	N/A	N/A	N/A
Industrial Areas Along B Streets Only	Chain Link	N/A	N/A	N/A

(*) excluding decorative elements of posts and pillars not to exceed 12" in height.



- I. Outdoor uses/enclosed uses. All uses shall be conducted within completely enclosed buildings, except outdoor uses expressly permitted in this article. Materials and products may be stored within an enclosed building or within an area completely enclosed within walls having a life expectancy of 20 years or more from the date of installation. 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, and out of the view from adjacent properties.

Section 7. Sec. 33-284.87 of the Code of Miami-Dade County, Florida, is hereby created

as follows:

Sec. 33-284.87. Signs.

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

- A. Temporary signs in MUCs and CUCs. Temporary signs shall be permitted in compliance with Sec. 33-99 of this code.
- B. Permanent Point of Sale Signs. Permanent point of sale signs shall be permitted as follows:
1. The following permanent point of sale signs are permitted in all sub-districts in conjunction with permitted business and industrial uses: building identification, detached, flat attached, hanging, awning, and cantilever projecting.
 - a. Cantilever projecting signs shall be mounted and perpendicular to the building.
 - b. The copy of an awning sign shall only be located on the valance of the awning.
 - c. The bottom of a hanging sign shall be located at a minimum height of 8' from the finished floor.
 2. Maximum size, location, and number of signs shall be as follows:

	Core	Center	Edge	Number of Signs
MUCs*	Building identification at top of building: 300 sq. ft.		Building identification at top of building: 150 sq. ft.	One per street frontage per building
	Flat attached: 24 sq. ft.		Flat attached: 12 sq. ft.	One per tenant per street frontage
	Cantilever: 8 sq. ft.			One of each type per tenant per street frontage
	Hanging, awning, detached, 6 sq. ft.			
CUCs*	Building identification at top of building: 150 sq. ft.	Not applicable	Not applicable	One per street frontage per building
	Flat attached: 24 sq. ft.	Flat attached: 12 sq. ft.	Flat attached: 6 sq. ft.	One per tenant per street frontage
	Cantilever: 8 sq. ft.			One of each type per tenant per street frontage
	Hanging, awning, detached, 6 sq. ft.			
Industrial	All signs**: 24 sq. ft; Cantilever: 8 sq. ft.			One per tenant per street frontage
* except for industrial areas (ID) ** except for cantilever signs				

3. Illumination/lighting shall comply with section 33-96 of this code.
4. Maximum heights shall be as follows:
 - a. 4 feet above grade to top of sign for detached signs;
 - b. No limits for flat attached signs;
 - c. For signs painted on the façade of a building or on the valance of an awning, the copy shall not exceed 1 foot.

C. Prohibited Signs. The following types of outdoor signs shall be prohibited:

1. automatic electric changing signs .

2. revolving, rotating, and other moving signs
3. backlit signs of any type
4. banners
5. flags
6. roof signs
7. balloon signs
8. class C commercial signs or other outdoor advertising, except those within bus shelters.

Section 8. Sec. 33-284.88 of the Code of Miami-Dade County, Florida, is hereby created

as follows:

Sec. 33-284.88. Review Procedure/Administrative Site Plan and Architectural Review.

Except for individual single-family homes and duplexes, all applications for development approval within an Urban Center District that are not otherwise permitted as nonconforming uses or structures shall comply with the requirements of this article and with the site plan and architectural review criteria contained herein. Developments shall be processed and approved administratively as follows:

- A. Administrative site 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. Additionally, all applications shall be reviewed by the following departments of Miami-Dade County and other public entities for potential impacts on infrastructure and other services resulting from the application: Public Works Department, Department of Environmental Resources Management, Miami-Dade Fire Rescue Department, and the Miami-Dade County School Board. In the event the application indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence to the Department of such discussion. The Director shall issue a final decision within 21 days of the date of

submission of the completed application. 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. 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.

B. Applications for administrative site plan and architectural 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;
 - f. 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 use by type;

- 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. 33-284.89 of the Code of Miami-Dade County, Florida, is hereby created

as follows:

Sec. 33-284.89. 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 regulations, including minimum horizontal and vertical clearances;
4. provision of A 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. 33-284.90 of the Code of Miami-Dade County, Florida, is hereby

created as follows:

Sec. 33-284.90. Conflicts with other chapters and regulations.

This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this code, or with the Miami-Dade Department of Public Works Manual of Public Works.

Section 11. 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 Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

* * *

- (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 >>, or any other Urban Center << zoning districts, where and to the extent that modification or elimination of the condition or part thereof is necessary to allow development conforming in all respects >>with<< ~~[[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]]~~ >>, or any other applicable Urban Center zoning district regulations <<.

Section 12. 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 >>and all other Urban Center zoning districts<<.

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

* * *

(10) 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 District, >>or other Urban Center zoning district<< 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 other Urban Center zoning district regulations<<.

* * *

~~[(11)]~~>>(14)<< Applications for development approval or modifications thereof for projects located within the Core Sub-district of the Naranja Community Urban Center District >>and all other Urban Center zoning districts<<. after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the project.

>>(15)<< Applications to modify or delete declarations of restrictive covenants recorded prior to July 27, 2005 (the effective date of this ordinance), encumbering property wholly located within any Urban Center zoning district, as defined in this code, where and to the extent that modification or elimination of the declaration of restrictive covenant or part thereof is necessary to allow development conforming in all respects to the applicable Urban Center District regulations.

Section 13. Sec. 33B-45 of the Code of Miami-Dade County, Florida, is hereby amended

as follows:

Sec. 33B-45. Development of severable use rights.

* * *

(g) Residential use of severable use rights. >>Except as provided in paragraph (g)(15) below and<< [[N]]>>n<<otwithstanding the provisions of any other code or regulation of Miami-Dade County, the developer of a parcel of land may develop, in addition to the number of dwelling units authorized in each zoning district, one (1) dwelling unit for each severable use right, provided that the total development proposed does not exceed the following limitations:

* * *

>>(15) In all Community Urban Center zoning districts:

Developments located on parcels of land that are in the Core or Center Sub-districts of Community Urban Center zoning districts and that are designated as Mixed Use Main (MM), Mixed Use Corridor (MC), or Mixed Use U.S. 1 (M1) on the respective Land Use Regulating Plan, may develop, in addition to the number of dwelling units authorized in the Land Use Regulating Plan, up to 8 dwelling units at the rate of 2 dwelling units for each severable use right.<<

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

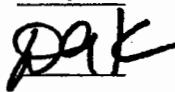
accomplish such intention, and the word "ordinance" may be changed to "section", "article" or other appropriate word.

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: JUL 07 2005

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:
Dennis A. Kerbel/Joni Armstrong-Coffey

RAC


MEMORANDUM

Amended
Agenda Item No. 7(E)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

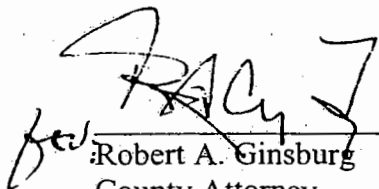
DATE: July 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
incorporation; amending
Sections 20-20, 20-21,
20-22 and 20-29 of the Code

O#05-140

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



Robert A. Ginsburg
County Attorney

RAG/bw

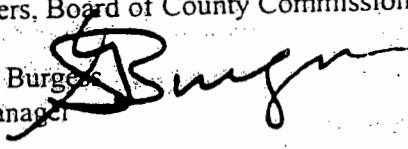
Memorandum

MIAMI-DADE
COUNTY

Date: July 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

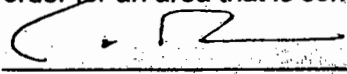
From: George M. Burge
County Manager



Subject: Ordinance relating to incorporation; amending Section 20-20, 20-21, 20-22, and 20-29 of the Code of Miami-Dade County; increasing the percentage of electors required to consent to a petition for incorporation

This ordinance relating to incorporation amending Section 20-20, 20-21, 20-22, and 20-29 of the Code of Miami-Dade County increasing the percentage of electors required to consent to a petition for incorporation will have no fiscal impact to Miami-Dade County

The ordinance will now require no less than twenty-five percent of the resident electors' consent in order for an area that is considering incorporation to establish a Municipal Advisory Committee.



Assistant County Manager

fiscal05505

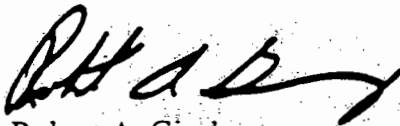


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 7(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

Amended

Veto _____

Agenda Item No. 7(E)

Override _____

7-7-05

ORDINANCE NO. 05-140

ORDINANCE RELATING TO INCORPORATION; AMENDING SECTIONS 20-20, 20-21, 20-22 AND 20-29 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING THE PERCENTAGE OF ELECTORS REQUIRED TO CONSENT TO A PETITION FOR INCORPORATION; REQUIRING MUNICIPAL ADVISORY COMMITTEES CREATED PURSUANT TO SECTION 20-29 OF THE CODE TO REVIEW AND STUDY PETITIONS FOR INCORPORATION; REVISING PROCESS PERTAINING TO INCORPORATION PETITIONS AND CREATION OF MUNICIPAL ADVISORY COMMITTEES; APPLICABILITY TO PETITIONS COMPLETED PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE; REQUIRING CONSENT OF NO LESS THAN TWENTY-FIVE PERCENT OF RESIDENT ELECTORS TO CREATE CERTAIN MUNICIPAL ADVISORY COMMITTEES; 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 20-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-20. Petition for incorporation initiated by individual or group >>; Creation of Municipal Advisory Committee related to petition<<.

(A) An individual or group of area residents, as an indication of interest in incorporating the area in which they reside, may file a >>request for approval of the form of a petition and

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

authorization to circulate such<< petition for incorporation with the Clerk of the Board of County Commissioners.

(1) The petition >>form<< shall >>provide for<< ~~[[include]]~~ the following information about the proposed municipality:

(a) General description and map of area boundaries, and

(b) Statement of the reason for seeking incorporation.

>>(2) The Clerk of the Board of County Commissioners shall report to the Commission that a request to approve the form of a petition for incorporation and authorize the circulation of such petition has been received. The Board of County Commissioners may approve the form of the petition and may authorize the petitioners to circulate the petition for incorporation and obtain signatures of resident electors within the area.

(3)<< ~~[[2]]~~

>>In order for the submitted petition to be complete, the<< ~~[[The]]~~ petition shall include ~~[[the]]~~ consent from ~~[[ten (10)]]~~>>no less than twenty-five (25)<< percent of the electors residing in the area proposed for incorporation.

~~[[3]] Any resolutions of support for incorporation by the closest existing municipality.]~~

>>(4) Signed petitions shall be submitted to the Clerk of the Board within 90 days of the date the County Commission approves the form and authorizes the circulation of the petition in order for the petition to receive any further review or consideration by the County. Petitioners should submit any resolutions of support or opposition, if any exist, from the closest existing municipality within such 90 day period.<<

(B) The Clerk of the Board of County Commissioners shall upon receipt of a petition for incorporation transmit a copy

5

to the Office of >>Strategic Business Management<<
~~[[Management and Budget]]~~ for determination of
completeness in accordance with the requirement of
subsection (A)>>(1) and to the Department of Elections for
certification as to the sufficiency of signatures on the
petition<<. Upon determining that the petition is complete
>>and that a sufficient number of valid signatures has been
obtained<<, the Office of >>Strategic Business
Management<< ~~[[Management and Budget]]~~ shall notify
the Clerk of the Board ~~[[and make recommendation to~~
~~County Manager regarding overall schedule for~~
~~consideration of petition]]>>~~of such occurrence.

- (C) The Clerk of the Board of County Commissioners shall
notify the County Commission that the petition is complete
and contains sufficient signatures. Upon notification of the
completeness and sufficiency of the petition and upon
sponsorship of the County Commissioner whose district
comprises the majority of the area proposed to be
incorporated by the petition, the Board of County
Commissioners may create a Municipal Advisory
Committee ("MAC"), which shall carry out the functions
set forth in the resolution or ordinance creating the MAC
and be subject to the requirements of Section 20-29 of the
Code of Miami-Dade County (the "Code"), excluding the
requirement of consent of resident electors.
Notwithstanding the creation of a MAC, the procedures for
consideration of a petition set forth in Section 20-20 et seq.
of the Code shall apply. If the boundaries in the completed
petition differ from the boundaries of the MAC study area,
the boundaries of the MAC study area shall supplant and
be substituted for the boundaries included in the petition;
provided, however, 25% of the electors residing within the
boundaries as revised to conform to the MAC study area
shall have signed the completed petition indicating their
interest in incorporating the area.<<

- ~~[[C]]>>~~(D)<< The requirement of filing a petition for
incorporation pursuant to Sec. 20-20 of the Code of Miami-
Dade County (the "Code") and the procedures for such
filing contained in Sec. 20-21(A) of the Code shall not
apply to incorporation proposals by the County
Commission or County Manager. It is provided, however,
that a Commission or Manager-initiated incorporation
proposal shall be deemed a petition for proposed

incorporation for purposes of Section 20-21; 20-22, and 20-23 and shall be required to comply therewith. Notwithstanding Section 20-23A herein, the Board of County Commissioners may hold a public hearing on a Commission initiated incorporation proposal during any regular or special meeting of the Board of County Commissioners.

Section 2. Section 20-21 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 20-21. Initial consideration of petition for proposed incorporation.

(A) >>Upon creation of a MAC pursuant to Section 20-20(C) of the Code and receipt of the final resolution and report of the MAC created to study the issues involved in the incorporation petition (the "Municipal Advisory Committee or MAC report")<< [[After receiving the Office of Management and Budget's determination that the petition is complete]], the Clerk of the Board of County Commissioners shall >>submit the MAC report to the Board of County Commissioners<< [[schedule for public hearing the proposed petition for incorporation at a regular meeting of the Board of County Commissioners.]] >>Upon receipt of the MAC report and only upon motion of the district commissioner whose district comprises the majority of the area proposed to be incorporated, the Board of County Commissioners, at a regular meeting of the Board of County Commissioners may schedule the petition for consideration by the Planning Advisory Board in accordance with all applicable requirements. The provisions of this section shall apply to petitions filed prior to and subsequent to the effective date of this ordinance. No MAC in existence prior to the effective date of this ordinance shall fulfill the requirements of this Section. No petitions having had their initial public hearing pursuant to Sec. 20-21(C) prior to the effective date of this ordinance shall receive further consideration by the County Commission or any county established board, unless and until the provisions of this section and Section 20-20(C) have been met.<<

* * *

Section 3. Section 20-22 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 20-22. Planning Advisory Board's consideration of petition for incorporation.

* * *

(B) The Director of the Office of >>Strategic Business Management<< ~~[[Management and Budget]]~~, upon receipt of ~~[[recommendations of]]~~ >>comments and information from<< other departments, shall prepare a report on the petition containing the following information:

- (1) Summary of petition,
- (2) Socio-economic profile of area,
- (3) Development profile of area, ~~[[and]]~~
- >>(4) Any Municipal Advisory Committee Report, and<<
~~[[4]]~~>>(5)<<Other information outlined in Section 20-23(B)(1).

The report shall be transmitted to the Planning Advisory Board.

(C) The Planning Advisory Board, upon receipt of a petition and appropriate County department staff review and comment shall:

- (1) Create a five-member committee of the Planning Advisory Board appointed by its chair for the purpose of studying and making a recommendation to the full Board on the petition. The chair of the Planning Advisory Board shall designate a chair for such committee. In making its report and recommendation to the full Board the committee shall utilize the guidelines set forth >>in<< subsection (4).
- (2) Conduct a properly advertised public hearing within the area proposed for incorporation.

- (3) Require additional information from appropriate County departments as needed.
- (4) Make written recommendations with respect to the petition >>and any Municipal Advisory Committee Report <<which shall include the following:
 - (a) An analysis of the issues outlined in Section 20-23(B);

* * *

- (E) The Director of the Office of >>Strategic Business Management<< ~~[[Management and Budget]]~~ shall forward the petition and recommendations of the Planning Advisory Board >>as well as the Municipal Advisory Committee Report, << to the County Manager for review and recommendation. The County Manager shall transmit >>the Manager's recommendation<< the petition, the recommendation[[s]] of the Planning Advisory Board >>, as well as the Municipal Advisory Committee Report, << ~~[[and County Manager]]~~ to the Clerk of the Board of County Commissioners.

* * *

Section 4. Section 20-29 of the Code of Miami-Dade County, Florida,

is hereby amended to read as follows:

Sec. 20-29. Municipal Advisory Committee--Creation and Limitation of Study Area.

- (A) ~~[[Following public hearing, a]]~~ >>A<<Municipal Advisory Committee may be created by ordinance or resolution of the Board >>in accordance with the provisions of this section<< to study and give advice to the County Commission regarding the creation of a proposed municipality. >>However, as of the effective date of this ordinance, no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty-five (25) percent of the resident electors in the area to be studied consent to the creation of a Municipal

Advisory Committee on a consent form which shall be approved by the Office of Strategic Business Management. The signed consent forms shall be submitted to the Clerk of the Board of County Commissioners. Upon submission of the signed consent forms, the Clerk of the Board of County Commissioners shall submit the signed consent forms to the Department of Elections for certification as to the sufficiency of signatures on the consent forms. Upon notification of certification by the Department of Elections, the Clerk of the Board shall forward to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms. Following public hearing, the County Commission may create a Municipal Advisory Committee. It is provided, however, that where a Municipal Advisory Committee has been established by resolution, prior to the effective date of this ordinance, no consent of resident electors shall be required for the adoption of an ordinance creating a Municipal Advisory Committee involving the same study area. It is further provided that where a Municipal Advisory Committee is established by resolution after obtaining the consent of the resident electors as required by this subsection, no further consent shall be required to create by ordinance a Municipal Advisory Committee involving the same study area. Upon receipt of the Municipal Advisory Committee report and upon motion of the district commissioner whose district comprises the majority of the proposed area to be incorporated, the Board of County Commissioners, at a regular meeting of the Board, may schedule the Municipal Advisory Committee report and resolution for consideration by the Planning Advisory Board.<<

- (B) In the event a Municipal Advisory Committee is created where part of the study area is outside the sponsoring Commissioner's district, such area shall automatically be excluded from the Municipal Area Committee's consideration.
- (C) The restriction set forth in Paragraph (B) may be waived by the Commissioner(s) whose district the study area comes within by filing a memorandum with the Clerk of the Board indicating consent to all or part of the study area.
- (D) This section shall apply to existing as well as to all future

Municipal Advisory Committee's created after the effective date of the ordinance from which this section derives.

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, 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 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: JUL 07 2005

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

CJS/CAK

Cynthia Johnson-Stacks
Craig H. Collier

Sponsored by Commissioner Dennis C. Moss
Commissioner Barbara J. Jordan and
Commissioner Natacha Seijas

1. The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper.

2. The second part of the document is the abstract of the paper. It provides a brief summary of the main findings and conclusions of the study.

3. The third part of the document is the introduction. It sets the context for the study and outlines the objectives and scope of the research.

4. The fourth part of the document is the literature review. It discusses the existing research on the topic and identifies the gaps that the current study aims to address.

5. The fifth part of the document is the methodology. It describes the research design, data collection methods, and the statistical analysis used in the study.

6. The sixth part of the document is the results. It presents the findings of the study, including the main results and any significant differences observed.

7. The seventh part of the document is the discussion. It interprets the results, discusses their implications, and compares them with the findings of other studies.

8. The eighth part of the document is the conclusion. It summarizes the main findings and provides recommendations for future research.

9. The ninth part of the document is the references. It lists the sources of information used in the study, including books, articles, and other publications.

10. The tenth part of the document is the appendix. It contains supplementary information that supports the main text, such as additional data or detailed calculations.

MEMORANDUM

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

Amended
Agenda Item No. 7(D)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

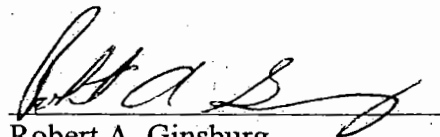
DATE: July 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
Community Councils and
Community Zoning Appeals
Boards

O#05-139

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



Robert A. Ginsburg
County Attorney

RAG/jls

Memorandum



Date: July 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to Community Councils and Community Zoning Appeals Board

This ordinance modifying Sections 20-41 and 33-307.1 of the Code of Miami-Dade County pertaining to Community Councils and Community Zoning Appeals board will have no fiscal impact to Miami-Dade County

The ordinance would prohibit members of the Community Council and the Community Zoning Appeals Board from appearing at any public hearing or meeting before the Board of County Commissioners or any other federal, state, or local board or tribunal, concerning any planning or zoning matter that was heard by, or that could reasonably be expected to be heard by, any Community Council and/or Community Council Appeals Board.

A handwritten signature in black ink, appearing to read "George M. Burgess".

Assistant County Manager




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2005

FROM: 
Robert A. Ginsburg
County Attorney

Amended
SUBJECT: Agenda Item No. 7(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 _____

ended
Agenda Item No. 7(D)
7-7-05

ORDINANCE NO. 05-139

ORDINANCE PERTAINING TO COMMUNITY COUNCILS AND COMMUNITY ZONING APPEALS BOARDS, MODIFYING SECTIONS 20-41 AND 33-307.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROHIBITING MEMBERS FROM APPEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS OR ANY OTHER BOARD OR TRIBUNAL ON PLANNING OR ZONING MATTERS; 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 20-41 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-41. Community Councils; responsibilities.

(A) Community Councils shall perform the duties and responsibilities of Community Zoning Appeals Boards as set forth in Section 33-306 of the Code of Miami-Dade County.

(B) Community Councils may, at their option, perform the following duties and responsibilities:

(1) Planning.

(a) Compile profiles of their respective community's social, physical and economic conditions to assist them in performing their duties;

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

- (b) Prepare an annual statement of community needs including development patterns and regulations, public facilities and services to assist the Council;
- (c) Make recommendations to the Planning Advisory Board and Board of County Commissioners on proposed Miami-Dade County Comprehensive Development Master Plan amendments that impact each Council's area; and
- (d) Make recommendations to the County Commission on the location and siting of specific public facility and infrastructure projects.

* * * *

>>(C) No member of a Community Council shall appear at any public hearings or meetings before the Board of County Commissioners or any other federal, state, or local board or tribunal, to advocate concerning any zoning application that was heard by, or that could reasonably be expected to be heard by, any Community Council.<<

Section 2. Section 33-307.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-307.1. Community Zoning Appeals Board; prohibition of members appearance.

>>(A)<<No member of a Community Zoning Appeals Board may appear on behalf of a third person before another Community Zoning Appeals Board or before the County Commission sitting in its capacity as the zoning authority pursuant to Chapter 33, Code of Miami-Dade County.
>>

(B) No member of a Community Zoning Appeals Board shall appear at any public hearings or meetings before the Board of County Commissioners or any other federal, state, or local board or tribunal, to advocate concerning any zoning application that was heard by, or that could reasonably be expected to be heard by, any Community Council.

(C)<< Violation of this section shall constitute grounds for removal pursuant to § 20-43.2.

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.

JUL 07 2005

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Sponsored by Commissioner Dennis C. Moss

RA6
DAK

MEMORANDUM

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

Agenda Item No. 7(C)

TO: Honorable Chairman Joe A. Martinez, and Members
Board of County Commissioners

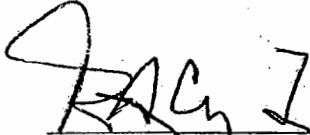
(Second Reading 07-07-05) ←
DATE: May 17, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance Relating to the
PLANT (Princeton, Leisure
City and Naranja) Area
Municipal Advisory
Committee; Deleting Sunset
Provision

05-138

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

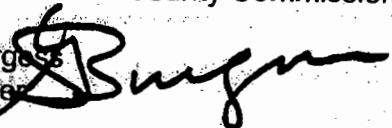


for Robert A. Ginsburg
County Attorney

RAG/dc

Memorandum



Date: July 7, 2005
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burgess
County Manager 
Subject: Ordinance relating to the PLANT (Princeton, Leisure City, and Naranja) Area
Municipal Advisory Committee

This ordinance deleting the sunset provision on the PLANT (Princeton, Leisure City, and Naranja) Area Municipal Advisory Committee will have no fiscal impact to Miami-Dade County

The municipal advisory committee has been meeting as established through Ordinance 04-136 adopted on July 13, 2004. Staff will continue to provide the support it has been providing until the committee's work is completed.

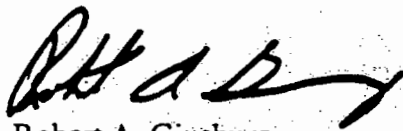

Assistant County Manager

fiscal05305



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:** July 7, 2005
and Members, Board of County Commissioners

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(C)

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. 7(C)

Veto _____

07-07-05

Override _____

ORDINANCE NO. 05-138

ORDINANCE RELATING TO PLANT (PRINCETON, LEISURE CITY AND NARANJA) AREA MUNICIPAL ADVISORY COMMITTEE; DELETING SUNSET PROVISION; AMENDING ORDINANCE 04-136; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 9 of Ordinance 04-136 is hereby deleted as follows:¹

~~[[Section 9. This ordinance shall stand repealed one year from its effective date.]]~~

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 excluded from 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.

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.

05-138

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: JUL 07 2005

Approved by County Attorney as
to form and legal sufficiency:

DAE
CAH

Prepared by:

Craig H. Collier

Sponsored by Commissioner Dennis C. Moss

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document. The text is scattered across the page and does not form any recognizable words or sentences.]

MEMORANDUM

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

Agenda Item No. 7(B)

(Second Reading 07-07-05) ✓

TO: Honorable Chairman Joe A. Martinez, and Members
Board of County Commissioners

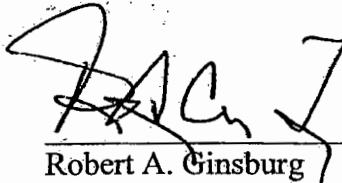
DATE: May 17, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance Relating to the
Goulds Area Municipal
Advisory Committee;
Deleting Sunset Provision

05-137

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/dc

Memorandum



Date: July 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance relating to the Goulds Area Municipal Advisory Committee

This ordinance deleting the sunset provision for the Gould Area Municipal Advisory Committee will have no additional fiscal impact to Miami-Dade County.

The municipal advisory committee has been meeting as established through Ordinance 04-148 adopted on July 27, 2004. Staff will continue to provide the support it has been providing until the committee's work is completed.


Assistant County Manager

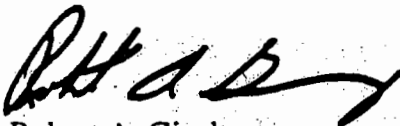


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(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

Agenda Item No. 7(B)

Veto _____

07-07-05

Override _____

ORDINANCE NO. 05-137

ORDINANCE RELATING TO GOULDS AREA MUNICIPAL
ADVISORY COMMITTEE; DELETING SUNSET PROVISION;
AMENDING ORDINANCE 04-148; PROVIDING
SEVERABILITY, EXCLUSION FROM THE CODE, AND AN
EFFECTIVE DATE

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

Section 1. Section 8 of Ordinance 04-148 is hereby deleted as follows:¹

~~[[Section 8. This ordinance shall stand repealed one year
from its effective date.]]~~

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 excluded from 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.

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.

05-137

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: JUL 07 2005

Approved by County Attorney as
to form and legal sufficiency:

JAC

Prepared by:

CAC

Craig H. Coller

Sponsored by Commissioner Dennis C. Moss

5

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(E)
6-7-05

ORDINANCE NO. 05-115

ORDINANCE CREATING PROGRAM FOR EXPEDITED REVIEW AND APPROVAL OF BUILDING PERMIT APPLICATIONS FOR GREEN BUILDINGS; DEFINING GREEN BUILDINGS; PROVIDING FOR ADMINISTRATIVE ORDER; CREATING SECTION 8-6 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Chapter 8 of the Code of Miami-Dade County is hereby amended by the creation of a new section 8-6 as follows:¹

* * *

>>Section 8-6. Expedited permit program for green buildings.

It is the intent of Miami-Dade County to promote environmentally sensitive design and construction. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for green buildings. As used in this Section a green building shall mean one whose design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials. In making the determination of whether the structure is a green building, the Building Official shall rely on the review, evaluation and where available registration or certification of the design by recognized environmental rating agencies including the Florida Green Building Coalition, the National Home Builder Association and the U.S. Green Building Council. The green buildings program shall be implemented through

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.

administrative order to be approved by the Board of County Commissioners.<<

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

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

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

PASSED AND ADOPTED: JUN 07 2005

Approved by County Attorney as
to form and legal sufficiency.

CMGUA

Prepared by:

LB

Hugo Benitez

Sponsored by Commissioner Katy Sorenson

Legal Counsel's Office

5

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

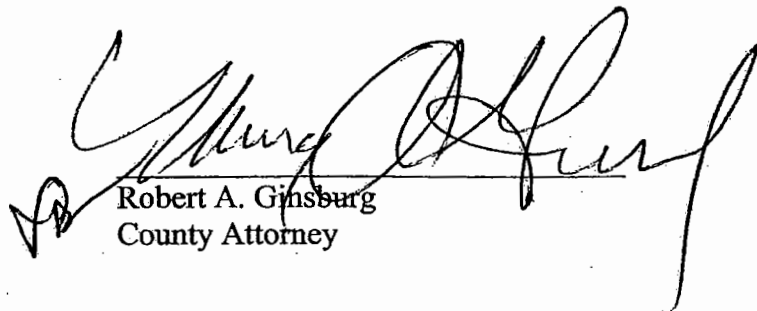
(Second Reading 06-07-05) ✓
DATE: April 5, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
zoning; amending Sec.
33-282 modifying setbacks
and spacing requirements
for horticultural nursery
buildings

05-113

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



Robert A. Ginsburg
County Attorney

RAG/bw



Date: June 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burress
County Manager

Subject: Ordinance amending Section 33-282 of the Code; modifying setbacks and spacing requirements for horticultural nursery buildings

This ordinance amending Section 33-282 of the Code of Miami-Dade County modifying setbacks and spacing requirements for horticultural nursery buildings will not have a fiscal impact to Miami-Dade County.

This item, however, may have a positive impact to the agriculture industry by decreasing the required setbacks resulting in an increase in arable land utilized for its primary intent; farming.

Assistant County Manager



MEMORANDUM

05-113

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(C)

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. 7(c)

06-07-05

ORDINANCE NO. 05-113

ORDINANCE PERTAINING TO ZONING;
AMENDING SECTION 33-282 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA; MODIFYING
SETBACKS AND SPACING REQUIREMENTS FOR
HORTICULTURAL NURSERY BUILDINGS;
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 33-282 of the Code of Miami-Dade County, Florida is hereby
amended as follows:¹

Sec. 33-282. Setbacks and spacing.

(a)>>(1)<< Minimum setback requirements for the one-acre lots or larger
shall be as follows:

From front property line, fifty (50) feet.
From rear property line, twenty-five (25) feet.
From interior side property line, fifteen (15) feet.
From side street property line, twenty-five (25) feet.

>>(a)(2)<< Minimum setback requirements for the smaller lots (ten
thousand (10,000) square foot lots to one (1) acre shall be as
follows:

From front property line, twenty-five (25) feet.
From rear property line, twenty-five (25) feet.
From interior side property line, fifteen (15) feet.
From side street property line, twenty-five (25) feet.

(b) Minimum setbacks ~~[[from]]~~ >>for<< accessory buildings are:

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.

From front property line, seventy-five (75) feet.
From rear property line, seven and one-half (7 1/2) feet.
Between buildings on same lot, parcel or tract of land, twenty (20) feet.
From interior side property line, twenty (20) feet.
From side street property line, thirty (30) feet.

- >>(c) Minimum setbacks for horticultural nursery buildings, without a solid roof, consisting of but not limited to vertical poles or slats and cables draped with plastic screening or other similar materials, that are used for the production of plant material:

From front property line, thirty (30) feet.
From rear property line, seven and one-half (7 1/2) feet.
From interior side property line, seven and one-half (7 1/2) feet.
From side street property line, fifteen (15) feet.
There shall be no minimum spacing requirement.<<

- >>(d)<< Horticultural nursery buildings >>with a solid roof<< shall comply with accessory building setbacks, except that no minimum spacing need be provided between such structures on the same property and ~~[[except that agricultural shade houses]]~~ >>such structures<< may be constructed to within thirty (30) feet of the front property line.

- >>(e)<< Buildings housing poultry shall comply with accessory building setbacks (except as otherwise provided in Section 33-279, item 13 above), except that no minimum spacing need be provided between such buildings on the same property. Fence enclosures for poultry shall be the same as other fence requirements in this district.

- >>(f)<<[[e]] Hogs, cattle and other stock shall not be placed closer than two hundred fifty (250) feet to a residential district and no enclosure for hogs shall be closer than five hundred (500) feet to a residence under separate and different ownership. No hogs, cattle or other stock shall be permitted closer than ten (10) feet to any highway right-of-way.

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: JUN 07 2005

Approved by County Attorney as
to form and legal sufficiency: [Signature]

Prepared by: [Signature]

Craig H. Collier

Sponsored by Commissioner Katy Sorenson

MEMORANDUM

Amended
Agenda Item No. 7(A)

(Second Reading 06-07-05) ✓

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

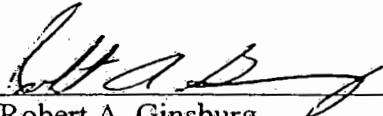
DATE: March 15, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance Relating to
Annexation; Amending
Sections of the Code of
Miami-Dade County to
Require Annexing
Municipalities to Provide
Information in Petition for
Annexation Relating to
Terminals Designated on the
County's Adopted Land Use
Map

0#05-112

The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Barbara Carey-Shuler, Commissioner Carlos A. Gimenez, Commissioner Barbara J. Jordan, Commissioner Dorrin D. Rolle and Commissioner Natacha Seijas.



Robert A. Ginsburg
County Attorney

RAG/dc

05-112

Memorandum



Date: June 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George W. Burgess, County Manager

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

Subject: Amendment to Miami-Dade County Code Sections 20-3 and 20-7: Revising Annexation Guidelines Relating to Terminals and Surrounding Areas.

The accompanying ordinance prepared and placed on the agenda will not have a fiscal impact on Miami-Dade County. The amendment requires the identification of terminals in the County's Adopted Land Use Plan Map and requires that applications for the annexation of areas containing those terminals provide information related to the impact that such annexation may have on the operation and future development of facilities within the terminals, as well as other information relevant to annexation of the terminal.

fiscal01405

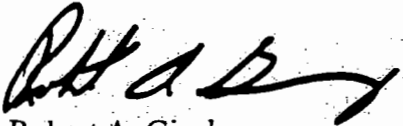


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 7(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

Approved _____ Mayor

Veto _____

Override _____

Amended

Agenda Item 7(A)

6-7-05

ORDINANCE NO. 05-112

ORDINANCE RELATING TO ANNEXATION; AMENDING SECTIONS 20-3 AND 20-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING ANNEXING MUNICIPALITIES TO PROVIDE INFORMATION IN PETITION FOR ANNEXATION RELATING TO TERMINALS DESIGNATED ON THE COUNTY'S ADOPTED LAND USE PLAN MAP; REVISING ANNEXATION GUIDELINES RELATING TO TERMINALS AND SURROUNDING AREAS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, areas designated terminals on the County's Adopted Land Use Plan Map ("terminals") contain facilities which are critical to Miami-Dade County's transportation network; and

WHEREAS, many of these areas designated terminals are located in unincorporated Miami-Dade County and therefore are not subject to municipal control or regulation; and

WHEREAS, these areas designated terminals located in unincorporated Miami-Dade County include facilities such as Miami International, Opa Locka and Tamiami Airports, the Port of Miami, as well as the Florida East Coast Railway and CSX rail yards and certain Metrorail facilities; and

WHEREAS, these facilities handle almost all passengers and a major amount of the freight that moves through Miami-Dade County and Southeast Florida; and

05-112

WHEREAS, the continuous uninterrupted operation and future development of these facilities located in areas designated terminals and surrounding areas are of critical importance to the economy and provision of jobs for Miami-Dade County and the region; and

WHEREAS, the annexation of areas designated terminals could interfere with or impair the operation and future development of these facilities within such designation; and

WHEREAS, it is the policy of Miami-Dade County to promote appropriate and compatible development in and around areas designated terminals, including present and future Metrorail stations and to encourage the use of public transportation and urban infill proximate to areas designated terminals; and

WHEREAS, the annexation of areas designated terminals should be prohibited or, if permitted, should only be allowed after study and consideration of the impacts of annexation on these areas and the surrounding areas and shall be permitted only pursuant to conditions and restrictions which prevent the impairment of the operation and development of these terminals and surrounding areas;

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

Section 1. The foregoing recitals and premises are hereby found to be true and correct and are incorporated herein as if set forth in full herein.

Section 2. Section 20-3 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 20-3. Initiated by governing body of municipality.

Any proposed boundary change desired by the governing body of a municipality shall be initiated by resolution of such governing body adopted after a public hearing held pursuant to written notice mailed to all owners of property within the area and within six hundred (600) feet thereof in such proposed boundary changes, according to the current tax assessment roll, and pursuant to published notice; provided, however, that no notice shall be required when all owners of property within the area and within six hundred (600) feet thereof shall consent in writing to the proposed boundary change. The cost of such notice shall be paid by the governing body of the municipality. Three (3) duly certified copies of such resolution requesting the proposed boundary changes, together with proof of compliance with the notice requirements aforesaid, shall be filed with the Clerk of the County Commission, and shall be accompanied by the following:

* * *

(F) In addition to the foregoing, there shall be filed with the Clerk of the County Commission the following information:

* * *

>>(6) Identification of any areas designated as terminals in the County's Adopted Land Use Plan Map ("terminals"). The municipality shall set forth the following information in its annexation petition or shall supplement its annexation petition, if such petition is pending as of the effective date of this ordinance:

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. The reason that any area designated terminals and areas located within one-half (1/2) mile surrounding any area designated terminals ("surrounding areas") should be annexed to the municipality;
- b. The impact that annexation may have on the operation and future development of facilities within any area designated terminals and surrounding areas;
- c. The municipality's assessment of the present and future importance to the economy, job generation, and future development of the County and the region of any area designated terminals and surrounding areas proposed to be included in the area annexed;
- d. Whether the land uses within areas designated terminals and surrounding areas are compatible with adjacent land uses within the annexing municipality; and
- e. A proposed Interlocal Agreement with the County which would include provisions agreeing to the County's retention of master plan and regulatory control over any area designated terminals and surrounding areas, which shall set forth with specificity the limitations and conditions to be imposed on the municipality's jurisdiction of the area proposed for annexation.<<

* * *

Sec. 20-7. Public hearing.

* * *

- (A) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for boundary change shall consider the following guidelines:

* * *

>>(8) Whether the proposed annexation excludes areas designated terminals on the County's Adopted Land Use Plan Map; alternatively, if included, the County retains applicable master plan and regulatory authority over any area designated terminals and areas, excluding existing incorporated municipalities, located within one-half (1/2) mile surrounding any area designated terminals ("surrounding areas") so as to protect the operations, land uses authorized within such area, and future development of areas designated terminals and surrounding areas located therein.

(9) Whether the proposed annexation provides that the County retains master plan and regulatory authority over areas designated terminals and surrounding areas to encourage the use of public transportation and urban infill development.<<

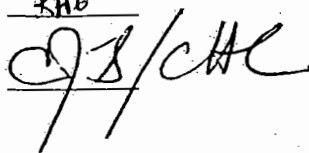
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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: JUN 07 2005

Approved by County Attorney as
to form and legal sufficiency:

RA6


Prepared by:

Craig H. Collier
Cynthia Johnson-Stacks

Sponsored by Dr. Barbara Carey-Shuler,
Commissioner Carlos A. Gimenez,
Commissioner Barbara J. Jordan,
Commissioner Dorrin D. Rolle and
Commissioner Natacha Seijas

Handwritten text at the top of the page, including a date and possibly a recipient's name. The text is very faint and difficult to decipher.

Main body of handwritten text, consisting of several lines of cursive script. The text is extremely faint and largely illegible.

Bottom section of handwritten text, including a signature and possibly a date. The text is very faint and difficult to read.

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE

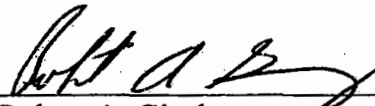
(Second Reading 05-03-05) ✓
March 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
annexations & incorporations;
deleting references to the
Boundaries Commission

05-86

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


Robert A. Ginsburg
County Attorney

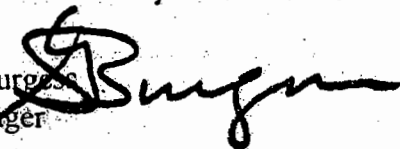
RAG/jls

Memorandum



Date: May 3, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance relating to annexations and incorporations; deleting references to the Boundaries Commission

This ordinance relating to annexations and incorporations deleting references to the Boundaries Commission will have no fiscal impact to Miami-Dade County.

The amendment modifies the process for the review of proposed annexations and incorporations by removing the Boundaries Commission from the process and creating a committee within the PAB that will have responsibilities similar to those of the Boundaries Commission. County resources currently used to support the Boundaries Commission will be available and assigned to support the additional responsibilities.


Assistant County Manager

Fiscal03105



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(c)

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

ada Item No. 7(C)

Veto _____

05-03-05

Override _____

ORDINANCE NO. 05-86

ORDINANCE RELATING TO ANNEXATIONS AND INCORPORATIONS; DELETING REFERENCES TO THE BOUNDARIES COMMISSION; TRANSFERRING BOUNDARIES COMMISSION REVIEW CRITERIA TO PLANNING ADVISORY BOARD (PAB); MODIFYING PROCEDURES FOR COUNTY STAFF AND PAB REVIEW OF PROPOSED ANNEXATIONS AND INCORPORATIONS; DELETING SECTION 20-30 THROUGH 20-32 AND AMENDING SECTIONS 20-6, 20-7, 20-22, AND 20-23 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Sections 20-30 through 20-32 of the Code of Miami-Dade County, Florida, are hereby deleted in their entirety.

Section 2. Sections 20-6 AND 20-7 of the Code of Miami-Dade County, Florida, are hereby amended to read as follows:¹

Sec. 20-6. Consideration by Planning Advisory Board.

- (a) The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission ~~[[and the recommendation of the Boundaries Commission;]]~~ shall study, review and consider the request for boundary changes embodied therein. >>The chair of the Planning Advisory Board shall appoint a committee of the Board as well as a chair for such committee for the purpose of

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

studying and making a report and recommendation to the full Board on the boundary change request. In making its recommendation to the full Board, the committee shall utilize the guidelines set forth in subsection (b).<< The Planning Advisory Board, in its discretion, may conduct a public hearing in respect to such proposed boundary changes and hear from all interested persons; the Board may require the petitioners or the municipality to furnish any additional information, data or instruments deemed necessary or desirable for consideration of such request. If the Planning Advisory Board conducts a public hearing in respect to such proposed boundary changes, it shall give written notice of such hearing to all owners of property within the area and within six hundred (600) feet thereof. The cost of such notice shall be paid by the individual, group or municipality initiating the proposed change.

Before the Planning Advisory Board studies and reviews the request, the annexation report will be reviewed by the appropriate County personnel~~[[and by the Boundaries Commission]]~~. The statements contained in the annexation report pertaining to the quality, quantity, cost and timing of the services the municipality will extend to the areas requested for annexation will be reviewed by the appropriate County department to determine if the services proposed are adequate. The statements pertaining to the financing of the services and analysis of the tax load on the area to be annexed will be reviewed by the Miami-Dade County Budget Officer. Upon completion of these reviews, the entire application will be ~~[[processed]]~~ >> reviewed in accordance with this section <<by ~~[[the Boundaries Commission and]]~~ the Planning Advisory Board and then forwarded to the County Manager's office for ~~[[his]]~~ review and recommendation prior to submittal to the Board of County Commissioners for their consideration.

- (b) The Planning Advisory Board shall make written recommendations to the County Commission concerning such proposed boundary changes. Copies of such recommendations shall be filed with the Clerk of the County Commission, and copies shall be mailed to a representative of the petitioners or the municipality. >>In evaluating the appropriateness of a boundary change request, the Planning Advisory Board shall consider the

guidelines in Section 20-7, as well as whether the annexation:

- (1) will divide a historically recognized community;
- (2) will if approved result in an annexation area that is compatible with existing planned land uses and zoning of the municipality to which the area is proposed to be annexed;
- (3) will, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies;
- (4) will impact public safety response times;
- (5) will introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities and/or private roads;
- (6) to the degree possible, will be served by the same public service franchises, such as cable and communication services, as the existing municipality, or will it have full access to all available municipal programming through its franchises provider;
- (7) if identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the annexing municipality indicated its preparedness to address any extraordinary needs that may arise;
- (8) will be connected to municipal government offices and commercial centers by public transportation; and
- (9) to the degree possible, will be contained in one or more school district boundaries governing admission to elementary, middle and high schools as the adjoining municipal area.

(c) The Planning Advisory Board's recommendation to the Board of County Commissioners shall be either:

- (1) Approval of the proposed boundary change;
- (2) Approval of the proposed boundary change on a modified basis;
- (3) Deferral of the proposed boundary change for more information;
- (4) Deferral of the proposed boundary change to permit modification; or
- (5) Denial of the proposed boundary change.<<

Sec. 20-7. Public hearing.

The Clerk of the County Commission, upon receipt of the recommendations of the Planning Advisory Board~~[[and the Boundaries Commission]]~~, shall set the matter of such proposed boundary changes for public hearing at a regular meeting of the County Commission and cause notice of such public hearing to be published in a daily newspaper of general circulation in Miami-Dade County at least once not less than one (1) week prior to the date of such public hearing. Notice of such public hearing shall be furnished to a representative of the petitioner or the municipality initiating the proposed boundary change and to all property owners within the area and within six hundred (600) feet thereof. The cost of such notice shall be paid by the individual, group or municipality initiating the proposed change. At such public hearing, the County Commission shall review and consider the recommendations of the Planning Advisory Board, and shall afford to all interested persons an opportunity to be heard upon the merits and propriety of the proposed boundary changes.

* * *

Section 3. Sections 20-22 and 20-23 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:

Sec. 20-22. Planning Advisory Board's consideration of petition for incorporation.

* * *

(B) The Director of the Office of Management and Budget, upon receipt of recommendations of other departments, shall prepare a report on the petition containing the following information:

- (1) Summary of petition,
- (2) Socio-economic profile of area,
- (3) Development profile of area, and
- (4) Other information outlined in Section 20-23(B)(1).

The report shall be transmitted to ~~[[the Boundaries Commission and]]~~ the Planning Advisory Board.

(C) The Planning Advisory Board, upon receipt of a petition and appropriate County department staff review and ~~>>comment<< [[recommendation, and the recommendation of the Boundaries Commission]]~~ shall:

- ~~>>(1)~~ Create a five-member committee of the Planning Advisory Board appointed by its chair for the purpose of studying and making a recommendation to the full Board on the petition. The chair of the Planning Advisory board shall designate a chair for such committee. In making its report and recommendation to the full Board the committee shall utilize the guidelines set forth subsection (4).~~<<~~

~~[[4]]>>(2)~~ ~~<<~~ Conduct a properly advertised public hearing within the area proposed for incorporation.

~~[[2]]>>(3)~~ ~~<<~~ Require additional information from appropriate County departments as needed.

~~[[3]]~~>>(4)<< Make written recommendations with respect to the petition which shall include the following:

(a) An analysis of the issues outlined in Section 20-23(B);

>>(b) Whether the proposed incorporation:

(1) will divide a historically recognized community;

(2) is compatible, to the degree possible, with existing planned land uses and zoning of the areas surrounding the proposed municipality;

(3) will, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies;

(4) will impact public safety response times;

(5) creates barriers to municipal traffic circulation due to existing security taxing districts, walled communities and/or private roads;

(6) if identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the proposed municipality indicated its preparedness to address any extraordinary needs that may arise;

(7) to the degree possible, will be contained in one or more school district boundaries governing admission to elementary, middle and high schools.<<

~~[(b)]~~>>(c)<< Other considerations deemed relevant by the Board

>>(D) The Planning Advisory Board recommendation to the Board of County Commissioners shall be either:

- (1) Approval of the petition;
- (2) Approval of the petition on a modified basis;
- (3) Deferral of the petition for more information;
- (4) Deferral of the petition to permit modification; or
- (5) Denial of the petition.<<

~~[(D)]~~>>(E)<< The Director of the Office of Management and Budget shall forward the petition and recommendations of the Planning Advisory Board ~~[[and County staff]]~~ to the County Manager for review and recommendation. The County Manager shall transmit the petition>>><< ~~[[as well as]]~~ the recommendations of the Planning Advisory Board ~~[[Boundaries Commission]]~~ and County Manager to the Clerk of the Board of County Commissioners.

* * *

Sec. 20-23. Board of County Commissioners consideration of proposed incorporation petition.

* * *

(B) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for incorporation, shall consider the following guidelines:

* * *

- (9) Any other factor that arises by virtue of recommendations of the ~~[[Boundaries Commission]]~~ >>Planning Advisory Board<<.

pursuant to Section ~~[[20-30]]~~ >>20-22<< of the Code.

* * *

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: MAY 03 2005

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

CHC

Craig H. Collier

Sponsored by Commissioner Natacha Seijas

MEMORANDUM

Agenda Item No. 7(F)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 04-19-05) ✓

DATE: January 20, 2005

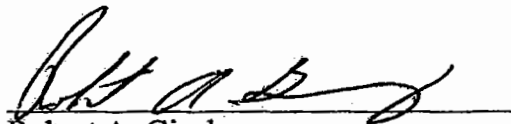
OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA
Ordinance relating to
height of hedges in
residential zoning
districts

FROM: Robert A. Ginsburg
County Attorney

SUBJECT:

05 77

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


Robert A. Ginsburg
County Attorney

RAG/bw

5-77

Memorandum



Date: April 19, 2005

To: Honorable Chairman Joe A. Martinez
and Members Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to zoning; amending Section 33-11 of the Code; relating to height of hedges in residential zoning districts

This ordinance pertaining to zoning amending Section 33-11 of the Code of Miami-Dade County pertaining to height of hedges in residential zoned districts will have no fiscal impact to Miami-Dade County.

Fiscal02005

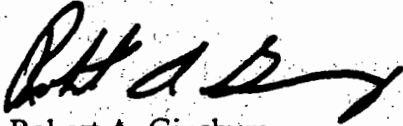


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 19, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(F)

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. 7(F)

04-19-05

ORDINANCE NO. 05 - 77

ORDINANCE PERTAINING TO ZONING;
AMENDING SECTION 33-11 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA PERTAINING TO
HEIGHT OF HEDGES IN RESIDENTIAL ZONING
DISTRICTS; PROVIDING FOR SEVERABILITY,
INCLUSION IN THE CODE AND AN EFFECTIVE
DATE

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

Section 1. Section 33-11 of the Code of Miami-Dade County, Florida is hereby
amended as follows:¹

Sec. 33-11. Fences, walls, bus shelters and hedges.

- (a) *Permits; conformance to requirements; erection on property lines.* Permits shall be required for all walls and fences, and except as may be approved as a result of public hearings, walls, fences, which obscure or obstruct vision, and hedges shall be restricted to the height, location and type as indicated hereinafter, and except when a higher wall, fence or hedge is required as a visual screening buffer at the rear of double frontage lots under Chapter 28 of this Code. Except as hereinafter restricted, all walls, fences and hedges may be placed on the property lines. This section, however, shall not be construed to permit such walls, fences and hedges to extend beyond the official right-of-way lines or property lines. Notwithstanding anything in the code to the contrary, chain link fences in residential zoning districts shall be permitted only behind the front building line. It is provided, however, that the aforementioned restriction on chain link fences shall not apply in AU and GU zoning districts trended agricultural. It is further provided that the aforementioned restriction shall not apply to chain link fences surrounding a residential community maintained by a condominium or homeowners association or by a special taxing district. Chain link fences lawfully existing prior to the effective

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

date of this ordinance which as a result of this ordinance become nonconforming shall be exempt from Section 33-35(c).

* * *

- (h) *Heights in RU and EU-M Districts.* In the RU and EU-M Districts, the height of any fence >>or<< wall ~~[[or hedge]]~~ shall not exceed six (6) feet. >>In the RU and EU-M Districts, the height of any hedge shall not exceed seven (7) feet.<< In the RU-5 and RU-5A Districts, fences, walls and hedges shall conform to these regulations, except as may otherwise specifically be required by the District regulations.

- (i) *Height in other EU, AU and GU Districts.* In EU Districts other than EU-M, and in AU and GU Districts, the height of any fence >>or<< wall ~~[[or hedge]]~~ shall not exceed six (6) feet when located within the required front or side street setback areas. >>In EU Districts other than EU-M, and in AU and GU Districts, the height of any hedge shall not exceed seven (7) feet when located within the required front or side street setback areas.<< At other points in such districts, fences, walls or hedges shall not exceed eight (8) feet in height. The Director may authorize hedges of a greater height for windbreaks for groves when necessary to protect same.

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: APR 19 2005

Approved by County Attorney as
to form and legal sufficiency:

RAG
JW

Prepared by:

Jay W. Williams

Sponsored by Chairman Joe A. Martinez

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 04-19-05)
DATE: January 20, 2005

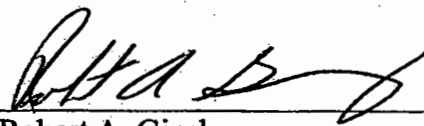
FROM: Robert A. Ginsburg
County Attorney

05 76

SUBJECT: Ordinance repealing Article I,
Section 33-20.1 of the Code
relating to prohibition of tow
trucks

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

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


Robert A. Ginsburg
County Attorney


RAG/bw

Memorandum



Date: April 19, 2005

To: Honorable Chairman Joe A. Martinez
and Members Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance Repealing Article I, Section 33-20.1 of the Code; relating to prohibition of tow trucks in residentially zoned districts

This ordinance repealing Article I, Section 33-20.1 of the Code of Miami-Dade County relating to the prohibition of tow trucks in residentially zoned districts will have no fiscal impact to Miami-Dade County.

fiscal02105

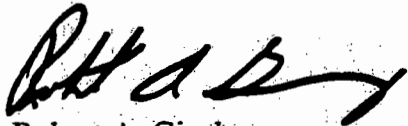


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 19, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(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. 7(E)

04-19-05

ORDINANCE NO. 05-76

ORDINANCE REPEALING ARTICLE I, SECTION 33-20.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO PROHIBITION OF TOW TRUCKS IN RESIDENTIALLY ZONED 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. Section 33-20.1 of the Code of Miami-Dade County, Florida, is hereby deleted as follows:¹

~~[[Sec. 33-20.1. Prohibition on keeping tow trucks in a residential district.~~

~~In addition to any other limits on the parking of commercial vehicles in residential districts, it shall be unlawful for any person to park, store or otherwise keep towing vehicles and equipment in a residential zoning district unless:~~

- ~~(1) Such vehicles or equipment are on the property or on the public right of way abutting the property for the purpose of delivery or retrieval of a vehicle owned or leased by the occupant owner or occupant lessee of the site concerned, or owned or leased by a bona fide house guest of the occupant owner or occupant lessee of the site concerned; or~~
- ~~(2) Such vehicles or equipment have been abandoned on the property or on the public right of way abutting the~~

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

~~property, by persons other than, and without the consent of, the occupant owner or occupant lessee of the site concerned or by a bona fide house guest of the occupant owner or occupant lessee of the site concerned.]]~~

Section 2. 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: APR 19 2005

Approved by County Attorney as
to form and legal sufficiency:

RAK
APW

Prepared by:

Abigail Price-Williams

Sponsored by Senator Javier D. Souto and
Commissioner Barbara J. Jordan

5

MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

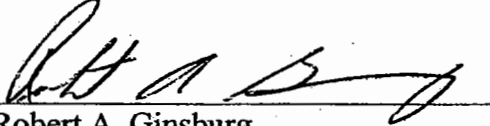
DATE: April 19, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: **OFFICIAL FILE COPY**
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA
Ordinance amending Article
VII, Section 33-124.1 of the
Code relating to parking
commercial vehicles in
residentially and agriculturally
zoned districts

05 75

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


Robert A. Ginsburg
County Attorney

RAG/bw

05-75

Memorandum



Date: April 19, 2005

To: Honorable Chairman Joe A. Martinez
and Members Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance amending Article VII, Section 33-124.1 of the Code; relating to parking commercial vehicles in residentially and agriculturally zoned districts

This ordinance amending Article VII, Section 33-124.1 of the Code of Miami-Dade County relating to parking commercial vehicles in residentially and agriculturally zoned districts will have no fiscal impact to Miami-Dade County.

Fiscal02205



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 19, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(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

Agenda Item No. 7(D)

Veto _____

04-19-05

Override _____

ORDINANCE NO. 05 75

ORDINANCE AMENDING ARTICLE VII, SECTION 33-124.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO PARKING COMMERCIAL VEHICLES IN RESIDENTIALLY AND AGRICULTURALLY ZONED 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. Section 33-124.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-124.1. Parking of commercial vehicles in residential or agricultural zones.

(a) The following are hereby defined as commercial vehicles for the purpose of this section:

Category 1. A vehicle ~~[[under ten thousand (10,000) gross vehicle weight rating]]~~ that is a taxicab, a limousine under twenty (20) feet in length or any ~~>>passenger<< vehicle>>~~, truck or van with a maximum height of eight (8) feet from the ground<< marked with a sign, letters, identification numbers[[;]] or emblem advertising or associating it in any way with a commercial enterprise other than those which identify the vehicle maker or dealer. >>A sport utility vehicle marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise, other than those which identify the vehicle maker or dealer, shall be considered as a Category

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.

1 vehicle. For purposes of this section, a passenger vehicle bearing an emblem or lettering of a government entity shall also be considered as a Category 1 vehicle.<<

Category 2. A vehicle ~~[[under ten thousand (10,000) gross vehicle weight rating in which the indications]]~~ >>eight (8) feet or less in height that displays externally stored or mounted equipment either in a fixed or temporary manner which is visible<< including>>₁<< but not limited to>>₁<< food vending equipment, ladders, paint cans, lawn care equipment or fixtures and brackets necessary to carry such items. >>Trailers or utility trailers less than 20 feet in length which are enclosed or of an unenclosed design shall also be included as Category 2 vehicles.<<

Category 3. A vehicle, other than a recreational vehicle as defined in section 33-20(f), exceeding ~~[[ten thousand (10,000) gross vehicle weight rating.]]~~ >>twenty (20) feet in length or more than eight (8) feet in height from the ground including, but not limited to, tow trucks, dump trucks, construction or earth moving vehicles or equipment and semi-tractors and trailers.<<

(b) >>Storage or p<<[[P]]arking of certain commercial vehicles is allowed >>on private property<< in residential zones as follows:

1. In agriculturally zoned area>>s<< (AU)>> where a bona fide agricultural use, as defined in Chapter 19-3(B) of this Code, exists on private property<<, parking >>or storage of<< commercial vehicles used for agricultural purposes or in the transport of agricultural products is allowed as otherwise provided in this chapter.
2. >>In residentially zoned districts, o<<[[Θ]]nly two Category 1 vehicles may be ~~[[openly]]~~ stored or parked at a residence~~[[in a residential zoned district]]~~.
3. >>In residentially zoned districts, o<<[[Θ]]nly one Category 2 vehicle >>may be stored or parked provided that it is kept within<<[[only in]] an enclosed garage or behind the front building line within a completely enclosed, opaque fence, screening wall or landscaping 6 feet in height at least ten (10) feet from the rear property line. If a

Category 2 vehicle is so >>stored or<< parked, >>then<< only one Category 1 vehicle may also be >>stored or<< parked at such residence.

4. For residential properties of four (4) or more units, the parking allowances provided for herein shall be applied as to each unit.
5. >>Storage or parking of<< Category 3 vehicles is prohibited >>in all residentially zoned districts<<.
- >>6. The temporary parking of a Category 2 or 3 vehicle in front of the building line or in front of the buffer screen shall only be permitted for the purpose of loading or unloading of materials or persons or engaged in providing a commercial service at the premises or for the purpose of the driver to make a temporary convenience stop at the residence. However, a temporary or convenience stop shall be limited to no more than one hour in any 24-hour period.<<

(c) Parking of certain commercial vehicles >>on the right-of-way<< is prohibited in residential zones as follows:

1. In areas zoned residential districts, it shall be unlawful for Category ~~[[1;]]~~ ~~2[[;]]~~ >>or<< 3, vehicles >>, << as herein defined >>, << to be otherwise parked ~~[[, whether on private property or]]~~ on the public ~~[[right of way]]~~ >>right-of-way<<, unless >>actively<< engaged in the loading or unloading of materials or persons or engaged in providing a commercial service. Examples of providing commercial services include, but are not limited to, >>removal of disabled vehicles from private or public property<< presence at a construction site, delivery of goods, repair of household appliances and cleaning of household furniture.

(d) Violations of these provisions are punishable as follows:

repeat violation >> of subsection 33-124.1(c) <<, in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage

or immobilization, such vehicle may be disposed of pursuant to the provisions contained in Section 713.585, Florida Statutes. Any enforcement officer is hereby authorized to secure the assistance of the Miami-Dade Police Department to effect enforcement of these provisions.

* * *

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: APR 19 2005

Approved by County Attorney as
to form and legal sufficiency:

RA6
APW

Prepared by:

Abigail Price-Williams

Sponsored by Senator Javier D. Souto and
Commissioner Barbara J. Jordan

MEMORANDUM

Amended
Agenda Item No. 7(A)

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

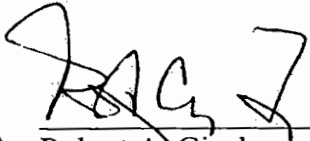
DATE: (Second Reading 04-19-05) ✓
October 19, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to incorporation and annexation; requiring new municipalities to pay 100% mitigation

O#05-73

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

for: 

Robert A. Ginsburg
County Attorney

RAG/bw

05-79

Memorandum



Date: April 19, 2005

To: Honorable Chairman Joe A. Martinez
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 Requiring Certain Municipalities Incorporating or Annexing Commercial, Business, or Industrial Areas To Pay One Hundred Percent Mitigation For Those Areas.

The accompanying ordinance placed on the agenda at the request of Commissioner Joe A. Martinez will protect the County from a potential negative fiscal impact resulting from the inclusion of a Commercial, Business, or Industrial (CBI) area in a new annexation or incorporation. This legislation would require annexing or incorporating municipality to make an annual payment to the County in an amount equal to one hundred percent (100%) of the revenue the County would have otherwise lost as a result of the annexation or incorporation of that area. The intent is to make annexation or incorporation of a CBI area revenue neutral to the County.

fiscal00405

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(A)
4-19-05

ORDINANCE NO. 05-73

ORDINANCE RELATING TO INCORPORATION AND ANNEXATION; ESTABLISHING COUNTY POLICY THAT REQUIRES CERTAIN NEW MUNICIPALITIES AND EXISTING MUNICIPALITIES ANNEXING CERTAIN COMMERCIAL, BUSINESS OR INDUSTRIAL AREAS WITHIN THEIR BOUNDARIES TO PAY ONE HUNDRED PER CENT (100%) MITIGATION FOR THOSE AREAS PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, policies should be adopted by the Board of County Commissioners which will minimize or eliminate adverse fiscal impacts on the unincorporated municipal service area budget due to incorporations and annexations; and

WHEREAS, prospective municipalities or municipalities desiring to annex an area may have within their boundaries high-value business, commercial, or industrial areas, including those areas as designated in Composite Exhibit 1, which is attached hereto an incorporated herein by reference (hereafter "CBI Areas"); and

WHEREAS, all County residents contribute to the value of the CBI Areas; and

WHEREAS, the 100% mitigation policy will help reduce the negative impact of the incorporation or annexation of high value areas on the unincorporated municipal services area budget,

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

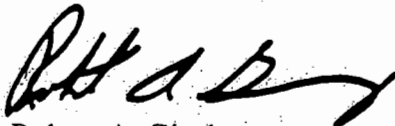


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 19, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Amended
Agenda Item No. 7(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

05-73

Section 1. Section 20-27 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 20-27. Policy Regarding Incorporation and Annexation of Commercial, Business, or Industrial Areas.

(1) Policy. It is the policy of the Board of County Commissioners that any proposed municipal incorporation which would result in a donor municipality having any Commercial Business or Industrial or "CBI Area" within its boundaries or any municipality that proposes the annexation of any CBI Area in the area it proposes to annex shall as a condition of incorporation or annexation, pay to the County 100% of the net excess of revenues minus expenses attributable to the CBI Area within the boundaries of the proposed municipality or the annexed area. In the case of incorporation, the agreement to pay net excess of revenues minus expenses shall be included in the charter of the proposed municipality. In the case of annexation, the agreement to pay net excess of revenues minus expenses shall be included in an interlocal agreement between the municipality and the County.

(2) Exceptions: (a) Any annexing municipality having a below average per capita taxable value as compared to all other cities within Miami-Dade County, including UMSA, and an above average tax effort as compared to all other cities in Miami-Dade County, including UMSA, shall be exempt from the application of Section 1 to the extent necessary to achieve an average per capita taxable value. It is provided, however, that if after the annexation, the municipality reduces its tax effort to below the average tax effort as compared to all cities including UMSA, it shall pay a mitigation fee into a

municipal services trust fund equal to the revenues generated in the proposed annexed area less the cost of services which the County provided to the area prior to annexation; (2) Any annexing municipality having a below average per capita taxable value as compared to all cities in Miami-Dade County, including UMSA, wherein over ten per cent (10%) of families or individuals are below the poverty level status, as reported by the United States Bureau of the Census, shall be exempt from the application of Section 1, provided they maintain their existing tax effort at the time of the annexation. Provided, however, the County may negotiate the terms of mitigation with such municipality.

(3) Definitions.

For purposes of this ordinance, the term:

(a) "Donor Municipality" is defined as a municipality where the revenue generated from the area as part of UMSA is more than the expenses incurred by the County to serve that area.

(b) "Commercial, Business or Industrial Area ("CBI Area") is a high-value area used primarily for commercial, business or industrial purposes and each of which is identified and described in Composite Exhibit I hereto, which is incorporated herein by reference.

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

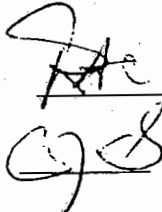
05-73

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: APR 19 2005

Approved by County Attorney as
to form and legal sufficiency:

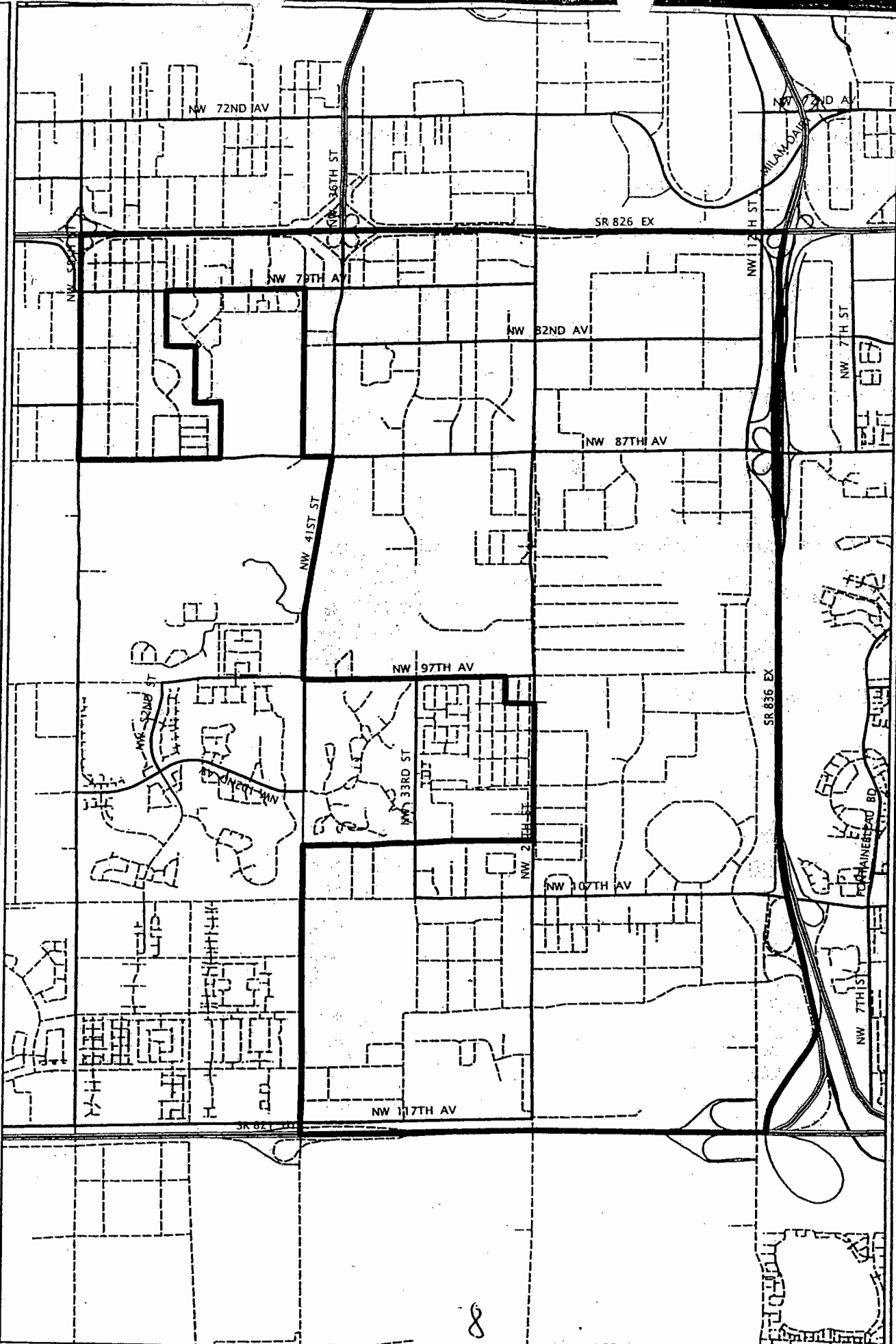


Prepared by:

Cynthia Johnson-Stacks

Sponsored by Commissioner Joe A. Martinez

Miami-Dade County
AIRPORT WEST CBI



This map was prepared by the Miami-Dade County
Enterprise Technology Services Department
Strategic Technologies Division
For the Office of the County Administrator
October 7, 2004
Department of Information Management
And Municipal Contracting Services



miamidade.gov

- Legend**
- Airport West CBI
 - Major Road
 - Street
 - Highway



Miami-Dade County CUTLER RIDGE CBI



Legend

- Cutler Ridge CBI
- Major Road
- Highway
- Street

0.09 0.045 0 0.09 Miles

miamidade.gov





9

This map was prepared by the Miami Dade County
Enterprise Technology Services Department
Strategic Technologies Division
October 7, 2004
For the Office of Strategic Business Management
Incorporation and Annexments
And Municipal Contracting Services





Legend

-  Dadeland CBI
-  Major Road
-  Highway
-  Street

0 0.025 0.05 Miles

miamidade.gov

10

This map was prepared by the Miami Dade County
 Enterprise Technology Services Department
 Strategic Technologies Division
 October 7, 2004
 For the Office of Strategic Business Management
 Incorporation and Annexations
 And Municipal Contracting Services

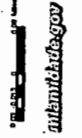


Miami-Dade County

FALLS CBI



This map was prepared by the Miami-Dade County
Enterprise Technology Services Department
Strategic Technology Division
in May 2004
for the Office of Finance, Risk Management
Incorporation and Annexation
And Municipal Contracting Services

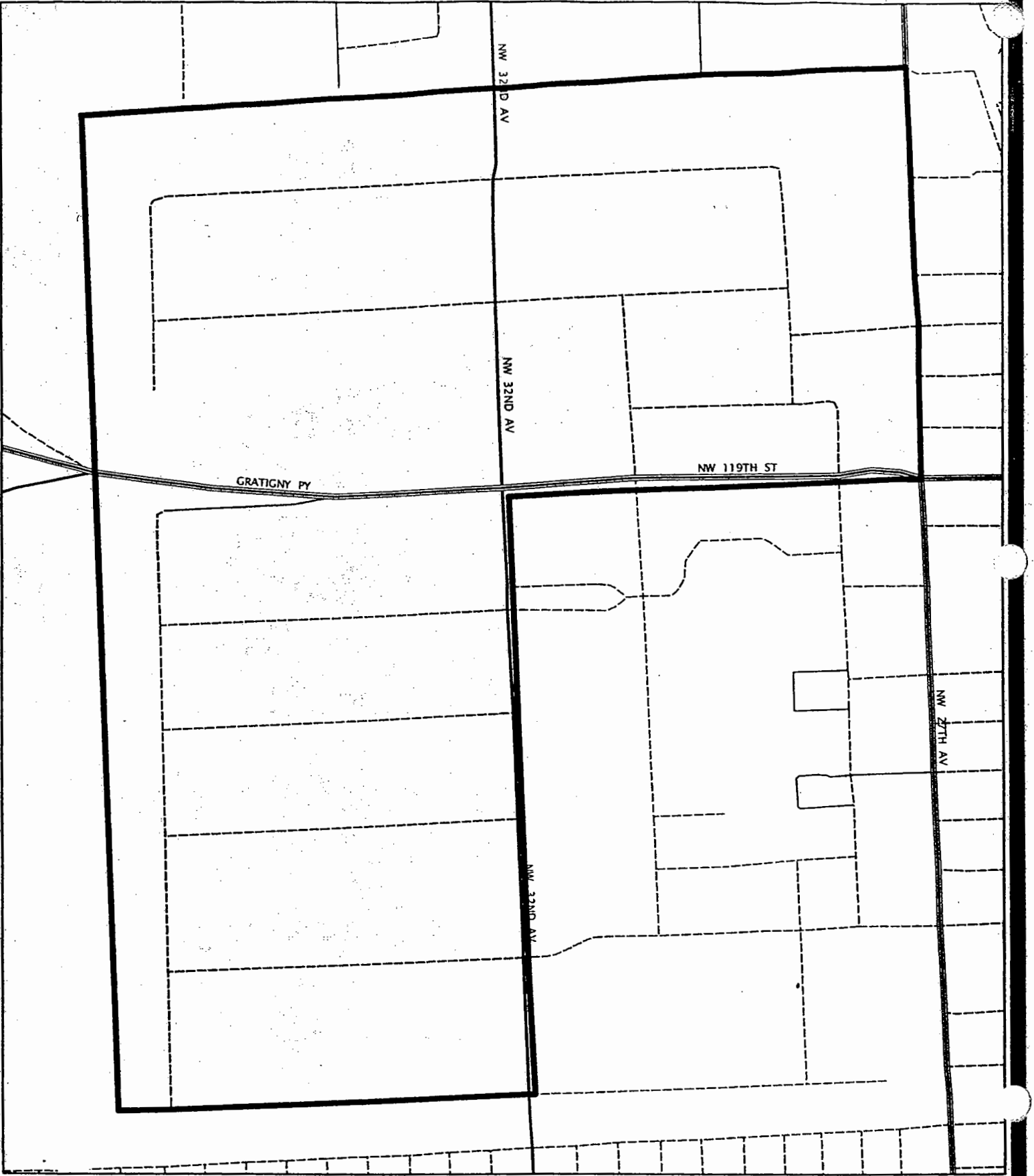


- Legend**
- Falls CBI
 - Major Road
 - Highway
 - Street









Miami-Dade County GRATIGNY CBI



Legend

-  Gratigny CBI
-  Highway
-  Major Road
-  Street

0 0.025 0.05 Miles

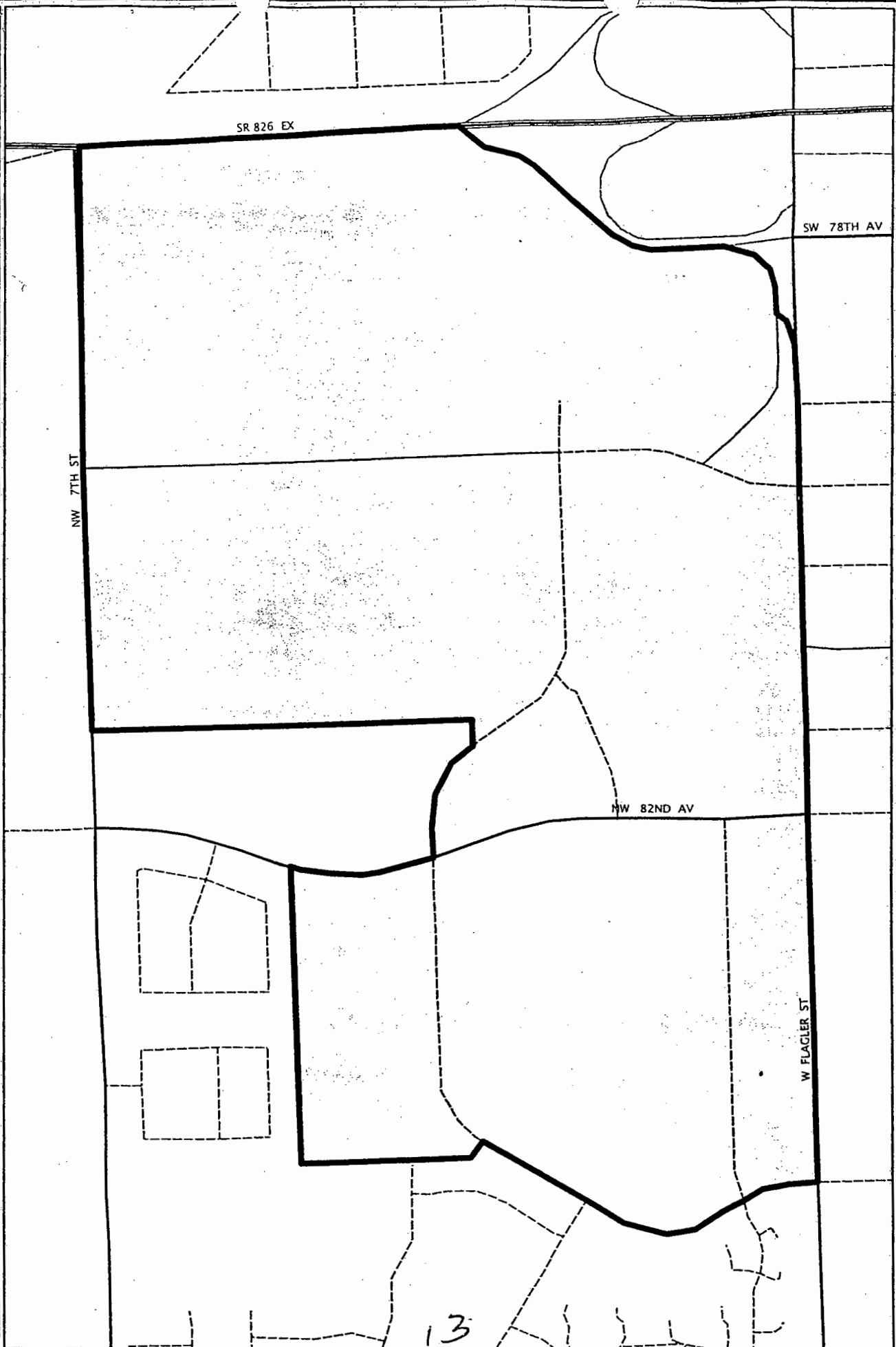
miamidade.gov

12

This map was prepared by the Miami Dade County
Enterprise Technology Services Department
Strategic Technologies Division
October 7, 2004
For the Office of Strategic Business Management
Incorporation and Annexations
And Municipal Contracting Services



Miami-Dade County
MALL OF THE AMERICAS CBI



13



This map was prepared by the Adair-Dick County
Enterprise Technology Services Department
Enterprise Technology Division
October 7, 2014
For the Office of Planning, Management
Incorporation and Assessment
And Municipal Contracting Services

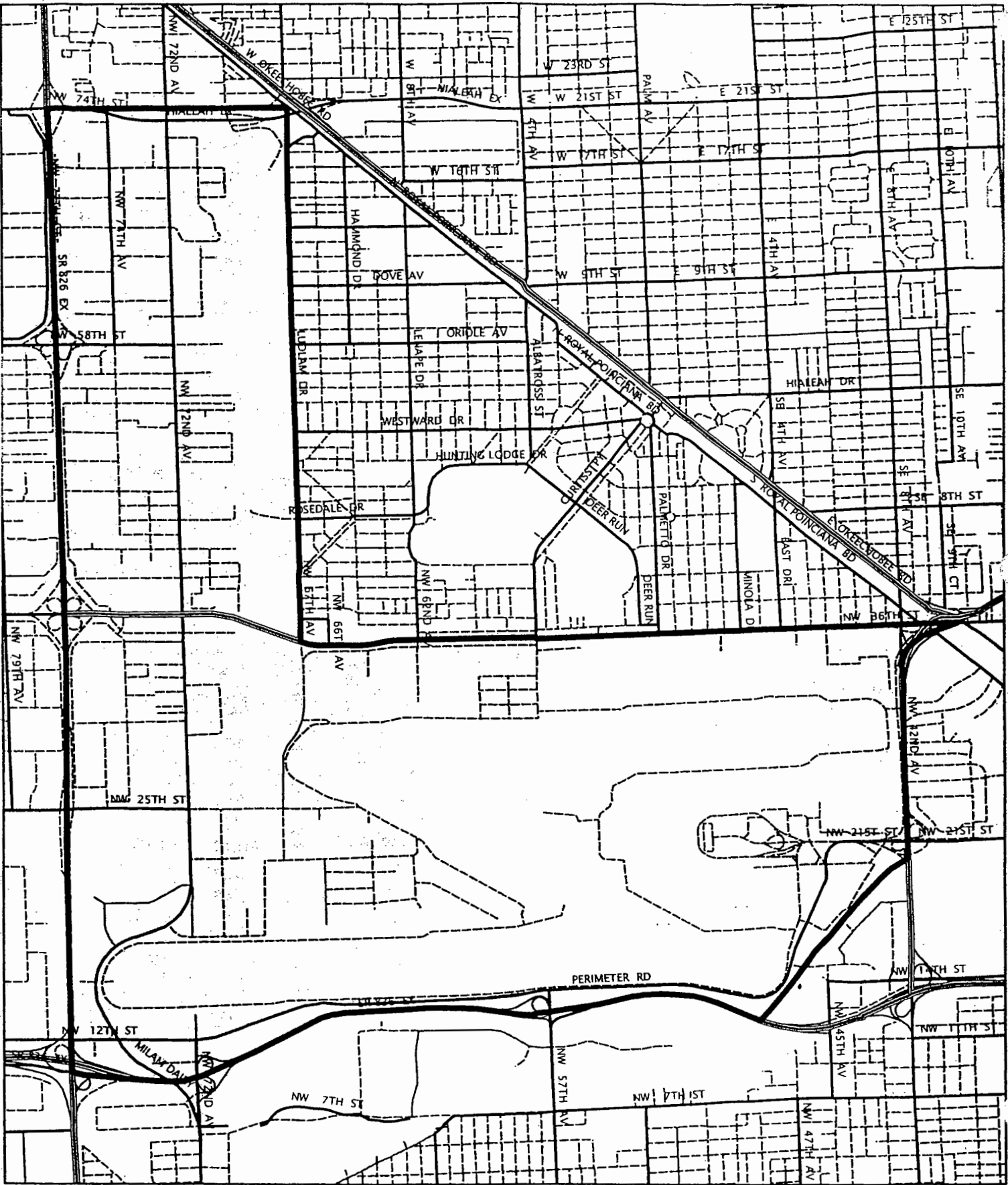
60000118 0 6000 Feet

miamidade.gov

Legend

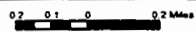
- Highway
- Major Road
- Street





Legend

- Miami Industrial CBI
- Major Road
- Highway
- Street



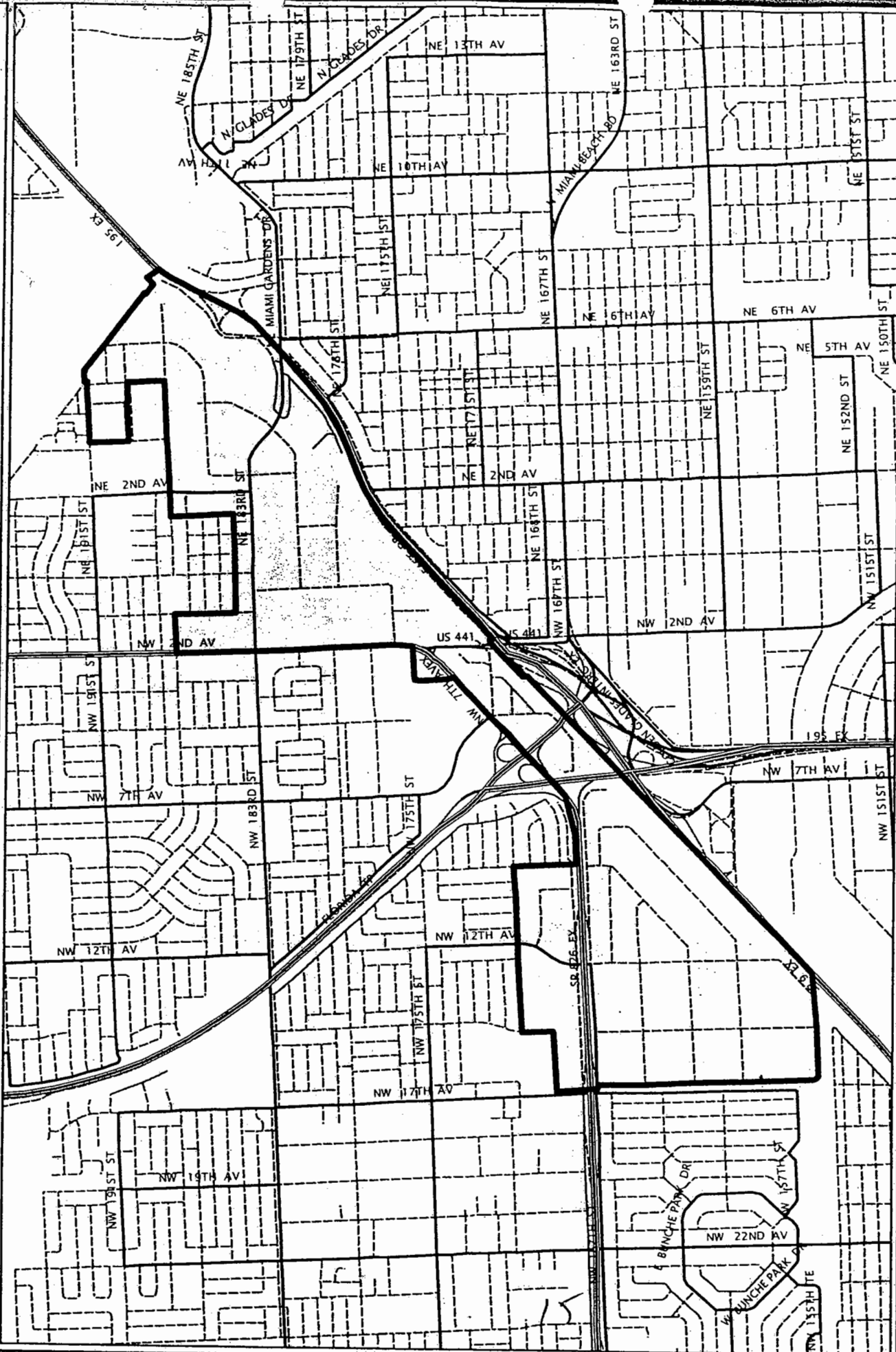
miamidade.gov

14

This map was prepared by the Miami Dade County
Enterprise Technology Services Department
Strategic Technologies Division
October 7, 2004
For the Office of Strategic Business Management
Incorporation and Annexations
And Municipal Contracting Services



Miami-Dade County NE INDUSTRIAL CBI

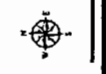


This map was prepared by the Miami-Dade County Strategic Technology Services Department for the Office of Information Management and Municipal Contracting Services.

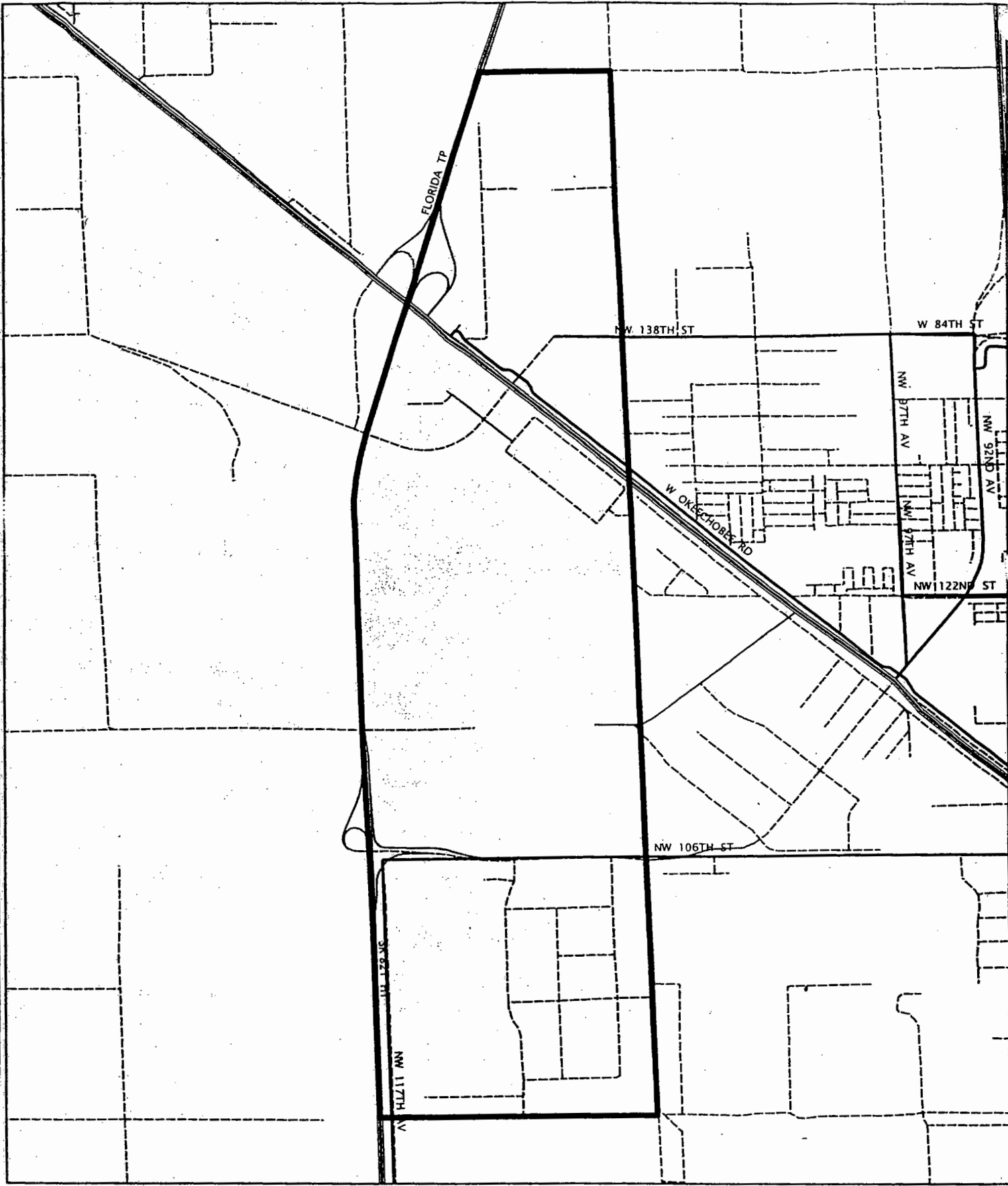
miamidade.gov

Legend

- NE Industrial CBI
- Major Road
- Street
- Highway



Miami-Dade County NW INDUSTRIAL CBI



Legend

- NW Industrial CBI
- Major Road
- Highway
- Street



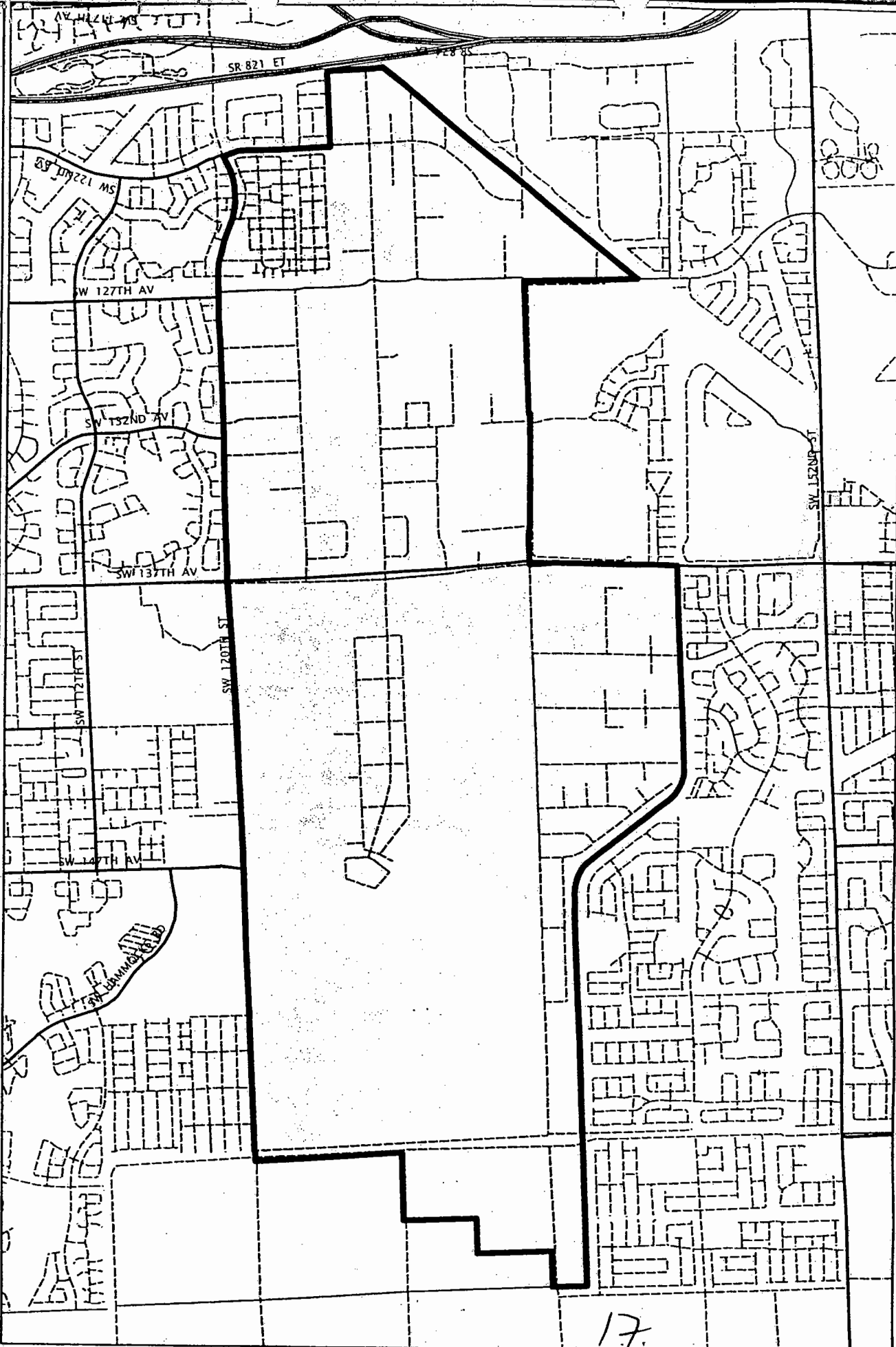
miamidade.gov

16

This map was prepared by the Miami Dade County
Enterprise Technology Services Department
Strategic Technologies Division
October 7, 2004
For the Office of Strategic Business Management
Incorporation and Annexations
And Municipal Contracting Services



Miami-Dade County
TAMiami CBI



This map was prepared by the Miami-Dade County
Engineering Department
Planning and Design Division
October 7, 2004
For the Office of Strategic Business Management
Incorporation and Administration
And Municipal Contracting Services

0 500 1000 Feet

miamidade.gov

- Legend
- Terminant CBI
 - Highway
 - Major Road
 - Street

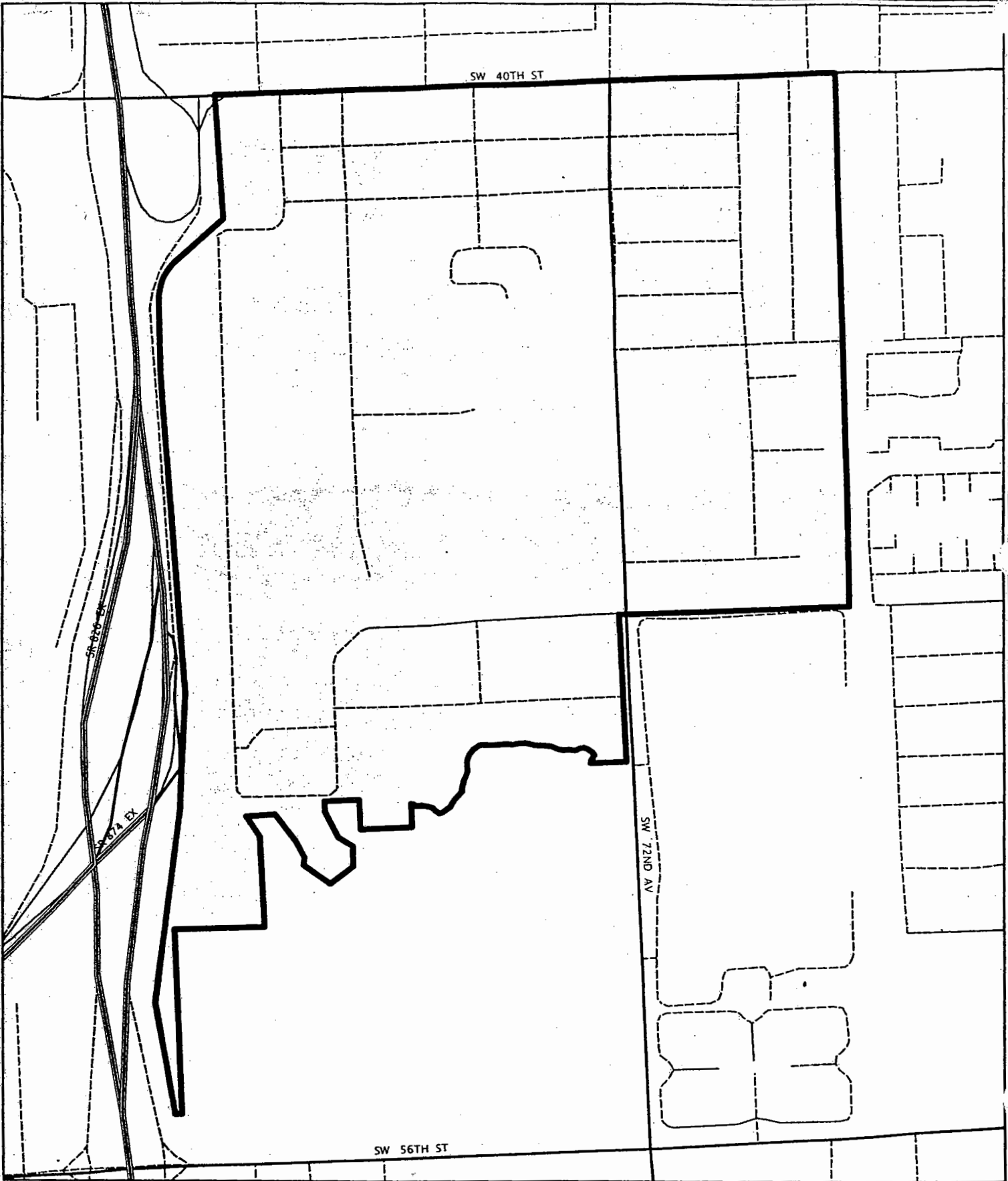


17.







Miami-Dade County

TROPICAL PARK CBI



Legend

-  Tropical Park CBI
-  Major Road
-  Highway
-  Street

0 0.025 0.05 Miles

miamidade.gov

18

This map was prepared by the Miami Dade County
Enterprise Technology Services Department
Strategic Technologies Division
October 7, 2004
For the Office of Strategic Business Management
Incorporation and Annexations
And Municipal Contracting Services



MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 04-05-05) ✓

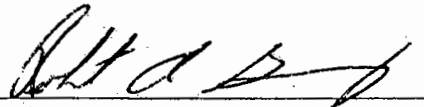
DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA
SUBJECT: Ordinance relating to Conflict
of Interest and Code of Ethics
Ordinance; employees &
departmental personnel are
prohibited from performing
contract-related duties

05 71

The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Barbara Carey-Shuler, Commissioner Dennis C. Moss and Commissioner Rebeca Sosa.

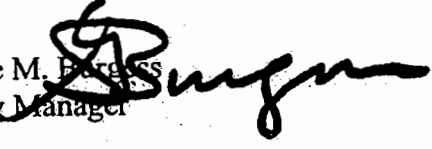

Robert A. Ginsburg
County Attorney

RAG/jls



Date: April 5, 2005

To: Honorable Chairman Joe A. Martinez
and Members Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending
Section 2-11.1 of the Code

This ordinance relating to the Conflict of Interest and Code of Ethics ordinance amending Section 2-11.1 of the Code of Miami-Dade County will have no fiscal impact to Miami-Dade County.

Fiscal02605



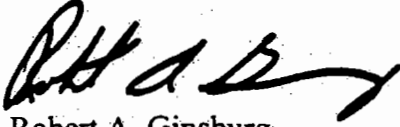
MEMORANDUM

(Revised)

05 71

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 5, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(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. 7(D)
04-05-05

ORDINANCE NO. 05-71

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT EMPLOYEES AND DEPARTMENTAL PERSONNEL ARE PROHIBITED FROM PERFORMING CONTRACT-RELATED DUTIES UNDER CERTAIN CIRCUMSTANCES FOR SPECIFIED PERIOD OF TIME; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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

* * *

>>(x) *Prohibition on county employees and departmental personnel performing contract-related duties.* No person included in subsections (b)(5)(departmental personnel) and (b)(6) (employees), who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity (hereinafter "business entity") shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any county contract-related duties regarding the business entity, or successor in interest, where the business entity is a county bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), "contract-related duties" include, but are not limited to: service as a member of a county

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

certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract. Notwithstanding the foregoing, the provisions of this subsection (x) shall not apply to the County Manager or the Director of Procurement Management.<<

>>(y)<< [[(x)]] *Powers and jurisdiction of the Ethics Commission.* The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the Conflict of Interest and Code of Ethics Ordinance. Jurisdiction of the Ethics Commission shall automatically extend to Commissioners, autonomous personnel, quasi-judicial personnel, departmental personnel, employees, advisory personnel, immediate family, lobbyists as defined in subsection (b) and (s) who are required to comply with the Conflict of Interest and Code of Ethics Ordinance; and any other person required to comply with the Conflict of Interest and Code of Ethics Ordinance including, but not limited to, contractors and vendors. In the event that the Ethics Commission does not assume jurisdiction as provided in the preceding sentence, the Ethics Commission may refer the complaint to the State Attorney for appropriate action. Notwithstanding the foregoing, the Ethics Commission shall not have jurisdiction to consider an alleged violation of subsection (c) if the requirements of subsection (c) have been waived for a particular transaction as provided therein.

>>(z)<< [[(y)]] *Prohibition on participation in settlement negotiations.* Neither the Mayor, a County Commissioner nor a member of their staff shall participate in settlement negotiation of claims or lawsuits, including but not limited to contract scope or compensation adjustments involving the County without prior approval of the Board of County Commissioners.

>>(aa)<< [[(z)]] *County Attorney's office participation in contract adjustments.* County staff shall request the participation of the County Attorney's Office to provide legal advice regarding scope or compensation adjustments which increase by more than one million dollars (\$1,000,000), the value of a construction contract or a contract involving the purchase of goods or services.

>>(bb)<< [[(aa)]] *Penalty.*

(1) *Proceeding before Ethics Commission.* A finding by the Ethics Commission that a person has violated this section shall subject said person to an admonition or public reprimand and/or a fine of two hundred and fifty dollars (\$250.00) for the first such violation and five hundred dollars (\$500.00) for each subsequent violation.

(2) *Prosecution by State Attorney in State court.* Every person who is convicted of a violation of this section in State court shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the County jail for not more than thirty (30) days, or by both such fine and imprisonment.

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

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

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

PASSED AND ADOPTED: APR 05 2005

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

GKS

Gerald K. Sanchez

Sponsored by Dr. Barbara Carey-Shuler,
Commissioner Dennis C. Moss and
Commissioner Rebeca Sosa

RECEIVED
MAY 05 2005

CLERK OF COUNTY COMMISSIONERS
MAYOR'S OFFICE

④

February/05

Approved _____ Mayor

Agenda Item No. 7(A)(2)(C)

Veto _____

2-1-05

Override _____

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

RESOLUTION NO. R-148-05

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF DORAL DELEGATING CERTAIN ZONING REGULATORY AUTHORITY OVER SCHOOLS IN PROXIMITY TO MIAMI INTERNATIONAL AIRPORT; AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board has approved certain zoning regulations governing the limited placement and expansion of public and private schools in proximity to Miami International Airport (MIA), consistent with the applicable provisions of Chapter 333, Florida Statutes, and the Home Rule Charter of Miami-Dade County; and

WHEREAS, pursuant to the authority vested in this Board to enact regulations relating to matters of County-wide interest, the zoning regulations pertaining to the placement and expansion of schools in proximity to MIA have been imposed in both the unincorporated and incorporated areas, for the reasons set forth in the legislative findings in the regulations, and in the same manner as other previously existing zoning regulations pertaining to development in the area surrounding MIA; and

WHEREAS, in establishing the zoning regulations, this Board has established standards and procedures by which applications for certain schools and expansions of schools can be considered and approved or denied, under criteria specifically designed to achieve a careful balance between life-safety, the economic well-being of MIA and the surrounding commercial, industrial and other crucial components of the economy interdependent with MIA, and the great need for schools to reduce overcrowding and meet the needs of future population growth; and

WHEREAS, the zoning regulations specifically contemplate that this Board shall have the authority pursuant to interlocal agreement to delegate certain zoning authority under these regulations to the municipalities in proximity to MIA, provided that the municipality agrees to apply all requirements, standards and procedures provided by the regulations; and

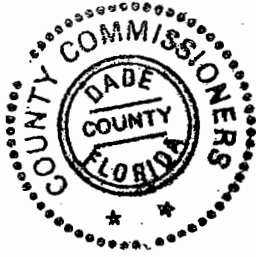
WHEREAS, the City of Doral has agreed to apply the requirements, standards and procedures provided in the zoning regulations and has offered pursuant to an Interlocal Agreement, a copy of which is attached hereto and incorporated herein by reference, to undertake the consideration of applications for schools in proximity to MIA consistent with the County's zoning regulations,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Interlocal Agreement with the City of Doral for the delegation of certain zoning authority over schools in proximity to MIA, in substantially the form attached hereto and made a part hereof. This Board further authorizes the County Manager to execute the Interlocal Agreement and to exercise the termination provisions contained therein.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	absent		
Dennis C. Moss, Vice-Chairman	aye		
Bruno A. Barreiro	absent	Dr. Barbara Carey-Shuler	aye
Jose "Pepe" Diaz	aye	Carlos A. Gimenez	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Dorrian D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of February, 2005. 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

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RA6

Joni Armstrong Coffey

A handwritten mark, possibly a signature or initials, located at the bottom center of the page.

**INTERLOCAL AGREEMENT BY AND BETWEEN
MIAMI-DADE COUNTY, FLORIDA, AND THE
CITY OF DORAL, FLORIDA, REGARDING
MIAMI INTERNATIONAL AIRPORT (WILCOX
FIELD) ZONING**

This is an interlocal agreement between Miami-Dade County, a political subdivision of the State of Florida (the "County") and the City of Doral, a municipal corporation of the State of Florida (the "City"), entered into this ____ day of _____, 2005 (the "Agreement").

RECITALS

1. The Board of County Commissioners of Miami-Dade County, Florida (the "Board"), has adopted the Comprehensive Development Master Plan (CDMP) for Miami-Dade County and in it has expressly declared that it is the continuing policy of Miami-Dade County, in cooperation with federal, state, regional and other 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.

2. Among the County 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

MEMORANDUM

Agenda Item No. 7(A)(2)(C)

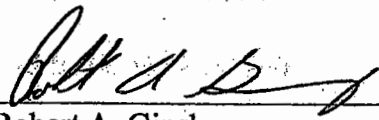
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to an
Interlocal Agreement with
the City of Doral

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



Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(A)(2)(C)

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

maximize aviation's support of local and regional economic growth. In furtherance of these goals, objectives and policies, the Board has found 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.

3. Properly coordinated review, analysis and regulation 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.

4. 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.

5. The Legislature of the State of Florida has mandated the adoption of land use regulations by political subdivisions authorized to establish and operate airports within its territorial limits, to assure compatible land uses in the areas surrounding such airports. The Board has acknowledged and adopted as its own those legislative findings in Chapter 333,

7

Florida Statutes, that call for coordinated planning airports and coordinated land uses in proximity thereto, and

6. Among the matters that Chapter 333, Florida Statutes, requires to be regulated are the siting and construction of public and private educational facilities in certain defined areas in proximity to airports. 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. 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.

7. Consistent with Chapter 333, Florida Statutes, and the CDMP, and based on a showing of great need for schools in Miami-Dade County, the Board has approved certain zoning regulations governing the limited placement and expansion of public and private schools in proximity to Miami International Airport (MIA), by its enactment of Ordinance No. 04-203, to be codified as sections 33-330.1 through 33-343.1, 33-303.2, and 33-314(C)(12), Code of Miami-Dade County ("MIA Zoning Regulations").

8. Where certain conditions and requirements are met, as prescribed by the MIA Zoning Regulations, educational facilities can safely, effectively and economically be sited and constructed within defined areas in proximity to MIA.

9. The regulations contained in the MIA Zoning Regulations reflect a considered 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.

10. The MIA Zoning Regulations establish standards and procedures by which applications for certain schools and expansions of schools can be considered and approved or denied, under criteria specifically designed to achieve a careful balance between life-safety, the economic well-being of MIA and the surrounding commercial, industrial and other crucial components of the economy interdependent with MIA, and the great need for schools to reduce overcrowding and meet the needs of future population growth.

11. The MIA Zoning Regulations expressly contemplate that the Board shall have the authority pursuant to interlocal agreement to delegate certain zoning authority under the MIA Zoning Regulations to the municipalities in proximity to MIA, provided that the municipality agrees to apply all requirements, standards and procedures provided by the regulations. The MIA Zoning Regulations provide at section 33-337(C), Code of Miami-Dade County, Florida:

“(C) Upon execution of an interlocal agreement, the County may delegate to a 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.”

12. The City of Doral has detailed and historical knowledge, expertise and understanding regarding the character and nature of the residential communities and the commercial and industrial areas in the areas within the City limits, as they may be amended from time to time, in proximity to Miami International Airport. The City further has

sufficient expertise, experience, boards and personnel in place to administer and apply those portions of the MIA Zoning Regulations allowing the limited placement and expansion of educational facilities (the "MIA Educational Facilities Zoning Regulations"), while using its special knowledge of the areas within the City that are in proximity to Miami International Airport.

13. The City of Doral has expressed its desire to apply the delegable portions of the MIA Zoning Regulations in the areas of the City that are subject to those regulations, as the preferable means to assure the preservation of the character and nature of the City's residential communities and other development near Miami International Airport. In so doing, the City has agreed to administer and apply the requirements, standards and procedures provided in the MIA Zoning Regulations, attached hereto and incorporated herein by reference, and to undertake the consideration of applications for schools in proximity to Miami International Airport consistent with the County's MIA Zoning Regulations and the CDMP. The parties agree that the City of Doral is additionally able to enact such supplemental zoning regulations as do not conflict with the County regulations and which provide stricter standards.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1. **Recitals.** The foregoing recitals are hereby acknowledged as true and correct, and are incorporated herein by reference.

2. **Purpose.** The purpose of this Interlocal Agreement is to provide for the delegation from Miami-Dade County to the City of Doral of the powers and duties of the Miami-Dade County Planning and Zoning Director and the Board of County Commissioners to administer and apply the delegable portions of Ordinance No. 04-203, enacted by the Board of County Commissioners on November 30, 2004, to be codified as section 33-337 of the Code of Miami-Dade County (the "MIA Educational Facilities Zoning Regulations"), subject to the conditions, procedures and requirements of this Interlocal Agreement and the MIA Zoning Regulations.

3. **County.** The County hereby delegates to the City of Doral the powers and duties to apply and administer section 33-337 of the Code of Miami-Dade County for the limited placement and expansion of educational facilities in the CA-B and CA-C subzones (the "MIA Educational Facilities Zoning Regulations"), in accordance with the provisions of this Interlocal Agreement, the CDMP and the MIA Zoning Regulations, as any of which may be amended from time to time. The powers and duties of the Miami-Dade County Planning and Zoning Director to administer and apply such portions of the MIA Educational Facilities Zoning Regulations are hereby delegated to the City for assignment to appropriate professional City planning and zoning staff. The powers and duties of the Board of County Commissioners to administer and apply such portions of the MIA Educational Facilities Zoning Regulations are hereby delegated to the City for exercise by the City Commission of the City of Doral.

The County shall provide notice to the City of any amendments to the MIA Educational Facilities Zoning Regulations, the MIA Zoning Regulations, and the relevant provisions of the CDMP promptly upon the effective date thereof. The County shall further provide to the City prior notice of all hearings and public meetings at which modifications to such regulations and ordinances are to be considered. The City shall have an opportunity to review and comment on such proposed modifications.

4. **City.** The City hereby accepts the delegation of the powers and duties described in the preceding paragraph. The City shall exercise such powers and perform the duties in strict compliance (1) with the requirements, standards and procedures provided in the MIA Zoning Regulations, a copy of which is attached hereto and incorporated herein by reference, as such may be amended from time to time, (2) with the applicable provisions of the CDMP and (3) with applicable State and federal laws. The City shall also comply with the following:

- a. Final decisions of the City Commission shall be made after public hearing, shall be in writing, and shall be final and subject to judicial review in the same manner as a decision of the Board of County Commissioners would be final in the absence of the delegation under this Interlocal Agreement.
- b. Final decisions of City professional planning and zoning staff shall be in writing and shall be final and subject to review by the City Commission in the same manner as a decision of the Miami-Dade County Planning and Zoning Director in the absence of the delegation under this Interlocal Agreement.

- c. The City shall notify the Miami-Dade Planning and Zoning Director of every application for development approval under the MIA Educational Facilities Zoning Regulations, within 10 calendar days after receipt of a complete application. The City shall also provide the Miami-Dade County Planning and Zoning Director a copy of the notices of all public meetings and hearings at which an application for such development approval may be considered, whether for the purpose of recommendation or final determination. The City shall also provide a meaningful opportunity to the Miami-Dade County Planning and Zoning Director to provide information and make recommendations to appropriate City professional planning and zoning staff prior to any final decision on an application for development approval from such staff. Such opportunity shall include providing timely notice of the City's professional staff recommendation on each application.
- d. The City shall provide written notice of every final decision approving development under the MIA Educational Facilities Zoning Regulations, within 7 calendar days after the decision is rendered.
- e. Within 7 days after receipt of notice of a challenge, the City shall provide written notice to the Miami-Dade County Planning and Zoning Director of every administrative and judicial challenge to a decision of the City Commission or City professional planning and zoning staff.
- f. The City shall raise no objection to the standing of Miami-Dade County to raise in administrative or judicial proceedings objections to a

final decision of City professional planning and zoning staff or the City Commission, including but not limited to the following challenges:

- (1) a challenge to the City's compliance with the MIA Zoning Regulations or applicable CDMP provisions;
- (2) a challenge relating to whether sufficient competent evidence supports the city's decision; or
- (3) a challenge to the City's compliance with any state or federal constitutional or legislative provision, including but not limited to provisions pertaining to inverse condemnation, the First Amendment to the United States Constitution, and the Bert J. Harris, Jr., Private Property Rights Protection Act.

Notwithstanding this Interlocal Agreement, except for standing of the County, the City reserves all of its rights, remedies, and defenses in such challenges.

5. Indemnification. To the extent allowed by section 768.28, Florida Statutes and the laws of the State of Florida, the City shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Interlocal Agreement by the City or its officers, employees, agents, servants,

partners, principals, or subcontractors. This indemnification by the City shall not apply to acts or omissions of the County, its officers, employees, officials agents, servants, partners, principals, or subcontractors. The City shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. The City expressly agrees and understands that any insurance protection provided by the City shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided.

To the extent allowed by section 768.28, Florida Statutes and the laws of the State of Florida, the County shall indemnify and hold harmless the City of Doral and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the City or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Interlocal Agreement by the County or its officers, employees, agents, servants, partners, principals, or subcontractors. This indemnification by the County shall not apply to acts or omissions of the City, its officers, employees, officials agents, servants, partners, principals, or subcontractors. The County shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including

15

appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. The County expressly agrees and understands that any insurance protection provided by the City shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided.

6. Termination. This Interlocal Agreement may be terminated by either party, upon the grounds and after the procedures provided herein. Either party may terminate the agreement for cause. "For cause" shall mean any of the following actions: (i) a substantial failure by the City of Doral to perform the delegated duties in accordance with this Interlocal Agreement over a period of more than one (1) year, or a failure to perform such duties in three (3) separate applications for development approval during the course of a calendar year, following written notice of default by the County which is not cured within 90 days after receipt of such notice; or (ii) a failure of either party to comply with a material term, condition or stipulation applicable to its performance of this Interlocal Agreement, following written notice of default by the other party which is not cured within 90 days after receipt of such notice.

All applications for establishment or expansion of an educational facility pursuant to the delegation of authority hereunder, which are filed or advertised for hearing or administrative site plan approval after termination of this Interlocal Agreement, shall be decided by the County. Any application for establishment or expansion of an educational facility that has been properly filed and has been

advertised for hearing or administrative site plan approval prior to termination of this Interlocal Agreement shall be decided by the City.

7. Notice. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery or recognized overnight courier (such as Federal Express), or if by certified U.S. mail, with return receipt requested, addressed to the party for whom it is intended, at the place specified. For the present, the parties designate the following as the respective places for notice purposes:

If to the County:

Miami-Dade County Manager
Stephen P. Clark Center
111 N.W. First Street
Miami, FL 33128

With a copy to:

Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2800
Miami, FL 33128

If to the City:

City Manager
Yoselyn Galiano Gomez
8300 NW 53rd Street
Suite #100
Doral, FL 33166

With a copy to:

City of Doral City Attorney
John J. Hearn, Esq.
1917 NW 81 Ave.
Coral Springs, FL 33071

8. Entire Agreement. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Interlocal Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.

9. Amendment. This Interlocal Agreement may be amended or modified only by an agreement in writing and signed by the duly authorized representatives of the City and the County.

10. Term and Effective Date. This Interlocal Agreement shall become effective upon the final execution by the duly authorized representatives of the City and the County and shall continue in force and effect unless terminated in accordance with the provisions contained herein.

11. Governing Law and Venue. This Interlocal Agreement shall be construed in accordance with the laws of the State of Florida. Exclusive venue for any litigation between the parties shall be in Miami-Dade County, Florida.

12. Severability. If any term or provision of this Interlocal Agreement or the application of either shall to any extent be determined to be invalid or unenforceable, the remainder of this Interlocal Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected, and The remainder of this Interlocal Agreement shall be enforced to the extent permitted by law.

13. Waiver. The failure of either party to this Interlocal Agreement to object or take affirmative action with respect to any conduct of the other party which is in violation of the terms of this Interlocal Agreement shall not be construed as a waiver of the violation or breach, or of any future violation, breach or wrongful conduct.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Interlocal Agreement this ___ day of _____, 2005.

ATTEST:

Miami-Dade County, Florida

By: _____
As Deputy Clerk

By: _____
Miami-Dade County Manager

ATTEST:

City of Doral, Florida

By: _____
As Deputy Clerk

By: _____
City of Doral Manager

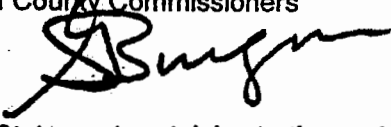
05.202

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
And Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Revised Fiscal Impact Statement pertaining to the zoning regulation of signs and enforcement of sign regulations Ordinance

This ordinance pertaining to zoning regulation of signs and enforcement of sign regulations by amending sections 33-82, 33-86, 33-92 and 8CC-10, and creating sections 33-121.28-121-33 of the Code of Miami-Dade County will have a fiscal impact to Miami-Dade County.

The implementation of the proposed ordinance potentially affects the operations of the Miami-Dade County Department of Planning and Zoning (DP&Z), Team Metro and municipalities. DP&Z would now be responsible for issuing compliance determinations for Class C (outdoor advertising) signs in both the unincorporated and incorporated area of Miami-Dade County. DP&Z would continue its current responsibility for the issuance of sign permits in unincorporated Miami-Dade County. Team Metro would continue to be responsible for enforcement of the minimum standards established in the County's sign code in the unincorporated area and in incorporated areas where municipal enforcement does not occur.

The proposed ordinance identifies the Busway Right-of-Way as a new corridor and prohibits Class C signs within the Right-of-Way. The ordinance does not create new regulations for Class A or Class B signs within the Right-of-Way.

The proposed ordinance also makes explicit the County's authority to enforce the minimum standards of Article VI of Chapter 33 of the Code of Miami-Dade County within municipalities. Historically, the Board has not given direction to enforce these provisions of the zoning code within incorporated areas; therefore, enforcement of the Sign Code by Team Metro has been exclusively within the Unincorporated Municipal Service Area (UMSA).

This report describes the fiscal impact should the Board decide to make a minor change of the current sign code enforcement policy. This scenario is presented following the discussion of code violations of Class C signs during the Infrastructure and Land Use Committee at its meeting of August 16, 2005. This impact estimates the added cost of expanding sign code enforcement within municipalities only to include Class C signs. All other type of reported sign code violations would be referred to the municipality for enforcement and the County's complaint case would be closed.

2

In this case, fiscal impact will be primarily in the way of modifications to the Team Metro Case Management System and the Geographical Information System (GIS) as complaint calls received through 311 may be referred to municipalities. These costs are estimated to be \$22,100.00. The cost of modification to the 311 Customer Service Request (CSR) software application cannot be estimated at this time. There is minimal cost impact to the day-to-day operation of code enforcement field staff. The Department of Planning and Zoning has already identified all Class C signs in Miami-Dade County and each municipality's sign code standards. This research will facilitate any enforcement necessary by Team Metro.

The fiscal impact of a policy direction that is broader than the scenario presented would depend upon the additional code sections to be enforced and the extent to which enforcement may be pursued. A broader policy on enforcement would likely require additional resources to maintain the current service levels and response rates for the unincorporated area. We cannot estimate this cost until a policy direction is determined by the Board.

Furthermore, if adopted and implemented, the impact of the proposed ordinance on municipalities will be limited. Under the current zoning code, municipalities are already required to meet the minimum standard established in the sign code for sign regulation in the unincorporated area and the incorporated area of Miami-Dade County. Under the proposed ordinance municipalities may not issue a Class C sign permit until the director of DP&Z has issued a written determination that the proposed Class C sign would be in compliance with spacing requirements and municipalities will be required to submit to the DP&Z copies of all sign permits within 30 days of issuance. The fiscal impact of providing expanded service would include the creation of a database and the purchase of a scanner for permit documents in order to archive the permit information at an estimated cost to DP&Z of (\$8,500).

The combined total fiscal impact to Miami-Dade County, if this ordinance is approved by the Board, is estimated at \$30,600.

Finally, violations of this ordinance may result in citations under Chapter 8CC. The costs of pursuing such violators may be recovered. Whether utilizing the enforcement mechanisms available under Chapter 8CC citations will result in additional revenue to the County is difficult to determine at this time.


Assistant County Manager

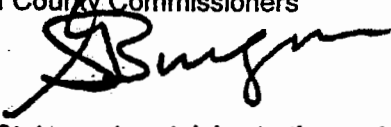
05.202

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
And Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Revised Fiscal Impact Statement pertaining to the zoning regulation of signs and enforcement of sign regulations Ordinance

This ordinance pertaining to zoning regulation of signs and enforcement of sign regulations by amending sections 33-82, 33-86, 33-92 and 8CC-10, and creating sections 33-121.28-121-33 of the Code of Miami-Dade County will have a fiscal impact to Miami-Dade County.

The implementation of the proposed ordinance potentially affects the operations of the Miami-Dade County Department of Planning and Zoning (DP&Z), Team Metro and municipalities. DP&Z would now be responsible for issuing compliance determinations for Class C (outdoor advertising) signs in both the unincorporated and incorporated area of Miami-Dade County. DP&Z would continue its current responsibility for the issuance of sign permits in unincorporated Miami-Dade County. Team Metro would continue to be responsible for enforcement of the minimum standards established in the County's sign code in the unincorporated area and in incorporated areas where municipal enforcement does not occur.

The proposed ordinance identifies the Busway Right-of-Way as a new corridor and prohibits Class C signs within the Right-of-Way. The ordinance does not create new regulations for Class A or Class B signs within the Right-of-Way.

The proposed ordinance also makes explicit the County's authority to enforce the minimum standards of Article VI of Chapter 33 of the Code of Miami-Dade County within municipalities. Historically, the Board has not given direction to enforce these provisions of the zoning code within incorporated areas; therefore, enforcement of the Sign Code by Team Metro has been exclusively within the Unincorporated Municipal Service Area (UMSA).

This report describes the fiscal impact should the Board decide to make a minor change of the current sign code enforcement policy. This scenario is presented following the discussion of code violations of Class C signs during the Infrastructure and Land Use Committee at its meeting of August 16, 2005. This impact estimates the added cost of expanding sign code enforcement within municipalities only to include Class C signs. All other type of reported sign code violations would be referred to the municipality for enforcement and the County's complaint case would be closed.

2

MEMORANDUM

Agenda Item No. 7(S)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 11-01-05) ✓
DATE: September 8, 2005

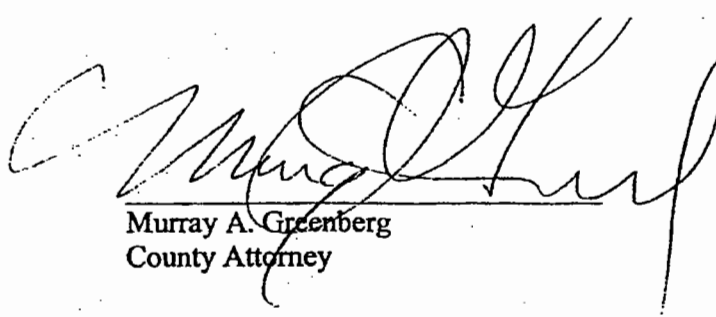
FROM: Murray A. Greenberg
County Attorney

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

SUBJECT: Ordinance pertaining to
zoning regulation of signs
and enforcement of sign
regulations

05-202

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



Murray A. Greenberg
County Attorney

MAG/bw

Approved _____
Veto _____
Override _____

Mayor

Agenda Item No. 7(S)
11-01-05

ORDINANCE NO. 05-202

ORDINANCE PERTAINING TO ZONING
REGULATION OF SIGNS AND ENFORCEMENT OF
SIGN REGULATIONS; CREATING SECTIONS 33-
121.28 - 33-121.31; AMENDING SECTION 8CC-10,
CODE OF MIAMI-DADE COUNTY, FLORIDA
("CODE"); PROVIDING PENALTIES; 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. Division 7 of the Sign Code of Miami-Dade County, Florida, is hereby
created as follows:

>>DIVISION 7. BUSWAY RIGHT-OF-WAY

Sec. 33-121.28. Definitions.

(a) *Busway right of way map* shall mean an official map designating outside boundaries for the Miami-Dade Transit Busway for Miami-Dade County, Florida, which shall be certified by the Clerk of the Board as the official busway zoning right-of-way map, and which shall be maintained on file in the records of the Department of Planning and Zoning. The busway zoning map may from time to time be altered, enlarged, amended or deleted by ordinance.

(b) *Applicable regulations* shall mean any pertinent zoning or building ordinance or other legislation regulating the use of signs in the incorporated or unincorporated areas of Miami-Dade County.

(c) *Busway protected areas* shall mean all property in Miami-Dade County within three hundred (300) feet of the busway right-of-way.

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

5

(d) Sign shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.

(e) Erect shall mean to construct, build, rebuild (if more than 50% of the support structure is involved), relocate, raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish a sign.

Sec. 33-121.29. Signs prohibited in protected areas.

It shall be unlawful to erect, permit or maintain any Class C (outdoor advertising) sign in protected areas.

Sec. 33-121.30. Nonconforming signs.

Signs which have been lawfully erected prior to the effective date of this division may continue to be maintained as provided in Section 33-35 of this chapter.

Sec. 33-121.31. Variances.

Relief from the requirements of this section shall only be permitted pursuant to the requirements in Section 33-311(A)(4)(a) of the Code of Miami-Dade County. <<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida,

is hereby amended as follows:

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

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

*

*

*

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
*	*	*
33-107	Failure to maintain the landscaping, or the Class C sign in good condition or the sign site free from trash and debris	\$ [[4]] >>5<<00.00
33-107	Failure to remove Class C sign at cancellation of permit >> <u>First offense</u> <<	[[500.00]] >> <u>\$1,000.00</u> <<
>>33-107	<u>Failure to remove Class C sign at cancellation of permit</u> <u>Second offense</u>	<u>\$2,000.00</u>
33-107	<u>Exceeding maximum Class C Sign Size</u>	<u>\$1,000.00</u>
33-107	<u>Exceeding the maximum height for a Class C sign</u>	<u>\$1,000.00</u>
33-107	<u>Failure to meet setback or spacing requirements for Class C sign</u>	<u>\$1,000.00</u>
33-121.12	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>\$2,000.00</u>
33-121.14	<u>Failure to remove nonconforming sign</u>	<u>\$2,000.00</u>
33-121.21	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>\$2,000.00</u>
33-121.24	<u>Failure to remove nonconforming sign</u>	<u>\$2,000.00</u>

7

<u>33-121.29</u>	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>\$2,000.00</u>
<u>33-121.31</u>	<u>Failure to remove nonconforming sign</u>	<u>\$2,000.00<<</u>

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

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made 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: **NOV 03 2005**

Approved by County Attorney as
to form and legal sufficiency: *JAC*

Prepared by:
John McInnis *JM*

Sponsored by Commissioner Katy Sorenson

RECEIVED

NOV 30 2005

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


BY _____

Memorandum



Date: November 3, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Substitute Fiscal Impact of Ordinance pertaining to zoning regulation of signs
and enforcement of sign regulations

This substitute fiscal impact reflects the changes approved by the Infrastructure and Land Use Committee at its October 11, 2005 meeting. It differs from the first two versions in that it clarifies the potential fiscal impact of enforcing the proposed Busway Right-of-Way.

The proposed ordinance creates the Busway Right-of-Way as a new corridor and prohibits Class C signs within the Right-of-Way protected area. The ordinance does not create new regulations for Class A or Class B signs within the Right-of-Way protected area. There is no fiscal impact to the day-to-day operation of code enforcement field staff. This type of code violation shall be handled on a complaint basis which is consistent with current Sign Code enforcement procedure.

It is important to note that violations of this ordinance may result in the issuance of civil penalties (citations) under Chapter 8CC. The costs of pursuing such violators may be recovered. Whether utilizing the enforcement mechanisms available under Chapter 8CC citations will result in additional revenue to the County is difficult to determine at this time.




Assistant County Manager

fiscal07205a

Memorandum

Date: (Second Reading 11-01-05) ✓
September 22, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From:  County Manager **05-197**

Subject: Proposed Ordinance Pertaining to Downtown Kendall Urban Center Zoning District

Agenda Item No. 7(L)

RECOMMENDATION

It is recommended that the Board adopt the attached proposed ordinance pertaining to the Downtown Kendall Urban Center zoning district.

BACKGROUND

The Downtown Kendall Urban Center zoning district has stimulated desirable pedestrian friendly, walkable developments appropriate in the proximity of a transit station and at a designated Metropolitan Urban Center. Downtown Kendall is a dynamic urban environment. The existing ordinance establishes strict regulations in connection with both street designations and signage.

To enhance the goals and objectives of the district and the comprehensive plan, some minor modifications have been proposed to the street grid and to the sign regulations. The proposed language of this ordinance would allow a slight increase in signage for the uniquely situated area of Downtown Kendall that fronts on South Dixie Highway. The commercial uses in this area are set back a distance from the highway necessitating an amendment to the signage allowances for increased visibility to those retailers. Further, this ordinance seeks to amend the classification of two streets within the Downtown Kendall area to afford the developers greater flexibility in design. This ordinance will permit the development of these two parcels with better designed projects.

Because of the very prescriptive nature of the Downtown Kendall Urban Center zoning regulations, minor modifications to the regulations are needed as the area redevelops.

Attachment


Assistant County Manager

Approved _____

Mayor

Agenda Item No. 7(L)

Veto _____

11-01-05

Override _____

ORDINANCE NO. 05-197

ORDINANCE RELATING TO ZONING REGULATIONS FOR DOWNTOWN KENDALL URBAN CENTER DISTRICT; MODIFYING SECTION 33-284.61 REGULATING PLANS; AMENDING SECTION 33-284.63 ADDITIONAL PARAMETERS PERTAINING TO PERMANENT POINT OF SALE SIGNS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-284.61 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

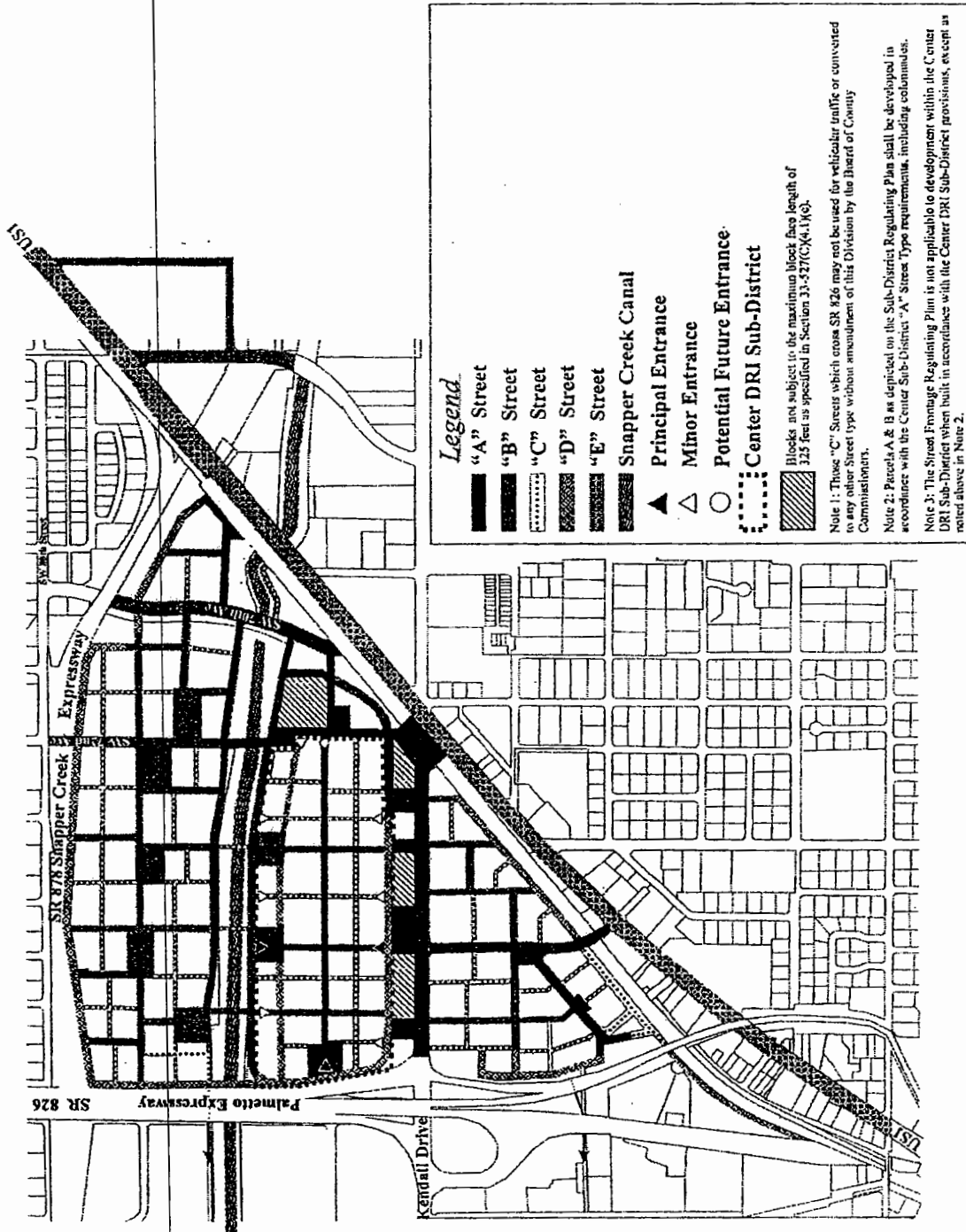
Sec. 33-284.61. **Regulating Plans.**

(A) Sub-District Plan.

* * *

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

>>(B) Street Frontage Plan.<<



Legend

- "A" Street
- "B" Street
- "C" Street
- "D" Street
- "E" Street
- ▨ Snapper Creek Canal
- ▲ Principal Entrance
- △ Minor Entrance
- Potential Future Entrance
- ⋯ Center DRI Sub-District

Blocks not subject to the maximum block face length of 325 feet as specified in Section 33-527(C)(4)(b).

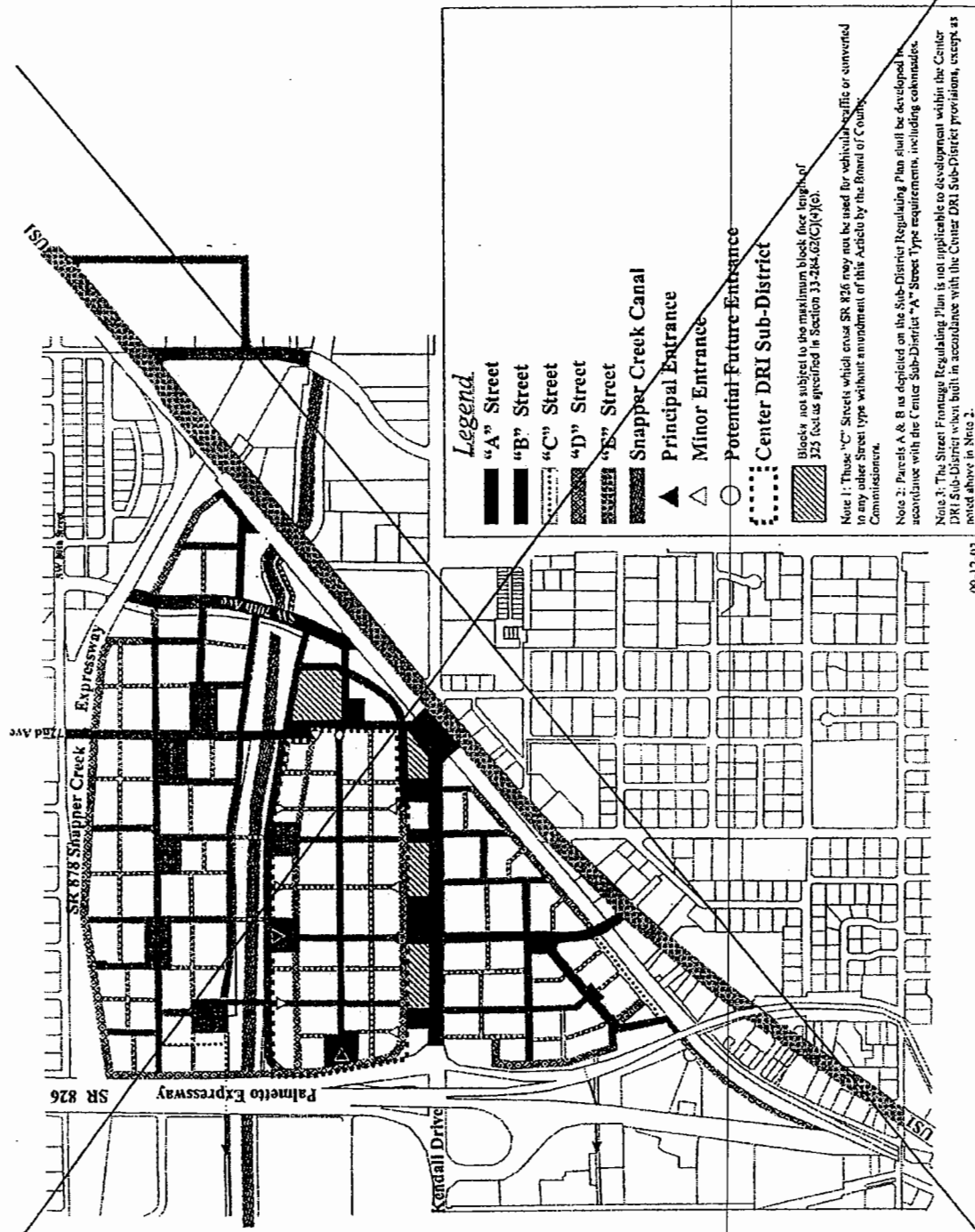
Note 1: These "C" Streets which cross SR 826 may not be used for vehicular traffic, or converted to any other Street type without amendment of this Ordinance by the Board of County Commissioners.

Note 2: Parcels A & B as depicted on the Sub-District Regulating Plan shall be developed in accordance with the Center Sub-District "A" Street Type requirements, including columns.

Note 3: The Street Frontage Regulating Plan is not applicable to development within the Center DRI Sub-District when built in accordance with the Center DRI Sub-District provisions, except as noted above in Note 2.

5

[[(B) - Street Frontage Plan.]]



09-12-02

4

* * *

Section 2. Section 33-284.63 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-284.63. Additional parameters.

The following are required irrespective of frontage and Sub-District categories:

* * *

(B) Signage. Three (3) types of signs are allowed: temporary signs, point of sale signs and directional signs. Outdoor advertising signs, automatic electric changing signs, and entrance features are not permitted, and shall not be the subject of a public hearing. All signs shall not obstruct sign visibility triangles at street intersections. Lawful freestanding signs existing on December 16, 1999, shall be permitted to remain, and shall be permitted to be upgraded and maintained in substantial compliance with plans approved as of that date.

(1) Temporary Signs.

* * *

(2) Permanent Point-of-Sale Signs.

(a) Permanent point of sale signs in the Edge Sub-District North of Snapper Creek Canal and west of US Highway 1: Detached, flat, awning, projecting, pylon signs are all allowed:

* * *

(b) Permanent point of sale signs in the Core and Center Sub-Districts and in the Edge Sub-District north of Snapper Creek Canal and East of US Highway 1: Detached, flat, awning, projecting, pylon and marquee are all allowed:

(i) Size: Twenty-four (24) square feet maximum, except eight (8) square feet maximum for cantilever projecting signs, which shall be

mounted perpendicular to buildings. Further, in>>the Edge Sub-District north of Snapper Creek Canal and East of U.S. Highway 1 flat wall signs are permitted at a maximum size no greater than seven and one half (7.5) percent of the wall area for the first fifteen (15) feet of building height and 1.5 percent for each foot of building height above the 15 feet measured to the bottom of the sign<<.

- (ii) Number: One (1) of each sign type, up to a total of three (3) per street frontage for each tenant.
- (iii) Building identification wall signs shall be permitted in the Core and Center Sub-Districts above the eighth floor. One (1) sign per frontage is permitted, each sign shall be a maximum of three hundred (300) square feet.
- (iv) Setbacks and Spacing: The outer edge of the sign shall be no closer than zero (0) feet from right-of-way and five (5) feet minimum from side or rear property line.
- (v) Illumination: Section 33-96, Illumination, of this Code, shall apply, except that revolving, rotating and otherwise moving signs shall be prohibited.
- (vi) Maximum Height: Four (4) feet maximum height above grade to top of sign for detached signs.
- (vii) Special Conditions: No permit required for awnings following these regulations. Letters attached or painted to fabric shall be limited to the identification of the occupant and/or use of the property. Backlit awnings and balloons signs are not allowed. Decorative neon may be used only inside windows. Building name and quotations carved in stone or stucco relief may occupy up to ten (10) percent of a facade.

(viii) No sign shall exhibit thereon any lewd or lascivious matter.

* * *

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

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

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

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

PASSED AND ADOPTED: NOV 03 2005

Approved by County Attorney as to form and legal sufficiency: [Signature]

Prepared by: [Signature]

Joni Armstrong Coffey

RECEIVED
NOV 30 2005

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

BY _____

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(E)
11-01-05

ORDINANCE NO. #05-191

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-8.1 AND 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERMITTING PORTABLE MINI-STORAGE UNITS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 052392, 052875 AND 052896].

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

Section 1. Section 33-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-8.1. Zoning Improvement Permit (ZIP).

Certain buildings, structures, improvements and installations are exempted by the Florida Building Code from building permit issuance, but must otherwise comply with the minimum requirements of this chapter. Therefore, such buildings, structures, improvements and installations shall be subject to review under the Zoning Improvement Permit (ZIP) standards contained in this section, as well as the regulations of the underlying zoning district.

The following buildings, structures, improvements and installations shall require a ZIP from the Department of Planning and Zoning:

Above ground pools that contain water over 24 inches deep;

Agricultural/farm buildings and non-habitable structures on bona

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.

fide farms;

Canopy carports, canopy and other fabric covered framework installed on residential properties;

Chickee huts constructed by Miccosukee or Seminole Indians;

Chain link fences, picket fences, ornamental iron fences and other fences installed on residential property that are deemed non-wind resistant; provided, however, any pool safety barrier fence and any fence with concrete columns shall require a building permit;

Decorative reflective pools and fishponds that contain water less than 24 inches deep, that contain less than 250 square feet in area, and contain less than 2,250 gallons in volume;

Decorative garden-type water fountains;

Parking lot refurbishing - resurfacing, re-striping or seal coating, and paving and drainage of existing parking lots;

>>Portable mini-storage unit, subject to the conditions and limitations of Section 33-20(i)<<

Signs - balloon type;

Signs - painted wall type;

Signs - stick on letter type.

The director of the Department shall have the authority to require ZIP review for other buildings, structures, improvements and installations that are newly created or come about by changes in the state or local building codes.

In the event any portion of the subject property is contiguous to or across the street from a municipal boundary, applicant shall submit a boundary survey performed in accordance with Chapter 61G17-6.0031, Florida Administration Code.

The submittal of plans shall be necessary to fully advise and acquaint the issuing Department with the location and use of the buildings, structures, improvements and installations, and such plans must accompany the application for a ZIP. The respective Directors of the Department of Public Works, Department of

Environmental Resources Management, Miami-Dade County Fire Rescue Department and Department of Planning & Zoning shall review the submitted plans only to the extent of their respective jurisdiction under the Code of Miami-Dade County. In the event there is a question as to the legality of a use, the Director may require affidavits and such other information as may be deemed appropriate or necessary to establish the legality of the use, before a ZIP permit is issued.

Section 2. Section 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-20. Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage.

(a) *Temporary.* Temporary accessory buildings, tents, out-buildings, and other similar structures are prohibited for residential use whether on a temporary or permanent basis. Permanent accessory buildings, at the discretion of the Director, may be constructed and used as a temporary residence prior to erection of permanent or main residence under conditions herein specified and a portion of a main residence, at the discretion of the Director, may be used and occupied as a temporary residence under the same and following conditions:

* * *

>>(i) Portable mini-storage unit. For the purpose of this section, the term portable mini-storage unit shall mean a portable container designed for the storage of personal property that is placed on a homeowner's lot, parcel or tract and is designed to be delivered to and/or removed from the homeowner's site by a truck or other street-legal vehicle.

One temporary portable mini-storage unit may be placed on a fee simple lot, parcel or tract containing a single family residence, subject to the following conditions and limitations:

- (1) The homeowner has a valid building permit: (i) for the major remodeling of, or (ii) for a significant addition to, or (iii) for damage repair to the single family residence on the lot, parcel or tract whereon the portable mini-storage unit is requested to be placed; and

- (2) The portable mini-storage unit, shall not exceed 8 feet in width, 16 feet in length, and 8 feet in height; and
- (3) The portable mini-storage unit shall be placed at ground level, shall be setback a minimum of ten (10) feet from the front property line and a minimum of five (5) feet from all other property lines, and shall comply with the safe sight distance triangle regulations; and
- (4) In no instance shall hazardous material be placed in the portable mini-storage unit; and
- (5) Prior to placement of the portable mini-storage unit on the lot, the property owner shall apply for and obtain a Zoning Improvement Permit (ZIP) pursuant to Section 33-8.1 for the portable mini-storage unit.
- (6) The ZIP for the portable mini-storage unit shall be a conditional permit and shall be issued for a period not to exceed 90 days. Upon showing of just cause by the homeowner, the Director may approve the homeowner's written request to renew the ZIP for additional 90 days, not to exceed a total of 180 days overall; provided, however, the portable mini-storage unit shall be removed from the premises when a hurricane watch is issued for Miami-Dade County. No renewal fee of the ZIP shall be charged where, after inspection by the Department of Planning and Zoning, the use of the mini-storage unit is to facilitate repair of damage caused by a hurricane.
- (7) No mechanical, plumbing or electrical installations or connections are made to the portable mini-storage unit.
- (8) The portable mini-storage unit shall have clearly posted on the exterior of the unit, the name, current phone number and address of the company providing the portable mini-storage unit, a copy of the current ZIP permit issued for the mini-storage unit, and the date the portable mini-storage unit was placed at the site.
- (9) The conditional ZIP approval may be revoked by the Director at any time should the homeowner's utilization of such temporary portable mini-storage unit result in unsafe or unsanitary conditions on the site or upon violation of any of the conditions or limitations stated herein.<<



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: **NOV 01 2005**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jay Williams

Sponsored by Senator Javier D. Souto

Approved _____ Mayor Agency No. 7(D)
Veto _____ 11-01-05
Override _____

ORDINANCE NO. **05-190**

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-19.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO DISPLAY OF VEHICLES FOR SALE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-19.1 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-19.1. Display of vehicles for sale.

- (a) No vehicle >> or boat<< shall be displayed for sale in a residential district unless affixed to the vehicle is a valid state license plate issued for the vehicle, except that a vehicle affixed with a lost tag may be displayed for a period not to exceed ten (10) days. A vehicle with a lost tag shall have the vehicle registration affixed to the rear window so as to be easily readable by law enforcement and code enforcement officials. >>As used in this section, the term "vehicle" shall include an automobile, motorcycle, truck, or recreational vehicle, a utility trailer, or a trailer for transporting off-highway vehicles or boats.<<
- (b) In residential districts no more than one (1) vehicle may be displayed for sale at any one (1) time on any one (1) premise and no more than two (2) vehicles may be displayed for sale at any one (1) premise for any one (1) calendar year, and the display shall only be permitted at the current address of the registered owner >>of the vehicle offered for sale on the subject premises<<.
- >>(c) No more than one sign shall be placed on the vehicle offered for sale. Such sign shall not exceed 8 inches by 12 inches.<<

[[~~(e)~~]] >>(d)<< All violations of this section shall be punishable by a fine of one hundred dollars (\$100.00) for the first vehicle on a first offense and five hundred dollars (\$500.00) per vehicle for each additional vehicle and

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

any repeat violation of this section. The County may lien the vehicle and any real property owned by the violator in Miami-Dade County until all fines, enforcement costs, and administrative costs are paid by the violator. Any vehicle in violation of this section shall be towed if not removed immediately by the owner. (Vehicle owners will be responsible for all fines, towing fees, storage fees, and any administrative and enforcement fees that result from the enforcement of this section.)

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

Section 3. 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: **NOV 03 2005**

Approved by County Attorney as to form and legal sufficiency: *CM*

Prepared by: *JM*

John McInnis

Sponsored by Senator Javier D. Souto

RECEIVED
NOV 30 2005
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY _____

5

Approved _____
 Veto _____
 Override _____

Mayor

Agenda Item No. 7(C)
 11-01-05

05 - 189

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; MODIFYING SECTIONS 33-49 AND 33-203 AND CREATING SECTIONS 203.1 AND 203.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); AUTHORIZING MULTIPLE-FAMILY HOUSING DEVELOPMENTS ON CERTAIN PROPERTIES ZONED RU-3; PROVIDING ADMINISTRATIVE SITE PLAN CRITERIA AND REVIEW PROCEDURES FOR SUCH DEVELOPMENTS; 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 33-49 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

<i>District</i>	<i>Families</i>	<i>Min. Width</i>	<i>Min. Lot Area (Sq. Ft.)</i>	<i>Max. Lot Coverage (% of Lot Area)</i>	<i>Min. Bldg. Size (Cu. Ft.)</i>
		*	*	*	
RU-3	1	Same as single family residence in RU-2 district.			
	2 singles	Same as two single family residences in RU-2 district.			
	Duplex	Same as duplex in RU-2 district			
	3 or 4 unit	75'	7,500	40%	7,500
	>>Multi-family housing development	<u>100'</u>	<u>2 acres net lot area</u>	<u>30%<<</u>	
		*	*	*	

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.

05-189

Section 2. Section 33-203 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-203 Uses permitted.

No land, body of water and/or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, reconstructed, or moved or structurally altered or maintained for any purpose in an RU-3 district unless otherwise provided herein, except for one (1) of the following uses:

- (1) Every use permitted in RU-1, RU-1M(a), RU-1M(b) and RU-2 Districts.

* * *

- (6) >>Except as provided in (6.1) below, n<< [[N]]ot more than four (4) families shall occupy a building in an RU-3 District.

>>(6.1) Multiple family housing developments. Multiple family housing developments on sites zoned RU-3 prior to the effective date of this ordinance shall be permitted only after staff review of the site plan to insure compliance with (i) the following, and (ii) with the site plan review criteria contained within Section 33-203.7 of this code, except that interior side setbacks and spacing requirements shall not apply.

(a) Housing types and building facades. The development shall contain either a minimum of 3 housing types, or where a single housing type is proposed, the model plans shall include a minimum of 4 different building facades.

(b) Minimum lot area. The minimum size of the site to be developed shall be 2 net acres.

(c) Lot coverage. The maximum area covered by all buildings on the site shall be 30% of the site, including accessory buildings.

(d) Setback requirements. The setbacks shall be as follows:

- (1) Minimum setback from front property line shall be 25 feet.
- (2) Minimum setback from interior side property line shall be 20 feet.
- (3) Minimum setback from side street property line shall be 25 feet.

5

- (4) Minimum setback from rear property line shall be 25 feet.
- (5) Minimum spacing between buildings shall be 20 feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance shall be measured on a line projected at right angles at the opening to the opposite wall. Cantilevers and open porches may project from the building wall into the required open space of the courtyard only not more than 4 feet and that stairways may project from the building wall in to the required open space of the courtyard only not more than 7½ feet. When located in the required open space of the courtyard, stairways shall be supported by the necessary columns only; support by a wall is strictly prohibited.
- (6) Minimum setbacks for accessory buildings shall conform to the same requirements as provided for accessory buildings in the RU-1 District.

(e) Height. No building or structure, or part thereof shall be erected or altered to a height exceeding 3 stories, and shall not exceed 40 feet.

(f) Floor area ration (FAR). The floor area ratio shall not exceed the following:

<u>Height of Building</u>	<u>Maximum FAR</u>
<u>1-story</u>	<u>0.30</u>
<u>2-story</u>	<u>0.50</u>
<u>3-story</u>	<u>0.75</u>

(g) Maximum number of dwelling units. The maximum number of dwelling units shall be 23 dwelling units per net acre.

(h) Open space. On each site there shall be provided an open space equal to at least 25 percent of the net lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and

shrubbery. Areas used as (i) pedestrian walks and (ii) the throat of ingress and egress drives consisting of the first 25 feet of said ingress and egress drives shall be accredited towards open space requirements.

(i) *Parking.* Parking shall be provided in accord with Article VII of this code. Attached individual garages shall not be credited towards parking requirements. Accessory structures shown on the plan as covered parking areas shall not be enclosed for non-parking purposes. This requirement shall be acknowledged in the form of a recordable declaration of restrictive covenant which shall be provided for each multiple family housing development constructed in accordance with the provisions of the subsection.

(j) *Trees.* Landscaping and trees shall meet or exceed the minimum requirements provided in Chapter 18A of this code.

(k) *Enclosed community prohibited.* The walling off of the community from arterial roadways shall be prohibited. Entrance features which control ingress and egress shall be prohibited. Relief from this requirement may only be permitted pursuant to the standards and requirements of section 33-311(A)(4)(a) of this code.<<

Section 3. Sections 33-203.1 through 33-203.5 of the Code of Miami-Dade County, Florida, are hereby amended as follows:

~~[[Sec. 33-203.1 – 33-203.5. Reserved.]]~~

>>Sec. 33-203.1. Site plan review.

Multi-family housing developments, as permitted by Section 33-203 (6.1) of this code, shall be subject to administrative site plan review as specified herein. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. The Department shall review proposed plans for compliance with zoning regulations and for compliance with the site plan review criteria. All plans submitted to the Department shall be reviewed and approved or denied within 30 days from the date of submission. The applicant shall have the right to extend the 30 day period by an additional 30 days upon timely request made in writing to the Department. The Department shall have the right to extend the 30 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 denial. Decisions of the Director may be appealed to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decisions.

Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to, the following:

- (1) Site plan including the following information:
 - (a) Lot lines and setbacks.
 - (b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.
 - (c) Landscaping in accordance with Chapter 18A of this code.
 - (d) Location of off-street parking and loading facilities and waste collection areas.
 - (e) Indication of exterior graphics, as required.
 - (f) Indication of any site design methods used to conserve energy.
- (2) Floor plans and elevations of all structures, including total gross square foot area of each floor.
- (3) Figures indicating the following:
 - (a) Gross and net acreage.
 - (b) Amount of landscaped open space in square feet required and provided.
 - (c) Amount of building coverage at ground level in square feet.
 - (d) Total trees required and provided in accordance with Chapter 18A of this code.
 - (e) Parking required and provided.
 - (f) Total amount of paved area in square feet.
 - (g) Such other design data as may be needed to evaluate the project.

Sec. 33-203.2. Site plan review criteria.

The following criteria shall apply in the plan review process for multi-family housing developments permitted by Section 33-203 (6.1) of this code:

Purpose and intent: The proposed development authorized herein shall promote urban design, connectivity and walkability. The site plan shall foster high quality public space within the development through the use of urban design principles.

Planning studies: Design, planning studies or neighborhood area studies approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.

Landscape: Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.

Buffers: Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.

Scale: Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.

Circulation: Pedestrian, bicycle and motor vehicle circulation shall be separated insofar as is practicable and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development. Gates which control ingress/egress to the development shall be prohibited.

Energy consideration: Site design methods to reduce energy consumption shall be encouraged. Site conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.

Parking areas: In addition to the requirements of the landscape regulation of the code, building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas.

Open spaces: Open space shall relate to natural characteristics in such a way so as to preserve an enhance their scenic and functional qualities.

Recreational amenities: Recreational amenities such as swimming pools, athletic courts and fields, jogging and bicycle paths, community buildings, and the like,

shall be included within the development to meet the needs of the residents and designed as an integral part of the overall design of the development.

Graphics: Graphics, as required, shall be designated as an integral part of the overall design of the development.

Art display: Permanent interior and exterior art displays and water features shall be encouraged in the overall design of the development.

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

(a) Wall with landscaping. The wall shall be setback 2 1/2 feet from the right-of way line. The resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one or more of the following planting materials:

(1) Shrubs. Shrubs shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within 1 year after time of planting.

(2) Hedges. Hedges shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within 1 year after time of planting.

(3) Vines: Climbing vines shall be a minimum of 36 inches in heights immediately after planting.

(4) Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

Secs. 33-203.3 – 33-203.5 . Reserved.<<

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.

05-189

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 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: **NOV 03 2005**

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

Prepared by: JAC/CHK

Joni Armstrong Coffey/Craig H. Collier

Sponsored by Commissioner Dorrin D. Rolle

RECEIVED
NOV 30 2005
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY _____

September/05

Approved _____ Mayor
Veto _____
Override _____

Amen. ✓
Agenda Item No. 7 (I)
9-8-05 ✓

ORDINANCE NO. 05-171

ORDINANCE AMENDING SECTION 20-44 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING NEW COMMUNITY COUNCIL MEMBERS TO ATTEND NEW MEMBER ORIENTATION SEMINAR AND REQUIRING EXISTING COMMUNITY COUNCIL MEMBERS TO ATTEND ANNUAL ORIENTATION WORKSHOP; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 20-44 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-44. Community Councils; organization >>; new member orientation; annual orientation workshop<<.

* * *

>>(D) Prior to serving on a Community Council, a Community Council member appointed or elected to a Council after the effective date of this ordinance shall attend a New Member Orientation Seminar conducted by the Department of Planning and Zoning, the Commission on Ethics, Team Metro and the County Attorney's Office. The seminar shall include, but shall not be limited to, review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, incorporation and annexation issues, workforce and affordable housing issues and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

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.

(E) All Community Council members shall attend an Annual Community Council Workshop organized and conducted by the Department of Planning and Zoning, the Commission on Ethics, Team Metro and the County Attorney's Office. The Workshop shall include, but shall not be limited to, review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, incorporation and annexation issues, workforce and affordable housing issues and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

(F) Notwithstanding Sec. 20-43.2, failure of any elected or appointed member of a Community Council to attend an annual Community Council Workshop shall be deemed sufficient cause for removal.<<

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.

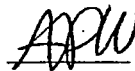
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **SEP 08 2005**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Abigail Price-Williams

Sponsored by Commissioner Jose "Pepe" Diaz