

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

MEMORANDUM

Agenda Item No. 7(A)

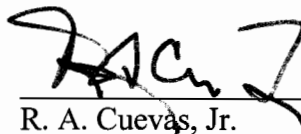
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: (Second Reading 2-2-10)
December 1, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
zoning; establishing definition
of allied health care clinical
college/university;
establishing regulations and
zoning districts where
permitted; exempting from the
requirements of private
colleges and universities
Ordinance No. 10-08

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



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



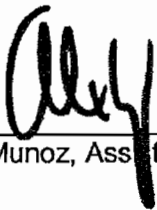
Date: February 2, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess 
County Manager

Subject: Ordinance Pertaining to Zoning Establishing the Definition of Allied Health Care
Clinical Colleges/Universities

The proposed legislation establishing a zoning definition for allied health care clinical colleges / universities will not result in a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alex".

Alex Munoz, Assistant County Manager

fis02410



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** February 2, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 7(A)
County Attorney

[Handwritten signature]

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
2-2-10

ORDINANCE NO. 10-08

ORDINANCE PERTAINING TO ZONING; ESTABLISHING
DEFINITION OF ALLIED HEALTH CARE CLINICAL
COLLEGE/UNIVERSITY; ESTABLISHING REGULATIONS
AND ZONING DISTRICTS WHERE PERMITTED;
EXEMPTING FROM THE REQUIREMENTS OF PRIVATE
COLLEGES AND UNIVERSITIES; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

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

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

Sec. 33-1. Definitions.

* * *

>>(4.1) Allied health care clinical college/university. Any private
college or university whose curriculum is devoted exclusively to
subjects in the allied health care fields and which may include an
accessory clinic where clinical services are provided by students
under the supervision of a licensed health care professional as part
of the academic training.<<

* * *

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

Section 2. Section 33-151.14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-151.14. Private colleges and universities.

* * *

>>(D) Exception for allied health care clinical colleges/universities. The requirements set forth in subsection (a) above or any other section of this Article shall not apply to allied health care clinical colleges/universities. An allied health care clinical college/university shall be located on a site containing a minimum lot area of not less than 1 gross acre and a maximum of five (5) gross acres and shall front on a major roadway (three (3) lanes or more). No allied health care clinical college/university shall exceed 30,000 gross square feet in size, of which the clinic shall not exceed 20% of the total gross area or a maximum of 3,000 square feet, whichever is less. Prior to building permit issuance, each allied health care clinical college/university shall be subject to an administrative site plan review (ASPR) in accordance with the applicable standards of the district where located, as provided in Sections 33-245.2; 33-251.5; 33-253.9 and 33-256.8 of this code.<<

Section 3. Section 33-238 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-238. Uses permitted.

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

* * *

>>(1.2) Allied health care clinical colleges/universities.<<

* * *


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: Febraury 2, 2010

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

Prime Sponsor: Commissioner Bruno A. Barreiro



MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: (Second Reading 2-2-10)
December 1, 2009

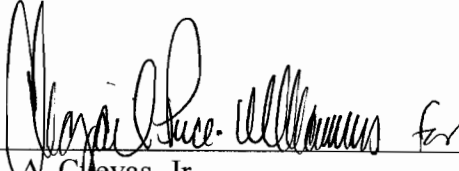
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Sections 33-314
and 33-422 of the Code, to define
bona fide rockmining and to grant
Board of County Commissioners
direct jurisdiction to hear unusual use
zoning applications for lake
excavations to expand bona fide
rockmining operations

Ordinance No. 10-09

This substitute differs from the original item to clarify that Class I and Class IV environmental permit applications shall be heard by the Board of County Commissioners in conjunction with applications for zoning approval for lake excavations to expand bona fide rockmining operations. Additionally, certain provisions have been renumbered and certain provisions not being amended were deleted as unnecessary.

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: February 2, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Sections 33-314 and 33-422 of the Code, to define bona fide rockmining and to grant the BCC direct jurisdiction to hear unusual use zoning applications

The proposed legislation amending Sections 33-314 and 33-422 of the Code, to define "bona fide rockmining" and grant the BCC jurisdiction to hear unusual use zoning applications, will not result in a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alex", written over a horizontal line.

Alex Munoz, Assistant County Manager

fls02510



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** February 2, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
2-2-10

ORDINANCE NO. 10-09

ORDINANCE AMENDING SECTIONS 33-314 AND 33-422 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ("CODE"), TO DEFINE BONA FIDE ROCKMINING AND TO GRANT BOARD OF COUNTY COMMISSIONERS DIRECT JURISDICTION TO HEAR UNUSUAL USE ZONING APPLICATIONS FOR LAKE EXCAVATIONS TO EXPAND BONA FIDE ROCKMINING OPERATIONS AND TO HEAR ASSOCIATED CLASS I AND CLASS IV PERMIT APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:^{1, 2}

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

* * *

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

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

² Section 1 of this substitute differs from the original to clarify that Class I and Class IV environmental permit applications shall be heard by the Board of County Commissioners in conjunction with applications for zoning approval for lake excavations to expand bona fide rockmining operations. Additionally, certain provisions have been renumbered and certain provisions not being amended were deleted as unnecessary.

* * *

(11.1) >>Notwithstanding the provisions of Section 33-13(e) of this code, applications for unusual uses for lake excavations to expand *bona fide* rockmining operations, as defined in Section 33-422(3) of the Code, onto property contiguous and immediately adjacent to existing *bona fide* rockmining operations; associated Class I and Class IV permits applications as defined in Section 24-48.1; and all applications<< ~~[[Applications]]~~ for uses ancillary to *bona fide* rockmining pursuant to Section ~~[[33-154(e)]]~~ >>33-422(c)<< of this Article.

* * *

Section 2. Section 33-422 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-422. Uses Permitted by This Article.

* * *

>>(3) For the purposes of this Article, “*bona fide* rockmining” means the commercial extraction of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.<<

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: February 2, 2010

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

CHC

Craig H. Coller

Prime Sponsor: Commissioner Joe A. Martinez

Memorandum



Date: February 2, 2010

Agenda Item No. 7(F)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

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

Ordinance No. 10-13

Subject: Proposed Zoning Ordinance Establishing the Model City Urban Center District Regulations.

This item was amended at the Budget, Planning and Sustainability Committee meeting of January 12, 2010 in order to provide an affordable housing alternative to the workforce housing requirement.

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance establishing the Model City Urban Center District Regulations (MCUCD).

Scope

The MCUCD portion of the proposed ordinance impacts the area of Model City/Brownsville in Commission District 3.

Fiscal Impact/Funding Source

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

Track Record/Monitor

The proposed ordinance would establish a new zoning district in the County's zoning code. The Department of Planning and Zoning would be in charge of monitoring the implementation of this ordinance.

Background

The purpose of the proposed ordinance is to establish the new Model City Urban Center Zoning District Regulations (MCUCD). In addition, this ordinance amends the MLK Corridor Subzone of the Fixed-Guideway Rapid Transit System – Development Zone to provide that development and redevelopment at the Brownsville and Martin Luther King stations comply with the MCUCD regulations.

Through Resolution No. R-598-04, the Board accepted the Model City/Brownsville Charrette Report, including its plan and recommendations and directed the County Manager to present to the Board any 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 developed the Model City Urban Center District (MCUCD) regulations.

The proposed Model MCUCD regulations implement the "Model City/Brownsville Charrette Area Plan" which is the citizens' vision for the future growth and development of the unincorporated area of Model City/Brownsville in central Miami-Dade County. This vision resulted from the Model City/Brownsville Charrette held from May 17 to May 23, 2003. The proposed Model City Urban Center Zoning District regulations also further implement the policies of the County's Comprehensive Development Master Plan (CDMP).

Specifically the proposed MCUCD:

1. Addresses segments of the following CDMP designated major roadways:
 - The NW 27th Avenue corridor between NW 38 and NW 62 Streets.
 - The NW 22nd Avenue corridor between NW 38 and NW 62 Streets.
 - The NW 62nd Street corridor between NW 22 and NW 27 Avenues.
 - The NW 54th Street corridor between NW 22 and NW 27 Avenues.
2. Addresses the CDMP designated Community Urban Centers located around the following Metrorail stations:
 - The Martin Luther King Station
 - The Brownsville Metrorail Station
 - The Earlington Heights Station
3. Is located within the CDMP designated Urban Infill Area.
4. Implements the CDMP language on Urban Centers and Mixed-Use Corridors (major roadways). There are three designated community urban centers within MCUCD. They are centered at the Metrorail stations noted above.
5. Implements the CDMP vision that community urban centers are hubs of urban activity that are diverse in use, density and intensity in order to be transit and pedestrian supportive. The CDMP also provides that the maximum residential density within a community urban center shall be 125 dwelling units per acre.
6. Implements the CDMP vision that all designated major roadways shall be multi-modal, mixed-use corridors and eligible for a residential density of up to 36 dwelling units per acre.
7. Places the highest density and intensity at each of the aforementioned transit stations and transitions to the adjacent residential areas accordingly.
8. In accordance with the permitted densities and intensities, allows heights that transition from 15 stories at the core of the Metrorail stations/urban center (consistent

with the stations' current Rapid Transit Zone) to 3 stories at the edge of the district. Thus, at the edge, the allowed heights are consistent with the height of 35' permitted within low density residential areas.

9. Adheres to the County's Standard Urban Center District Regulations, the County's form based code.

The MCUCD was prepared in consultation with members of the community, the Model City/Brownsville Charrette Steering Committee, the North Central Community Council 8, the Planning Advisory Board and the Commissioner's Office. The Community Council and the PAB have both recommended adoption of the proposed regulations. Properties located within the boundaries of the new zoning district will become subject to the new MCUCD regulations upon approval of the rezoning application to be heard at a public hearing.



Alex Muñoz,
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: February 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
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- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
2-2-10

ORDINANCE NO. 10-13

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE MODEL CITY URBAN CENTER DISTRICT; CREATING SECTIONS 33-284.99.40 THROUGH 33-284.99.46 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTION 33C-7 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 33-284.99.40 of the Code of Miami-Dade County, Florida, is hereby created as follows:

ARTICLE XXXIII (R)

MODEL CITY URBAN CENTER DISTRICT (MCUCD)

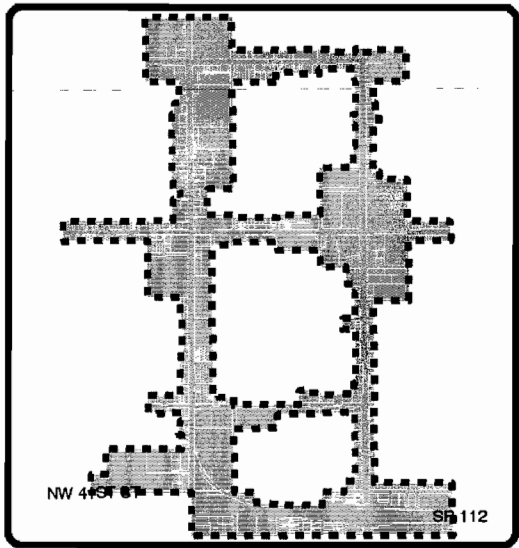
Sec. 33-284.99.40. Purpose, intent and applicability.

- 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 provisions of this article, the provisions of this article shall govern.
- C. Figure 1 also shows the boundaries of the Model City Urban Center District (MCUCD), as well as the boundaries of the Designated Urban Center. The MCUCD's Designated Urban Center shall consist of the areas designated as being the Core and Center Sub-districts on the Sub-districts Plan in Sec. 33-284-99.43 of this code. As provided in Standard Urban Center District Regulations, the Workforce Housing requirement shall apply to the area included in the Designated Urban Center

boundaries. The legal descriptions of the boundaries of the MCUCD and the Designated Urban Center are on file with the Miami-Dade Department of Planning and Zoning.

- 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 MCUCD as described herein. No property lying within the boundaries of the MCUCD shall be entitled to the uses or subject to the regulations provided in this article until an application for a district boundary change to MCUCD has been heard and approved in accordance with the provisions of this chapter.

Figure 1: Illustrative Master Plan



Legend



Designated Urban Center Boundary

Section 2. Section 33-284.99.41 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284-99.41. Model City Urban Center District (MCUCD) Requirements.

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

Section 3. Sec. 33-284.99.42 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.42. Uses.

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

A. Permitted Uses. In addition to the uses provided in section 33-284.83(A), the following shall be permitted:

1. In the Mixed-Use Corridor Special (MCS) area, all uses provided in Section 33-284.83(A)(3) and the following uses:

a. Automobile and truck services and facilities including:

(1) Open lot car and truck sales new or used, including, as ancillary uses, automobile repairs, body and top work and painting, provided that no more than fifteen (15) percent of the gross building area is devoted to such ancillary uses, and subject to the following conditions:

(a) That attention attractive devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering,

spinning advertising devices
(either mobile or stationary)
are prohibited.

- (b) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.
 - (c) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).
 - (d) That the applicant obtains a certificate of use, which shall be automatically renewable yearly upon compliance with all terms and conditions.
 - (e) All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of September 10, 1996.
- (2) Open lot car rental
 - (3) Automobile parts, secondhand from store building only.
 - (4) Automobile body and top work and painting.
- (b) Automobile self-service gas stations. When provided, gas stations shall be exempt from the provisions of this article and shall conform to the BU-1A development standards provided in Article XXV of this Code.
 - (c) Engines, steam and oil; sales and service.
 - (d) Garage or mechanical service, including automobile repairs, body and top work and

painting. All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of September 10, 1996.

- (e) Glass installation.
- (f) Tire vulcanizing and retreading or sale of use tires.
- (g) Truck storage, only within an enclosed building or an area enclosed by a CBS wall.
- (h) Automobile washing.
- (i) Self-service mini-warehouse storage facility in compliance with Section 33-255(23.1) of this Code.

2. In the Industrial District (ID) area, the following uses:

- (a) MC uses at maximum residential densities shown on the Density Regulating Plan in Sec. 33-284.99.43 of this code.

B. Conditionally Permitted Uses. Notwithstanding the provisions of Section 33-284.83(B), only 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:

- 1. Liquor package stores only in the Core and Center Sub-districts, and only in compliance with Article X of this code.

>>C. Workforce Housing Requirement Alternative. Notwithstanding the provisions of Section 33-284.83(A)(1), all residential or mixed-use developments within the MCUCD that have more than four (4) residential units shall provide one of the following:

- 1. A minimum of 12.5 percent of their units as workforce housing units; or

2. A minimum of 10 percent of their units as affordable housing units. "Affordable housing unit" means a dwelling unit, the sale, rental, or pricing of which is restricted to households whose income range is up to 80 percent of the most recent median family income for the County reported by the U.S. HUD and maintained by the Department of Planning and Zoning.<<¹

Section 4. Sec. 33-284.99.43 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.43. Regulating Plans.

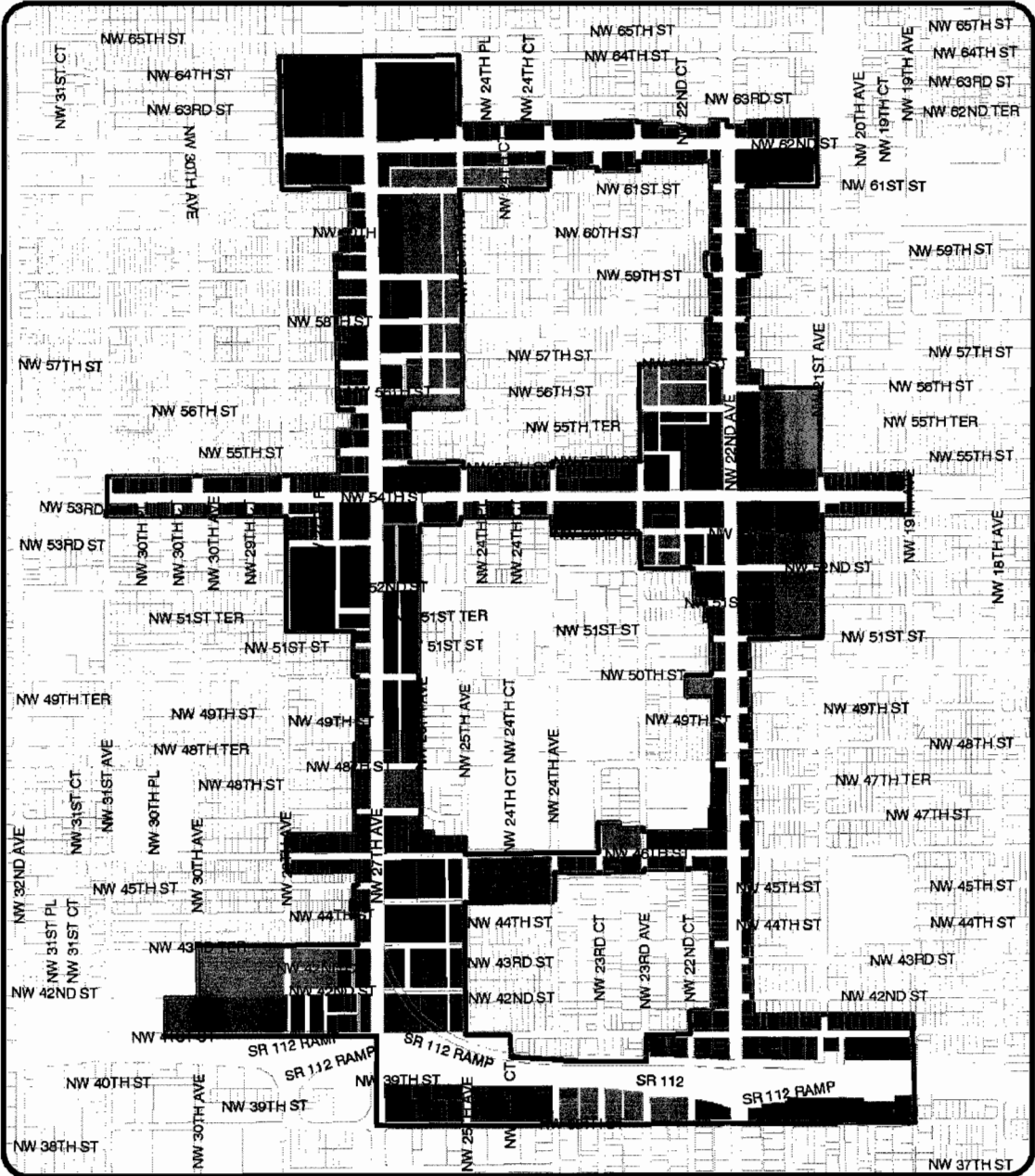
The Regulating Plans shall consist of the following controlling plans as defined and graphically depicted in this section.

- A. The Land Use Plan, which delineates the areas where specified land uses and development of various types and intensities is permitted.
- B. The Density Plan, which delineates areas where specified minimum and maximum residential densities shall be permitted.
- C. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories.
- D. The Sub-districts Plan, which delineates three (3) sub-districts: the Core, Center and Edge. These sub-districts regulate the allowable intensity of development in accordance with the Comprehensive Development Master Plan and this article.
- E. The Designated Open Space Plan, which designates open spaces, which shall be shown in all development plans. The designated open spaces are controlled by anchor points.
- F. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within the MCUCD District. All new A streets shall be required in the same general location as

¹ Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

shown on the New Streets Plan. All B streets shall be located as provided in section 33-284.86(F) of this code.

A. Land Use Plan



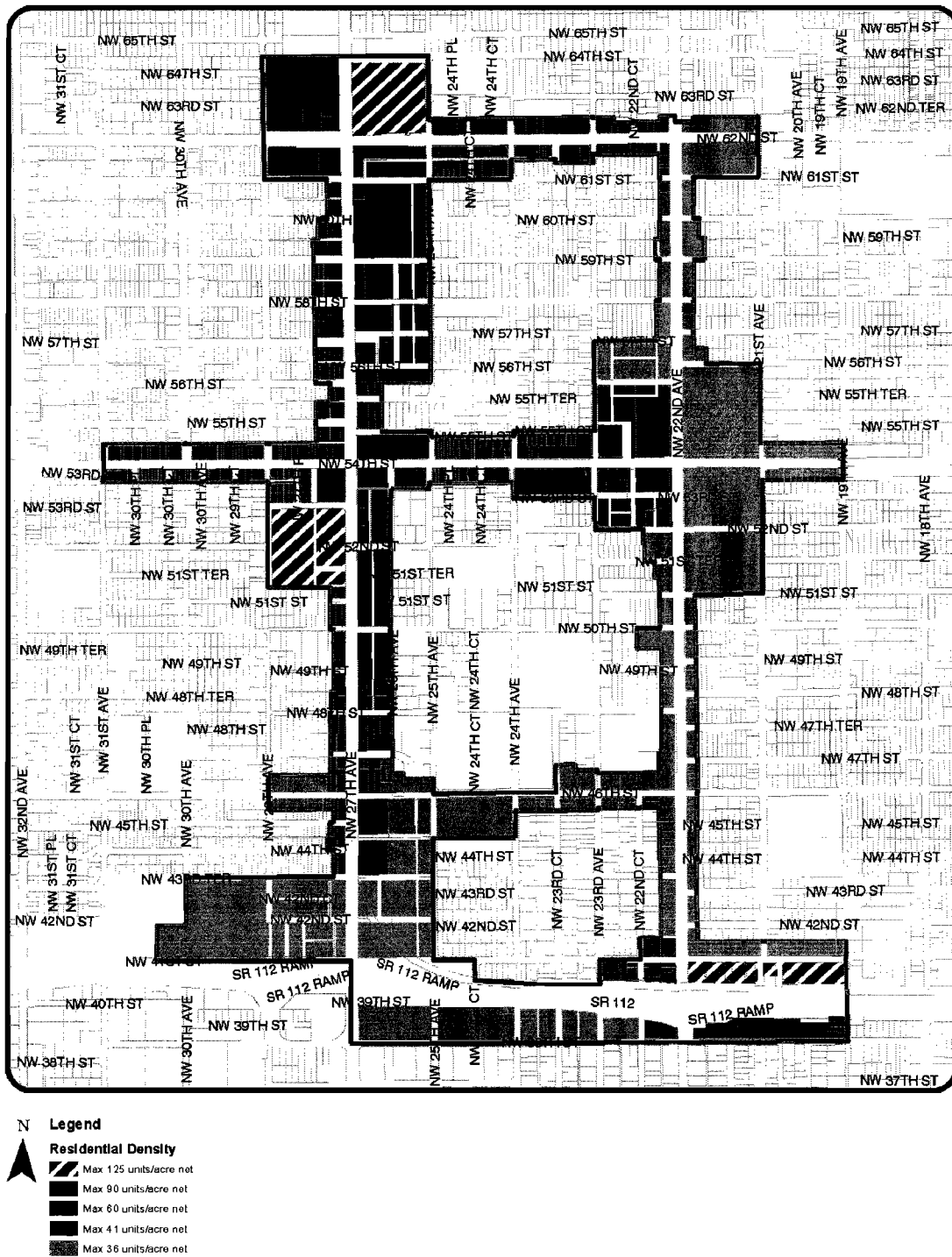
Legend

Land Uses

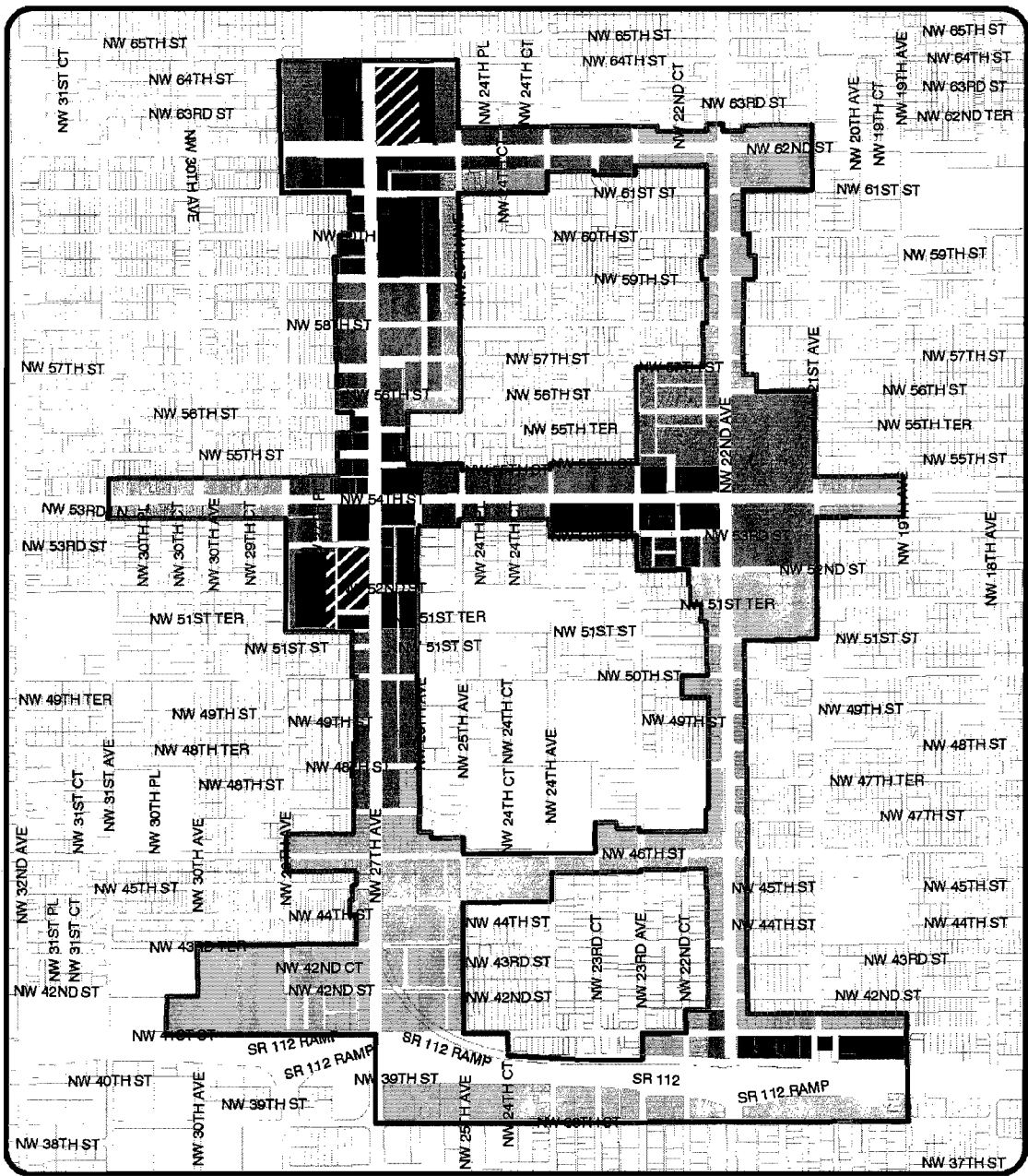
- MCS: Mixed-Use Corridor Special
- MC: Mixed-use Corridor
- RM: Residential Modified
- ID: Industrial District

Refer to Sec. 33-284.99.42 for specific permitted uses in each land use area

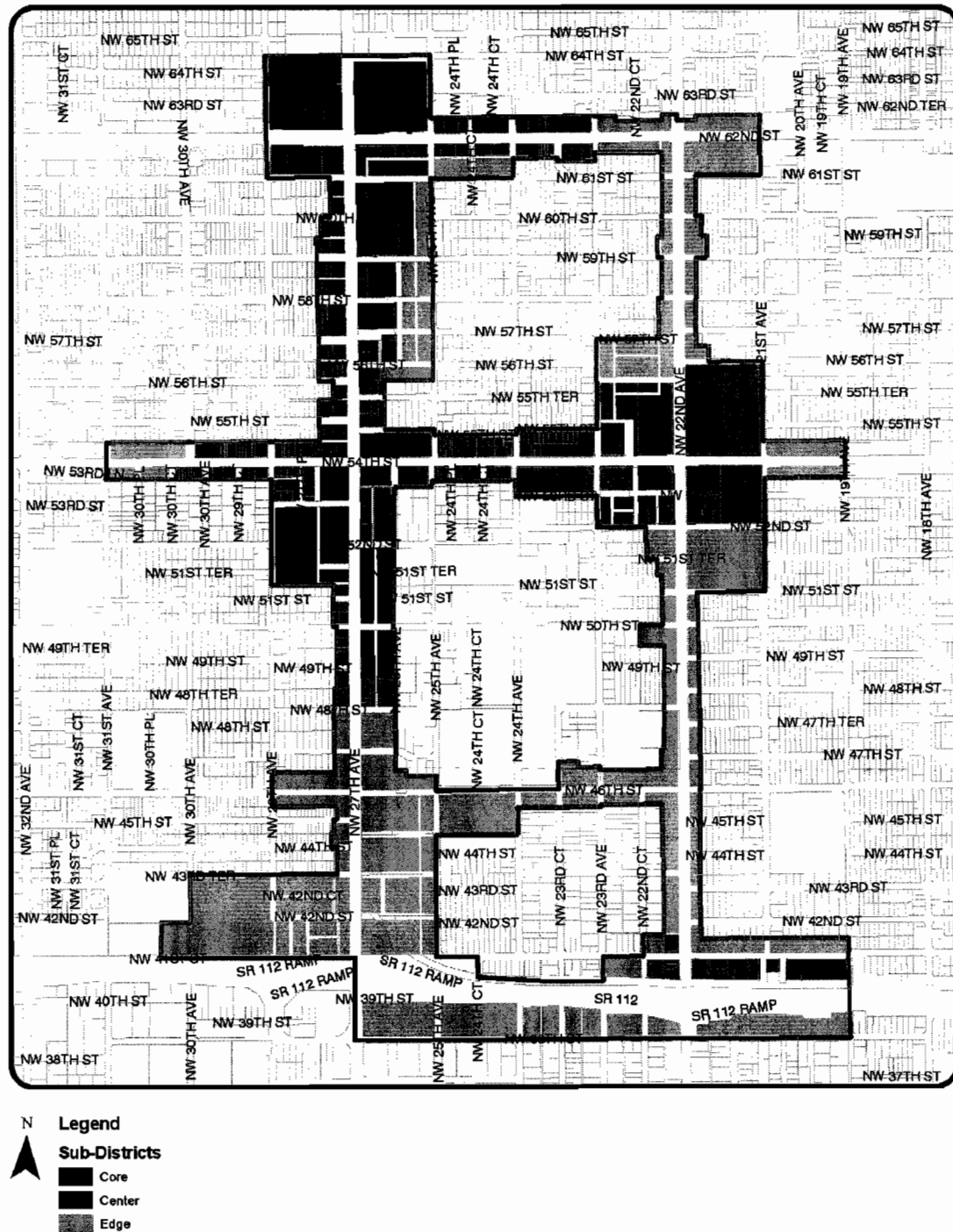
B. Density Plan



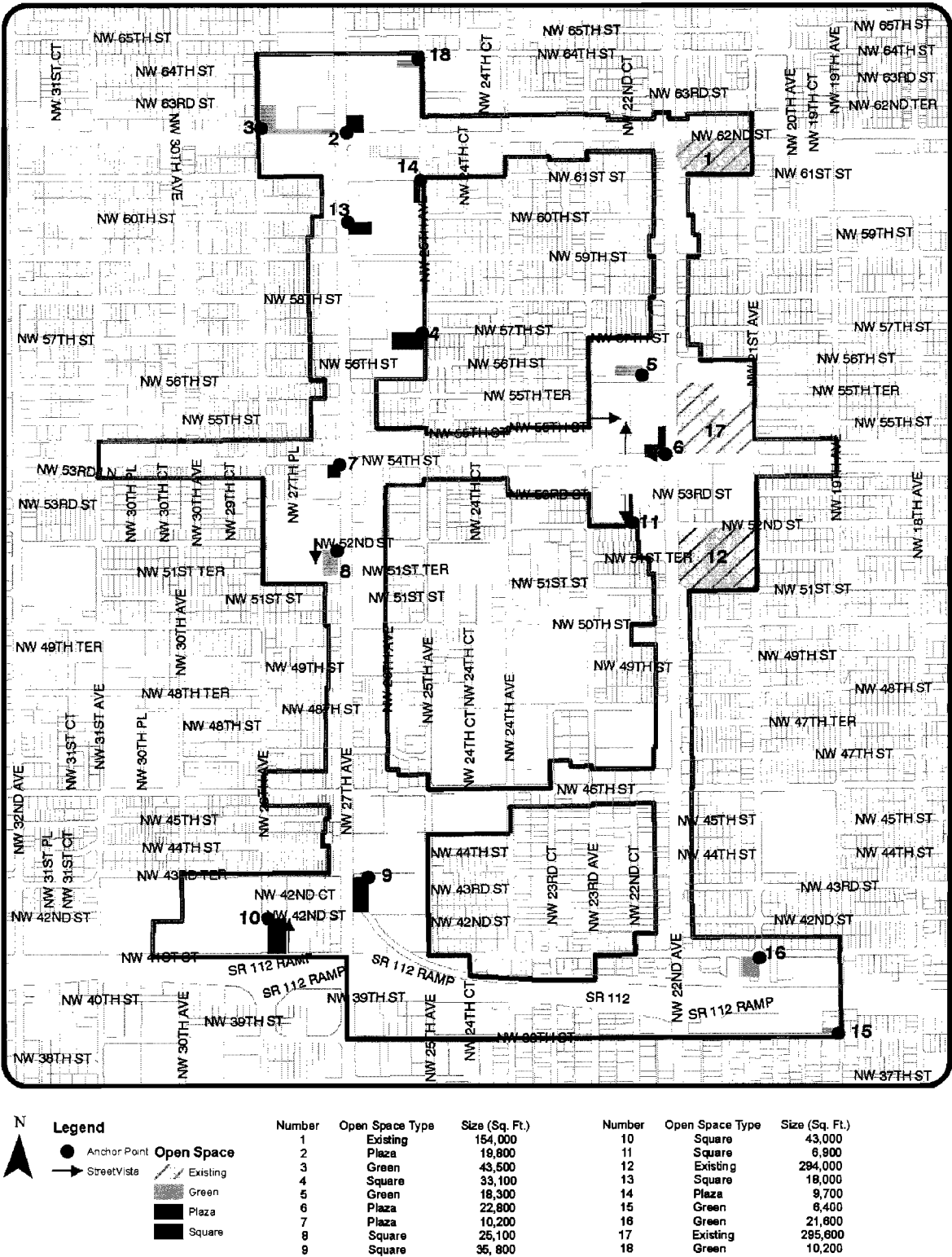
C. Building Heights Plan



D. Sub-districts Plan



E. Designated Open Space Plan





Section 5. Section 33-284.99.44 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.44. Development Parameters

- A. Except as otherwise provided in this section, all new development and redevelopment within the MCUCD shall comply with the development parameters as set forth in Article XXXIII(K) of this code.
- B. All new development and redevelopment in areas designated MCS shall comply with the development parameters for the MC area as set forth in Article XXXIII(K) of this code, except that self-service gas stations shall comply with the development parameters applicable to the BU-1A district.
- C. At a minimum, streets within the MCUCD shall comply with the Street Type Parameters for Type 5, Minor Street, as provided in section 33-284.85 of this code.

Section 6. Section 33-284.99.45 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.45. 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. 33-284.99.46 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Section 33-284.99.46. 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 MCUCD that either: (1) was existing as of the date of the district boundary change on the property to MCUCD; 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 MCUCD 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 an extent of 50 percent or more of its market value, shall be subject to Section 33-35(c) of this code. However, a lawfully existing single-family home use that is discontinued for a period of at least six months or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall not be subject to Section 33-35(c) of this code.

Section 8. Sec. 33C-7 of the Code of Miami-Dade County, Florida, is hereby amended as follows:²

Sec. 33C-7. Dr. Martin Luther King, Jr. Corridor Subzone.

- (1) *Boundaries.* Pursuant to the provisions of Section 33C-2(D)9(b), the Dr. Martin Luther King, Jr. Corridor Subzone (MLK Corridor Subzone) of the Rapid Transit Zone is hereby established; the boundaries of the Subzone include all portions of the Rapid Transit Zone located north of NW 51st Street and east of NW 32nd Avenue, as described in and incorporated into Section 33C-2(B) hereof; said boundaries shall be certified by the Clerk of the Board as a part of this section, and transmitted to the Department of Planning and Zoning for custody.
- (2) *Development regulations.* The following development regulations shall apply within the MLK Corridor Subzone >>, except for the Brownsville and Martin Luther King Jr. Stations, which development shall comply with the Model City Urban Center District regulations set forth in Chapter 33, Article XXXIII(R) of this code<<:
 - (a) Mixed uses, as provided by Section 33C-2(D)(9)(a) shall be permitted, said uses including but not limited to, residential, office, hotel, clubs, restaurants, theatres, retail, etc.

* * *

² Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (3) *Site plan review standards and criteria.* The purpose of the site plan review is to encourage logic, imagination and variety in the design process in an attempt to insure the congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards and criteria shall be utilized as a guide by the Developmental Impact Committee or the Department of Planning and Zoning and by the Board of County Commissioners in the consideration of requests for special exception for site plan approvals within the MLK Corridor Subzone >>, except for the Brownsville and Martin Luther King Jr. Stations, which development shall comply with the Model City Urban Center District regulations set forth in Chapter 33, Article XXXIII(R) of this code<<:

- (a) All development shall conform foremost with the guidelines for development of Urban Centers contained in the Comprehensive Development Master Plan, and shall be reviewed for its compatibility with the Miami-Dade County Urban Design Manual, the Metrorail compendium of design criteria, and ~~[[,as]]~~ >>the<< applicable ~~[[, the Brownsville Station Area]]~~ >>station area<< design and development plan ~~[[, the Northside Station Area design and development plan and the Dr. Martin Luther King, Jr. Station Area Design and Development Plan]]~~.

* * *

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.

Section 10. 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 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: February 2, 2010

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel



MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

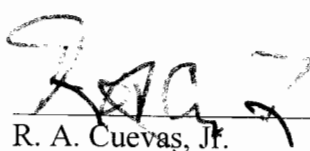
DATE: March 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Section
33-1 of the Code, to provide
definitions of farm-related
breweries and distilleries;
amending Section 33-279
of the Code

Ordinance No. 10-19

The accompanying ordinance was prepared and placed on the agenda at the request of Department of Planning and Zoning, and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Katy Sorenson and Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: March 2, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess", written over a faint, larger version of the same signature.

Subject: Proposed Zoning Ordinance Amending Sections 33-1 and 33-279 of the Code to
Expand the Section Providing for Wineries in the AU (Agricultural) Zoning District

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance amending Sections 33-1 and 33-279 of the Code in order to permit farm-related breweries and distilleries in the AU (Agricultural) zoning district, and to modify certain requirements for wineries, breweries and distilleries and their ancillary uses. The ordinance amends Sec. 33-1 of the Code in order to provide definitions for farm related breweries and distilleries.

Scope

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

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

Track Record/Monitor

The Department of Planning and Zoning will administer the implementation of this ordinance.

Background

To assist the agricultural industry to be economically viable in the face of changing characteristics and increased pressure to convert agricultural lands to urban use, the Board of County Commissioners (BCC) adopted on April 24, 2007 Resolution No. R-436-07. This resolution directed County staff to conduct a fact finding mission, to develop a set of strategies to promote agri-tourism, and to find possible ways to diversify agriculture. On December 12, 2007, County Staff presented a report to the BCC outlining the findings of the fact finding mission and laying out a plan of action to address some of the challenges being faced by the County's agricultural community.

It is estimated that an average of two million visitors pass through the south Miami-Dade area every year on their way to destinations such as the Florida Keys, Everglades and Biscayne National Parks. The attached ordinance and the two other accompanying ordinances are designed to provide the local farmers with the tools necessary to attract a segment of those visitors passing through the area. These ordinances are designed to

remove impediments from the zoning code to allow for additional agricultural-related uses and to encourage agri-tourism.

The zoning code currently provides for wineries to operate in the County's agricultural area under certain conditions. However, the code imposes a number of restrictions on uses that are considered complementary to making a winery operation viable and attractive. This deficiency in our code was highlighted during the fact finding mission to upstate New York where thriving wineries created a tourist destination of an area that was once economically depressed. The proposed changes expand the winery section to provide for breweries and distilleries and to allow additional flexibility for their operators to utilize the facilities to promote tourism and expose people to the potential of the agricultural industry in south Miami-Dade.



Alex Muñoz,
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(c)

Please note any items checked.

- _____ "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
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ No committee review
- _____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- _____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(c)
3-2-10

ORDINANCE NO 10-19

ORDINANCE AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), TO PROVIDE DEFINITIONS OF FARM-RELATED BREWERIES AND DISTILLERIES; AMENDING SECTION 33-279 OF THE CODE TO PERMIT BREWERIES AND DISTILLERIES IN THE AU (AGRICULTURAL) ZONING DISTRICT; MODIFYING CERTAIN REQUIREMENTS FOR WINERY, BREWERY, DISTILLERIES AND ANCILLARY USES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows¹:

Sec. 33-1. Definitions.

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

* * *

- (14) *Block.* A block shall be deemed to be all that property frontage along one (1) highway lying between the two nearest intersecting or intercepting streets 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.

railroad right-of-way or waterway, golf course, campus, park or similar open space.

>>(14.1) Brewery (farm related). An establishment, located wholly on a farm, for the manufacture of malt liquors, such as beer and ale, using grains produced in other regions and other ingredients produced primarily on the farm or in the State of Florida.<<

* * *

(39) *Director.* The word "Director" shall mean the Director of the Department of Planning and Zoning or designee, unless the context clearly indicates otherwise.

>>(39.1) Distillery (farm related). A facility located wholly on a farm designed for the distillation of grains and fruits produced primarily on the farm or in the State of Florida.<<

* * *

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

Sec. 33-279. Uses Permitted.

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

* * *

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

(a) ~~[[That the]]~~>>The<< principal use of the property shall be a working ~~[[grove or vineyard]]~~ >>farm producing products utilized in the winery, brewery, or distillation process.<<[[; and]]

- (b) ~~[[That the]]>>The<< farm winery>>, brewery, or distillery<<~~
shall be ancillary to the principal use of said ~~[[grove or vineyard]]>>farm.<<[[; and]]~~
- (c) ~~[[That the]]>>The<< property upon which the~~
~~[[grove/vineyard]]>>farm<< and ancillary farm winery>>,~~
~~brewery, or distillery<< is located shall not be less than ten~~
(10) acres gross>>.<<[[; and]]
- (d) ~~[[That no]]>>No<< more than 250,000 gallons of wine >>, and~~
~~250,000 gallons of malted beverage/beer and 125,000 gallons~~
~~of distilled spirits<< shall be produced in any one calendar~~
year[[; and]]>>.<<
- ~~[[e) That notwithstanding the maximum lot coverage of 15%~~
~~permitted by the district, the maximum lot coverage permitted~~
~~for all structures related to the wine processing, wine storage,~~
~~wine tasting and sales areas shall not exceed ten (10) percent~~
~~of the net lot area; and]]~~
- ~~[[f)]>>(e)<< [[That such]]>>Such<< a farm winery>>, brewery, or~~
~~distillery<< may be open to the public for >>events and~~
~~activities related to the preserving, processing, packaging or~~
~~selling of agricultural products from Florida including tours,~~
~~product tasting, festivals, parties and other similar events.<<~~
~~[[tours, wine tasting and for the sale of the wine products~~
~~produced on the property; and]]~~
- ~~[[g)]>>(f)<< [[That off]]>>Off<<-street parking requirements for the [[wine]]~~
~~tasting and sales areas shall be calculated at one parking~~
~~space for every 250 square feet of gross floor area or~~
~~fractional part thereof. Office and other use areas shall have~~
~~off-street parking spaces provided for such areas as~~
~~otherwise provided in this code. In addition to the~~
~~aforementioned parking requirements, at the time of~~
~~application for ZIP [[pursuant to paragraph (i) herein]],~~
~~parking for indoor or outdoor farm related [[winery]] festivals~~
~~shall be determined by the Director and such requirements~~
~~shall be based on the number of people that can reasonably~~
~~be assumed to be on such premises at one (1) time. Said~~
~~determination shall be calculated on a basis of one (1)~~
~~parking space for each four (4) persons.~~
- ~~[[h)]>>(g)<< Food service >>, preparation and consumption<< [[must]]~~
~~>>shall<< be accessory to the production of wine >>, beer or~~

distilled spirits.<<[[and limited to hors d'oeuvres and other snacks. All such food shall be prepared off-site. No commercial kitchen shall be allowed.]]

[[(i)]]>>(h)<< [[That the]]>>The<< hours of >>retail sales<< operation for the farm related winery>>, brewery, or distillery<< shall not extend beyond 11:00 p.m.

[[(j)]]>>(i)<< Outdoor farm related [[winery]] festivals shall be allowable on properties having a current Certificate of Use for a farm related winery>>, brewery, or distillery<< provided [[the organization and nature of these festivals is related to the winery operation on the site for the purpose of promoting the farm winery concept and further provided]]:

[[a. Written waivers of objection for outdoor farm related festival use shall be obtained from all residences within five hundred (500) feet or eighty (80) percent of the residences within one thousand feet prior to the occurrence of the first festival. Festivals occurring subsequent to the initial festival shall not be subject to this requirement.]]

[[b.]]>>a.<< [[That no]]>>No<< such outdoor farm related festival shall be more than three (3) days long.

>>b.<< A Zoning Improvement Permit (ZIP) for outdoor farm related [[winery]] festivals shall be obtained [[from the Department]] for each festival. No more than a total of six (6) outdoor farm related festivals shall be held per calendar year per farm. Such outdoor farm related [[winery]] festivals shall be restricted to daylight hours only.

[[(k)]]~~That farm related wineries shall be subject to all required permits and inspections.~~

(l)~~A Zoning Improvement Permit (ZIP) for outdoor farm related winery festivals shall be obtained from the Department for each festival. No more than a total of six (6) outdoor farm related festivals shall be held per calendar year. Such outdoor farm related winery festivals shall be restricted to daylight hours only.~~

(m) ~~That the use shall conform to the requirements of the Miami-Dade County Department of Environmental Resources Management, and the special events requirements of the Miami-Dade County Police Department, if applicable.]]~~

[[~~(n)~~]]>>(j)<< ~~[[That the]]>>The<< use of mechanically amplified outdoor~~
~~[[live]] entertainment shall be prohibited >>from 11 PM to 9~~
~~AM<<.~~

[[~~(o)~~]]>>(k)<< ~~[[That the]]>>The<< winery>>, brewery, or distillery shall<<~~
~~not be located in the East Everglades Area of Environmental~~
~~Concern as that area is described in Chapter 33B, Code of~~
~~Miami-Dade County.~~

Section 3. 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: **March 2, 2010**

Approved by County Attorney as
to form and legal sufficiency:

Handwritten signature of APW, consisting of the letters 'APW' in a stylized script above a horizontal line, with a large, loopy flourish below the line.

Prepared by:

Joni Armstrong Coffey

Co-Sponsor: Commissioner Audrey M. Edmonson
Co-Sponsor: Commissioner Carlos A. Gimenez
Co-Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Katy Sorenson
Co-Sponsor: Senator Javier D. Souto



MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

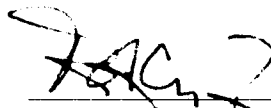
DATE: March 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance permitting bed and
breakfast establishments in the
AU (Agricultural) Zoning
District subject to certain
restrictions; providing standards;
amending Sections 33-1, 33-124
and 33-279 of the Code

Ordinance No. 10-20

The accompanying ordinance was prepared and placed on the agenda at the request of Department of Planning and Zoning, and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Katy Sorenson and Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney


RAC/cp

Memorandum



Date: March 2, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Proposed Zoning Ordinance Amending Sections 33-1, 33-124 and 33-279 of the Code to Provide for Bed and Breakfast Establishments in AU (Agricultural) Zoning District

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance amending Sections 33-1, 33-124 and 33-279 of the Code to provide for bed and breakfast establishments in AU (Agricultural) zoning district.

Scope

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

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

Track Record/Monitor

The Department of Planning and Zoning will administer the implementation of this ordinance.

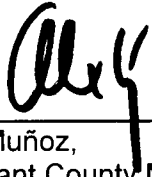
Background

To assist the agricultural industry to be economically viable in the face of changing characteristics and increased pressure to convert agricultural lands to urban use, the Board of County Commissioners (BCC) adopted on April 24, 2007 Resolution No. R-436-07. This resolution directed County staff to conduct a fact finding mission, to develop a set of strategies to promote agri-tourism, and to find possible ways to diversify agriculture. On December 12, 2007, County Staff presented a report to the BCC outlining the findings of the fact finding mission and laying out a plan of action to address some of the challenges being faced by the County's agricultural community.

It is estimated that an average of two million visitors pass through the south Miami-Dade area every year on their way to destinations such as the Florida Keys, Everglades and Biscayne National Parks. The attached ordinance and the two other accompanying ordinances are designed to provide the local farmers with the tools necessary to attract a segment of those visitors passing through the area. These ordinances are designed to

remove impediments from the zoning code to allow for additional agricultural-related uses and to encourage agri-tourism.

The attached ordinance will allow local farmers to use their owner-occupied properties with an agricultural property tax classification for bed and breakfast establishment to attract people who are interested in learning more about agriculture and who would enjoy the unique landscape of South Florida.

A handwritten signature in black ink, appearing to read 'Alex', written over a horizontal line.

Alex Muñoz,
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

A handwritten signature in black ink, appearing to read "RACJ", is written over the printed name of the County Attorney.

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

_____ "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

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Veto _____

3-2-10

Override _____

ORDINANCE NO. 10-20

ORDINANCE PERMITTING BED AND BREAKFAST ESTABLISHMENTS IN THE AU (AGRICULTURAL) ZONING DISTRICT SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING STANDARDS; AMENDING SECTIONS 33-1, 33-124 AND 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes described in the accompanying memorandum,

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

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

Sec. 33-1. Definitions.

>>(12.2) Bed and breakfast establishment. A bed and breakfast establishment is an owner-occupied single family dwelling offering transient accommodations and meals for paying guests.<<

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

Sec. 33-124. Standards.

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

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.

- (c) *Motels, tourist courts >>, bed and breakfast establishments, << and transient accommodations.* One (1) parking space for each individual sleeping room or bedroom.

*

*

*

Section 3. Section 33-279 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-279. Uses permitted.

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

- (1) All uses, except golf courses, permitted in the RU-1, EU-M or EU-1 Districts and subject to the restrictions thereof not inconsistent with this article.

>>(1.1) A bed and breakfast establishment shall be permitted subject to the following limitations.

- (a) The facility shall be owner-occupied and located in property that is subject to a lawful agricultural property tax classification and designated in the Comprehensive Development Master Plan for Agriculture, except as provided in (k) below.
- (b) No more than six (6) bedrooms shall be allocated for rental and no more than six (6) bedrooms shall be rented out per 24-hour period.
- (c) The bed and breakfast establishment use may be conducted from both a principal residence and a legally established accessory guest house detached from the principal residence.
- (d) The maximum length of total stay for any bed and breakfast guest shall be 30 days per consecutive 12-month period.
- (e) No cooking facilities shall be permitted in any of the bedrooms available for rent.

- (f) Meals will be served only for overnight guests.
- (g) The property owner shall obtain a certificate of use from the Department and promptly renew the same annually.
- (h) Regarding compliance with the applicable provisions of Chapter 24 of this code only, bed and breakfast establishments shall be considered residential establishments.
- (i) The property owner shall obtain and maintain the appropriate licenses for operating a bed and breakfast establishment from the State of Florida, including the Department of Business and Professional Regulation, Division of Hotels and Restaurants, or successor agency, if applicable.
- (j) The property owner will maintain the single-family residential appearance of the bed and breakfast establishment.
- (k) If designated historic by the by the Miami-Dade County Historic Preservation Board, structures located on a property designated Agriculture and situated outside the Urban Development Boundary of the Comprehensive Development Master Plan Land Use Plan Map shall be exempt from the requirement of (a) above, except that the establishment shall be owner-occupied.<<

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 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: **March 2, 2010**

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

JAC

Joni Armstrong Coffey

Co-Sponsor: Commissioner Audrey M. Edmonson

Co-Sponsor: Commissioner Carlos A. Gimenez

Co-Sponsor: Commissioner Sally A. Heyman

Co-Sponsor: Commissioner Barbara J. Jordan

Co-Sponsor: Commissioner Katy Sorenson

Co-Sponsor: Senator Javier D. Souto



MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

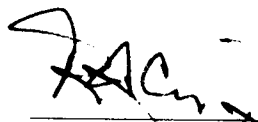
DATE: March 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending
Section 33-279 of the Code
to permit certain additional
uses that are ancillary to
an ongoing agricultural use or
directly supportive of
agriculture in the AU
(Agricultural) Zoning District

Ordinance No. 10-21

The accompanying ordinance was prepared and placed on the agenda at the request of Department of Planning and Zoning, and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Katy Sorenson and Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: March 2, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over a faint, larger version of the same signature.

Subject: Proposed Zoning Ordinance Amending Sec. 33-279 of the Code to Provide for
Uses Ancillary to and Directly Supportive of Agriculture in the AU (Agricultural)
Zoning District

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance amending Section 33-279 of the Code in order to provide for ancillary to agricultural use and directly supportive to agriculture uses in the AU (Agricultural) zoning district.

Scope

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

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

Track Record/Monitor

The Department of Planning and Zoning will administer the implementation of this ordinance.


Background

To assist the agricultural industry to be economically viable in the face of changing characteristics and increased pressure to convert agricultural lands to urban use, the Board of County Commissioners (BCC) adopted on April 24, 2007 Resolution No. R-436-07. This resolution directed County staff to conduct a fact finding mission, to develop a set of strategies to promote agri-tourism, and to find possible ways to diversify agriculture. On December 12, 2007, County Staff presented a report to the BCC outlining the findings of the fact finding mission and laying out a plan of action to address some of the challenges being faced by the County's agricultural community.

It is estimated that an average of two million visitors pass through the south Miami-Dade area every year on their way to destinations such as the Florida Keys, Everglades and Biscayne National Parks. The attached ordinance and the two other accompanying ordinances are designed to provide the local farmers with the tools necessary to attract a segment of those visitors passing through the area. These ordinances are designed to

remove impediments from the zoning code to allow for additional agricultural-related uses and to encourage agri-tourism.

The attached ordinance expands and clarifies the list of ancillary uses to agriculture and directly supports agriculture uses in the zoning code. The Comprehensive Development Master Plan was appropriately amended last year to allow for these changes to be consistent with the master plan.



Alex Muñoz,
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7 (E)

3-2-10

ORDINANCE NO 10-21

ORDINANCE AMENDING SECTION 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PERMIT CERTAIN ADDITIONAL USES THAT ARE ANCILLARY TO AN ONGOING AGRICULTURAL USE OR DIRECTLY SUPPORTIVE OF AGRICULTURE IN THE AU (AGRICULTURAL) ZONING DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows¹:

Sec. 33-279. Uses Permitted.

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

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>>(22) Uses ancillary to and directly supportive of agriculture.

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 following uses shall be permitted on property meeting the requirements of this section when ancillary to an ongoing agricultural use:

- (1) The packing, processing and sale of agricultural goods or products from the State of Florida.
- (2) Farm tours, farm meals, cooking classes, agricultural workshops, agricultural education and agri-tourism.
- (3) Farmers' markets, restricted to the sale of fruits, vegetables, live farm animals, and plants, as well as products derived directly therefrom.
- (4) Uses determined by the Director to be similar to those enumerated above. In determining similarity between a proposed use and the uses enumerated above, the Director shall be guided by whether the proposed use is ancillary to and directly supportive of agriculture.

(b) The following uses that are directly supportive of agriculture shall be permitted on property meeting the requirements of this section and subject to the provisions of Chapter 24 of this code:

- (1) The sale of farm supplies.
- (2) The sale and service of farm machinery and implements.

(c) All uses permitted in (a) and (b) above shall be subject to the following requirements:

- (1) The property shall be designated Agriculture in the Comprehensive Development Master Plan Land Use Plan Map and shall be utilized for a bona fide agricultural use as evidenced by an agricultural property classification approved by the Miami-Dade County Property Appraiser's Office.
- (2) The property or business owner shall obtain a certificate of use for the ancillary agricultural use from the Department and promptly renew the same annually.<<

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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: **March 2, 2010**

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

JAC

Joni Armstrong Coffey

Co-Sponsor: Commissioner Audrey M. Edmonson
Co-Sponsor: Commissioner Carlos A. Gimenez
Co-Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Katy Sorenson
Co-Sponsor: Senator Javier D. Souto

Memorandum



Date: March 2, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 7(G)

From: George M. Burgess
County Manager

Ordinance No. 10-22

Subject: Ordinance Establishing Article XIA of the Code - Villa Development District Regulations

This item was amended and forwarded to the BCC without recommendation at the BPSC meeting of February 9, 2010. The amendment to the item is as follows:

- **Sec. 33-163 was amended to delete "a detached single family residence" from the proposed definition of dwelling unit in the ordinance. Thus, a dwelling unit now means a mobile or manufactured home.**

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance defining manufactured home and establishing Article XIA of the Code of Miami-Dade County, the Villa Development District Regulations.

Scope

This ordinance only applies in the unincorporated area of Miami-Dade County.

Fiscal Impact/Funding Source

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

Track Record/Monitor

The Department of Planning and Zoning will administer of the mandates of this ordinance.

Background

On October 16, 2007, the Board of County Commissioners (BCC) adopted Resolution R-1161-07, imposing a temporary moratorium in the unincorporated area of Miami-Dade County on the appropriateness of existing zoning districts for mobile home park use. The moratorium postponed the issuance of building permits on 40 properties being utilized as mobile home parks. The temporary moratorium was subsequently extended by the BCC in February 2008 (Resolution No. R-167-08), May 2008 (Resolution No. R-567-08), October 2008 (Resolution No. R-1115-08), February 2009 (Resolution No. R-144A-09), and June 2009 (Resolution No. R-647-09).

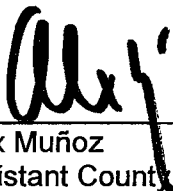
On November 3, 2009 the BCC adopted Resolution R-1230-09 extending the temporary moratorium for 120 days in order to provide time for the BCC consideration of the proposed Mobile Home Owner Protection ordinance and the proposed Villa Development Zoning District.

The proposed ordinance defines manufactured homes and establishes Article XIA of the Code of Miami-Dade County, the Villa Development District (VDD) regulations. The diversity in layout, density, intensity and subsequent changes at the 40 mobile home parks in unincorporated Miami-Dade County evidences the complexity of regulating these types of facilities over the years. Many of these parks have also changed over time resulting in communities that do not resemble the original plans.

Acknowledging this diversity was the first step in the development of the proposed Villa Development District regulations, as it meant that the proposed district could effectively address some, but not all existing conditions. Thus, the proposed Villa Development District seeks to:

- Establish a contemporary residential district where mobile home parks are permitted;
- Provide a legalized improvement alternative for low-density mobile home parks;
- Allow for a mix of affordable housing types including: mobile homes or manufactured homes that would be developed and maintained in a high quality park-like setting.

It is presumed that a rezoning of a property to the new Villa Development Zoning District would be by application from the property owner(s) and not a County-sponsored application. This new zoning district will allow properties to be rezoned to the newly created district and allow any future mobile home park use as a matter of right. Any rezoning would have to be consistent with the Comprehensive Development Master Plan and Land Use Plan map designations. Property owners themselves can initiate any changes in land-use and zoning classifications of their properties.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

A handwritten signature in black ink, appearing to read "RACJ", is written over the printed name of the County Attorney.

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 7(G)

Veto _____

3-2-10

Override _____

ORDINANCE NO. 10-22

ORDINANCE CREATING SECTION 33-1(70.1) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), PROVIDING A DEFINITION OF MANUFACTURED HOME; CREATING SECTIONS 33-163 THROUGH 33-163.15 OF THE CODE PROVIDING FOR THE VILLA DEVELOPMENT ZONING DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the Comprehensive Development Master Plan encourages the establishment of all varieties of affordable products to meet the housing requirements of all current and future residents regardless of household type or income; and

WHEREAS, the creation of a villa development zoning district will advance the goals, objectives and policies of the Comprehensive Development Master Plan,

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

Section 1. Section 33-1(70.1) of the Code of Miami-Dade County is hereby created as follows:¹

>>(70.1) Manufactured home. A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.<<

Section 2. Sec. 33-163 through Sec. 33-163.15 of the Code of Miami-Dade County, Florida, are hereby created as follows:

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.

>>ARTICLE XIA. VILLA DEVELOPMENT DISTRICT

Section 33-163. Dwelling unit type; minimum size of dwelling unit lot

As used herein, a “dwelling unit” shall mean<< [[~~a detached single family,~~]]² >>a mobile home, or a manufactured home. A mix of these housing types shall be permitted in the Villa Development District.

Only one dwelling unit shall be placed on any one villa lot within the development. The minimum villa lot shall not be less than 2700 square feet in net lot area, with a minimum frontage of 30 feet.

Section 33-163.1. Minimum acreage for villa development.

A minimum of 5 acres gross is required for a parcel of land to be developed under this article of the code.

Section 33-163.2. Minimum Setbacks.

	<u>Principal Building</u>	<u>Accessory Building</u>	
<u>Front</u>	<u>12.5 feet</u>	<u>Rear</u>	<u>5 feet</u>
<u>Rear</u>	<u>7.5 feet</u>	<u>Interior side</u>	<u>5 feet</u>
<u>Interior side</u>	<u>5 feet</u>	<u>Side street</u>	<u>15 feet</u>
<u>Side street</u>	<u>15 feet</u>	<u>Spacing from dwelling unit</u>	<u>5 feet</u>

Section 33-163.3. Maximum height.

A dwelling unit shall be limited to two stories, not to exceed 25 feet in overall height.

Section 33-163.4. Maximum lot coverage.

The maximum lot coverage shall not exceed 50% of the gross lot area. The principal building and any accessory building(s) shall be computed into the maximum lot coverage.

Section 33-163.5. Common open space and amenities.

A minimum of 500 net square feet shall be devoted to common open space for each proposed dwelling unit in the villa development. Such open space shall be comprised of playgrounds, recreation areas, landscaped parks or greenways, as included in the site plan approval, but shall not include the required landscaped perimeter buffer areas, parking courts, streets,

² Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

utility, service or accessory business areas, or lake, lagoon or canal areas. Such common open space is to be so located that the different areas of the villa development will be logically and conveniently served and benefited by such open space.

Section 33-163.6. Tree requirements.

Each villa lot shall require a minimum of 3 trees in accordance with the standards for RU-1M(a) in Chapter 18A. The common open space area shall contain a minimum of 28 trees per net acre of such common open space.

Section 33-163.7. Perimeter greenbelt and maintenance.

A minimum 10-footwide landscaped buffer area shall be provided and maintained along and extending inward from the property lines of the villa development that are adjacent to other private property, and shall be expanded to 20 feet along property lines adjacent to rights-of-way. The buffer area shall be landscaped with a balanced arrangement of ground cover, shrubs, vines, hedges and trees and other landscape features such as walls, fences and berms, or a combination of any of the above items.

Those buffer areas adjacent to other private properties shall be designed to provide at least a 75 percent visual barrier, after 2 years growth, along the entire property line. Buffer areas adjacent to public rights-of-way shall be designed to provide at least 50 percent visual barrier, after 2 years growth, along the entire such property line. Plant material and other such landscape features shall be arranged in such a way so as to prevent vehicular access through, or parking in such buffer areas.

Landscaping and trees shall be provided in accordance with Chapter 18A of this code. Plant materials used shall conform in definition, quality, and size when planted to the provisions of Chapter 18A of this Code for each type of plant except that trees shall be a minimum of 7 feet tall by three and one-half-foot spread when planted. This minimum size tree shall be required for those trees placed 75 feet on center, but additional smaller trees may be planted as part of the required landscaping.

Planting at street intersections of any vehicular or pedestrian exits shall be in accordance with the safety standards of this code to prevent visual obstructions along street rights-of-way.

All plant material shall be installed in such a manner as to ensure the survival and healthy growth of the plants. The buffer area shall be maintained in accordance with good landscape maintenance practices, including installation and use of sprinklers or other acceptable water delivery system, to ensure the good health and appearance of all planted material.

Section 33-163.8. Utilities and services.

Each dwelling unit shall be independently served by separate heating, air conditioning, sewer, water, electric power, gas, and other facility and utility services, wherever such utilities and services are provided, and no dwelling unit shall be in any way dependent upon such services

or utility lines located within another unit. All dwelling units shall be connected to water and sewer lines and all electrical and telephone lines in the development site shall be placed underground. Proper and adequate access for firefighting purposes, and access to service areas to provide garbage and waste collection and for other necessary services, shall be provided.

Section 33-163.9. Street right-of-way width and improvements.

The right-of-way width of all public streets and private streets shall conform to all applicable minimum Miami-Dade County standards and requirements for such streets in accordance with Public Works Department requirements.

Section 33-163.10. Off-street parking.

Each dwelling unit shall be provided a minimum of 2 off-street parking spaces. Such parking spaces may be provided on the lot of the dwelling unit, or in a commonly owned and maintained off-street parking bay or facility; provided, that no parking space shall be more than 150 feet, by the most direct pedestrian route, from the door of the dwelling unit to the parking space it is intended to serve.

Common parking courts shall be screened by properly maintained hedges or decorative walls of a minimum height of 4 feet except for necessary entrances and exits.

Section 33-163.11. Conveyance and Maintenance provisions.

All land designated on approved plans as common open space will be conveyed and maintained under one (1) of the following procedures:

- (1) For those projects developed under a condominium arrangement, common open space shall be maintained under the applicable Florida State law.
- (2) The common open space may be funded by either (i) a special taxing district, subject to approval by the County, composed of the owners of dwelling units located in the villa development; or (ii) such other funding mechanism as may be approved by the Miami-Dade Board of County Commissioners or its successor entity, provided that the instrument shall specify the common use elements to be funded by such special taxing district or other funding mechanism. Said instrument shall be created and approved by the Board of County Commissioners prior to the earlier of plat approval or building permit issuance.
- (3) The common open space may be conveyed to a homeowners' association, in which case conveyance shall be subject to covenants to be approved by the County restricting the open space to uses specified in the final plan and providing for the maintenance of the common open space in a manner that assures its continuing use for its intended purpose provided that:

- (a) Approval by the Miami-Dade County Attorney's Office shall be required.
- (b) A homeowners' association shall be established before the units or individual building lots are sold.
- (c) Membership shall be mandatory for each resident and said association shall have the authority to adjust the assessment to meet the needs of maintaining the open space.
- (d) Any sums levied by the homeowners' association that remain unpaid shall become a lien on the individual property and said lien shall be superior to all other liens save and except tax liens and mortgage liens, provided said mortgage liens are first liens against the property encumbered thereby, subject only to tax liens and secure indebtedness which are amortized in monthly or quarter annual payments over a period of not less than ten (10) years.
- (e) The homeowners' association shall be responsible for maintenance and local taxes.

Section 33-163.12. Private open space.

Private open space is required for each dwelling unit villa lot. Said space shall be for the exclusive recreational or leisure use of the inhabitants of the dwelling unit, and shall be located immediately adjacent to the unit. The dwelling unit homeowner or tenant shall be responsible for the maintenance of the lot, which shall comply with the lot maintenance standards of Chapter 19 of the Miami-Dade County Code. Said private open space shall be in addition to the common open space required. Provision shall be made in the sale or rental of such units to require that such private open space is for the exclusive use of the unit concerned.

Section 33-163.13. Nonconforming structures, uses and occupancies.

Upon the approval of a district boundary change application to the Villa Development District, all previously approved legally established uses and structures shall be deemed to be legally non-conforming structures and uses. Such nonconforming structure(s) shall be allowed to be rebuilt within a reasonable time after destruction or damage and such non-conforming uses resumed in compliance with initial plans at first approval. Building permits for rebuilding pursuant to this section shall be obtained within one year after the date of damage or destruction of the nonconforming structure(s). If the building permits necessary to rebuild a nonconforming structure have not been obtained within one year after the date of damage or destruction, or if such permits expire or are revoked after that year has concluded, the structure(s) shall be subject to the provisions of 33-35(c).

Section 33-169.14. Applications for villa district development action

The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the

appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.

Section 33-163.15. Site plan review.

The Department shall review proposed plans for compliance with zoning regulations including the site plan review exhibits and criteria hereinafter provided.

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

1. Site plan including the following information:
 - a. Lot lines, dimensions and setbacks.
 - b. Location, shape, size and height of existing and proposed buildings, vehicular and pedestrian circulation systems, entrance features, bike paths, recreational facilities, accessory business uses and any other physical features that are proposed for the site that can be shown in plan form.
 - c. Landscaping in accordance with this article and Chapter 18A of this code.
 - d. Location of all parking spaces and waste collection area(s).
 - e. Indication of exterior graphics, as required.
 - f. Indication of any site design methods used to conserve energy.
2. Floor plans and elevations for typical and floor plans and elevation of any recreation buildings, community buildings and other similar structures.
3. Figures indicating the following:
 - a. Gross and net acreage.
 - b. Amount of common open space in square feet and percentage required and provided.
 - d. Total trees as herein provided, subject to the standards provided in Chapter 18A of this code.
 - e. Parking required and provided.
 - f. Such other design data as may be needed to evaluate the project.

Site plan review criteria. The following criteria shall be utilized in the plan review process:

1. Purpose and intent: The proposed development fulfills the objectives of this article.
2. 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.

3. Landscape: Landscape shall be reserved 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 incompatible uses and block noise generated by the major roadways and intense use areas.
4. 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.
5. 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.
6. Street system: A well-defined system shall be designed to allow free movement throughout the development while discouraging excessive speeds. All dwelling units should be located on residential service streets or courts designed to discourage all traffic except that of the owner/occupants, their guests, and their services. Pedestrian and auto circulation shall be separated insofar as is practicable.
7. Visibility: No obstruction to visibility at street intersections shall be permitted, and such visibility clearances shall be as required by the Department of Public Works.
8. Energy consideration: Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
9. Parking: Where parking is provided in a group arrangement, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parked cars. This requirement is in addition to the requirements of this section, and the landscape regulations of Chapter 18A of the Code of Miami-Dade County.
10. Open spaces: Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.
11. Privacy: Due consideration of aural and visual privacy shall be evidenced in the design of the overall development and in the design of the individual units.
12. Graphics: Graphics, as required, shall be designated as an integral part of the overall design of the project.
13. Art display: Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.
14. Emergency access: Access to emergency equipment shall be provided.
15. Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - a. Wall with landscaping. The wall shall be setback 2½ feet from the right-of-way line and 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 one 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 one year after time of planting.
3. Vines. Climbing vines shall be a minimum of 36 inches in height immediately after planting.
- b. 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. <<

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: March 2, 2010

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

Memorandum



Date: June 3, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 7(G)

From: George M. Burgess
County Manager

Ordinance No. 10-38

Subject: Proposed Zoning Ordinance amending Sections 33-64 through 33-65, 33-69 through 33-71, deleting Section 33-72, amending Section 33-77 and deleting Section 33-81 of the Code to modify the zoning regulations pertaining to awnings, canopies and tents.

This item was amended and forwarded to the BCC with a favorable recommendation at the BPSC meeting of May 11, 2010. The amendments were as follows:

Sections 33-71(e) [Section 5] and 33-77(a) [Section 7] were amended to remove the requirement that the canopy be "temporary."

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance amending Sections 33-64 through 33-65, 33-69 through 33-71, deleting Section 33-72, and deleting Section 33-81 of the Code in order to modify the zoning regulations pertaining to awnings, canopies and tents. The proposed regulations will allow temporary canopies to encroach into the required rear and side yards in residential zoning districts, subject to certain conditions. The ordinance also amends Section 33-77 to modify similar requirements for canopies in business and industrial districts.

Scope

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

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

Track Record/Monitor

The Department of Planning and Zoning will administer the implementation of this ordinance.

Background

The proposed revision is in response to citizen requests for canopies in residential districts to provide shade and shelter from inclement weather. The proposed revision is also part of a series of Code updates being prepared by the Department of Planning and Zoning staff aimed at modernizing and simplifying the Code. Although patios are permitted to extend into the rear and side yard setbacks, Section 33-71 of the Zoning Code requires canopies to meet the

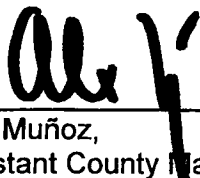
setbacks applicable to the structure. The regulation is also incongruous with the provisions for canopy carports which, according to Section 33-50, are permitted to encroach up to five feet from the front and rear property lines and two feet from the side property line.

The proposed revision will allow a canopy, comprised of cloth or canvas, to encroach into the rear and side setbacks provided it is not located closer than 10 feet to the rear property line and five feet to the interior side property line. In addition, canopies which are attached to a permanent structure may not project more than 15 feet from the structure and freestanding canopies may not exceed 12 feet by 24 feet in size. On a side street, temporary canopies will be required to meet the principal building setback. Permanent canopies comprised of solid materials such as wood and aluminum will also be required to meet the setbacks for the principal structure.

To provide consistency with the regulations for canopy carports, provisions for freestanding canopies were added. However, since there are distinct differences in placement, fabrication material and size, unique regulations and definitions were provided for each type of installation. In addition, the definition for 'detached canopy' was changed to 'canopy carport' to distinguish from freestanding canopies and provide consistency with Section 33-75 of the Code.

Other revisions related to modernization and simplification include:

- 1) Reference to screening of canopies with solid roofs was removed. Since permanent canopies are required to meet the principal building setbacks, enclosure will be consistent with principal building provisions.
- 2) The definition for canopy shutters was removed since it could not be distinguished from the definition for awnings. The corresponding canopy shutter regulations were also removed. Since the definitions were identical, these installations will fall under the regulations for awnings.
- 3) Reference to signs on awnings, canopies and umbrellas was removed. Section 33-94(c) of the Sign Code outlines regulations for such signs.
- 4) Since the permitted fabrication material varies among zoning districts and installation types, reference to fabrication material was removed from the definitions and, where necessary, added to the corresponding regulations.
- 5) Awnings were added to the list of installations requiring a permit to provide consistency with Section 33-8.1 which requires a Zoning Improvement Permit for 'canopy carports, canopy and other fabric covered framework installed on residential properties'.
- 6) Umbrellas in business and industrial districts were grouped with canopies since the only distinction is related to the shape of the installation.



Alex Muñoz,
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: June 3, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7 (G)
6-3-10

ORDINANCE NO. 10-38

ORDINANCE RELATING TO ZONING REGULATION OF
AWNINGS, CANOPIES AND TENTS; AMENDING
SECTIONS 33-64 - 33-65, 33-69 - 33-71, AND 33-77 AND
DELETING SECTIONS 33-72 AND 33-81 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 33-64 of the Code of Miami-Dade County, Florida is hereby amended
as follows:¹

ARTICLE V. AWNINGS, CANOPIES AND TENTS

Sec. 33-64. Definitions.

- (a) *Awning.* A ~~[[temporary, movable;]]~~ detachable ~~[[canvas or other cloth]]~~ >>covering, intended to provide<< protection against sun or weather, supported by a ~~[[metal]]~~ >>rigid<< frame~~[[, or wood, metal or other rigid material used similarly as protection against sun or weather]]~~. Awnings may be ~~[[so]]~~ installed so as to remain in a fixed position or be installed in a manner permitting raising and lowering or shifting to function as a shutter to close entirely the protected opening. An awning must be supported entirely from the walls of the building to which >>it is<< attached >>or cantilevered<<.
- (b) *Canopy.* A ~~[[temporary detachable canvas or other cloth]]~~ >>covering, intended to provide<< protection against the sun or weather >>, which is mounted<< on a rigid metal frame, ~~[[which may be of metal or other rigid material used similarly as protection against the sun or weather which]]~~ >>and<< is supported >>in full or<< in part by ~~[[metal or wood]]~~ posts

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.

attached to the ground>>, a<< ~~[[or to]]~~ deck or >>a concrete slab.<< ~~[[floor of a building]]~~ >>Attached canopies shall be supported<< ~~[[and]]~~, in part, ~~[[on]]~~>>by<< the wall of >>a permanent structure. Freestanding shall refer to canopies supported entirely by posts.<<~~[[the building. A canopy shutter is a canopy installed, over an opening (door or window) in a manner permitting raising and lowering to close entirely the protected opening.]]~~

- (c) *Tent.* A >>portable shelter comprised of<< canvas or other cloth ~~[[shelter from sun or weather]]~~ supported by >> a rigid<< ~~[[wooden or metal]]~~ frame or by poles, stakes and ropes, or both, and not attached to any building.
- (d) *Cabanas (Canvas).* A tent used on the beach, as accessory to hotel, motel or hotel-apartment use.
- (e) ~~[[Detached canopy]]~~>>Canopy Carport<<. A ~~[[temporary detachable canvas or other cloth]]~~ >>vehicle<< shelter >>which is mounted on a rigid frame<< ~~[[which may be of metal or other rigid material detached from any building,]]~~ >>and<< supported by ~~[[metal]]~~ posts attached to the ground. ~~[[Such canopy may be used as shelter for an automobile (carport) and, shelter for sand boxes, swimming pools, and other similar recreational facilities as may be approved by the Director.~~
- ~~(f) *Roller curtain.* A roller curtain is a temporary, movable, detachable canvas or other cloth protection against sun or weather having a wooden or metal roller attached to its lower edge which is supported entirely by the canvas and is raised and lowered by ropes and pulley or other mechanical device.~~
- ~~(g) *Umbrella.* A canvas or other cloth covering used as a protection against sun or weather, which may be of metal or other rigid material supported by a single metal or wood pole.]]~~

Section 2. Section 33-65 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-65. Permit required.

A permit must be obtained from the Department for all >>awnings,<< canopies and >>canopy<< carports to be installed in residential, business and industrial districts ~~[[and for all awnings projecting toward the street or highway in business and industrial districts, and for umbrellas and canopies installed in business or industrial districts]]~~. Other installations covered by this article, though not requiring permits, shall comply with this article and all other applicable

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rules, regulations and codes. Such plans and drawings as may be deemed necessary to fully advise and acquaint the issuing Department with the location, construction and material of the installation, must accompany the application for permit.

Section 3. Section 33-69 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-69. Awnings in residential districts, maximum projection.

In all residential districts, >>awnings comprised of<< wood, metal>>,<< ~~[[or]]~~ canvas >>or other similar cloth material<< ~~[[awnings]]~~ shall be permitted for the purpose of providing protection from the elements for doors, windows or other openings. Such awnings shall not project more than five (5) feet six (6) inches from the building wall nor extend closer than one (1) foot to any interior side property line.

Section 4. Section 33-70 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-70. Awnings in business and industrial districts; maximum projection.

In all business and industrial districts, (including those districts requiring masonry construction), >>awnings comprised of wood, metal,<< canvas >>(or other similar cloth material)<< ~~[[or metal awnings]]~~ shall be permitted for the purpose of providing protection from the elements of doors, windows and other openings. Such awning shall not extend more than nine (9) feet from the building wall nor extend closer than two and one-half (2 1/2) feet to the interior side property lines when projected from side walls, or closer than two and one-half (2 1/2) feet to the rear property line, nor closer than seven (7) feet to any official right-of-way line. In no event shall such awning be used to shelter any merchandise, equipment, display or to be used for any commercial, industrial or storage purpose.

Section 5. Section 33-71 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-71. Use of ~~[[canopy as roof over patios]]~~ >>cloth, canvas canopies in residential districts, excepting canopy carports<<[[; screening or plasties]].

- >>(a) Canopies comprised of a covering made of cloth, canvas, or other similar material shall be permitted within the side and rear yards in all residential districts subject to the regulations of this section. Canopies shall have a maximum height of ten feet as measured from grade to the lowest horizontal element of the frame structure with the total height of the structure not exceeding 15 feet. Canopies may encroach into the rear and side setback but shall not be located closer than ten feet to the rear property line and five feet to the interior side property line. On a side street, the canopy shall meet the principal building setback. In no event shall the area protected by the canopy be enclosed or screened in any manner. See section 33-75 for regulations related to canopy carports.
- (b) In addition to the requirements of section 33-71(a), an attached canopy comprised of cloth, canvas or other similar material shall project a maximum of 15 feet from the primary structure.
- (c) In addition to the requirements of Section 33-71(a), freestanding canopies comprised of cloth, canvas or other similar material shall not exceed 12 feet by 24 feet in size. Freestanding canopies exceeding the maximum size requirement may be permitted for authorized special events but shall not remain on the site for a period exceeding 30 days.
- (d) If the canopy has aluminum, shingle, or other solid roof, it shall be considered to be part of the principal structure and subject to all setbacks and height restrictions for principal structures.<<[[In all residential districts, where properly fastened to the building, wood, metal or canvas canopies shall be permitted with proper supports, as a roof over open slabs and patios but only where such installations shall comply with all setbacks applicable to the structure concerned, or as may be modified by this article. Only wood and metal canopies may be enclosed with screening, or approved soft pliable plastic material, provided that the supporting structure and approved plastic enclosure material is designed to meet and comply with the windload and structural requirements of Chapter 44 of the South Florida Building Code as it applies to screen enclosures and similar structures.]]
- >>(e) The canopy shall be erected in such manner that it shall <<[[be temporary and]] >>be removed during hurricanes.<<²

² Committee amendments are indicated as follows: words double stricken and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

Section 6. Section 33-72 of the Code of Miami-Dade County, Florida is hereby deleted:

~~[[Sec. 33-72. Canopy shutter.~~

~~A canopy shutter may be installed over a first floor opening of the principal building if such building conforms to minimum required setbacks and may extend a maximum of seven (7) feet into the front and rear setback areas of such principal building, measured to the pilasters, with one (1) foot overhang permitted, measured from the base of the pilaster to the drip line. The upright supports of such canopy shall be easily removable. Such canopy shutters must be for the purpose of covering a patio, and must also cover an opening, and shall be no more than six (6) feet wider than the opening it is covering. Such canopy shutter shall not be screened or enclosed in any manner. In a closed position, such canopy shutter shall be flat against the building and secured thereto. All other canopies and canopy shutters shall observe setbacks established in this article.]]~~

Section 7. Section 33-77 of the Code of Miami-Dade County, Florida is hereby amended

as follows:

Sec. 33-77. ~~[[Canvas umbrellas or]]~~ >>Use of<< canopies ~~[[on open lots; permanent metal canopy]]~~ >>in business and industrial districts<<.

- (a) In business and industrial districts where sales from open lots are specifically permitted by applicable regulations, and the use does not require the erection of any building, ~~[[one (1) canvas umbrella not to exceed twenty one (21) feet in diameter or]]~~ one (1) canvas or metal canopy not to exceed ~~[[twelve (12) feet by twenty four (24) feet]]~~ >>288 square feet<< may be erected for each fifty (50) feet of lot frontage (on one (1) street only). In no event shall the area protected by the ~~[[umbrella or]]~~ canopy be enclosed or screened in any manner. The ~~[[umbrella or]]~~ canopy shall be erected in such manner that it shall ~~[[be temporary and]]~~ be removed during hurricanes. The standard setbacks for structures in the particular districts concerned shall apply.
- (b) In business and industrial districts the erection of an approved permanent metal canopy shall be permitted not to exceed thirty (30) feet in depth and the length equivalent to the width of the lot, subject to all >>principal building<< setbacks being complied with.

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Section 8. Section 33-81 of the Code of Miami-Dade County, Florida is hereby deleted:

~~[[Sec. 33-81. Signs on; identification of erector.~~

~~Awning, canopy, roller curtain, or umbrella sign or signs shall be limited to eight inch letters in height, and shall not exceed a total coverage of twenty four (24) square feet. Any such sign shall be limited to the identification of the occupant and/or use of the property. No permits will be required for the awning, canopy, roller curtain, or umbrella sign, but the same shall comply strictly with the foregoing requirements.~~

~~All awnings, canopies, roller curtains, and umbrellas shall be permanently labelled by the erector with their name on the under or inner side.]]~~

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.

Section 10. 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.

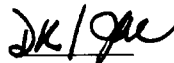
Section 11. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **June 3, 2010**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

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Memorandum



Date: September 21, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 7(G)

From: George M. Burgess
County Manager

Ordinance No. 10-58

Subject: Ordinance Establishing Regulatory Criteria for Protecting Mobile Home Park Unit Owners and Mobile Home Park Owners

This item (Legistar No. 100448) was amended at Budget, Planning and Sustainability Committee (BPSC) Meeting of July 13, 2010, to remove Section 5 of the Ordinance pertaining to the two year look back provision.

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance establishing regulatory criteria to protect mobile home owners and mobile home parks. Specifically, the proposed ordinance establishes Sections 33-1(70.1), 33-169.1, 33-172.1, 33-310.2; and amends Sections 33-166, 33-169, 33-171, 33-172, 33-191, 33-311, and 33-314:

Scope

This ordinance applies to mobile home parks located within Unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

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

Track Record/Monitor

The Department of Planning and Zoning will administer the mandates of this ordinance.

Background

On October 16, 2007, the Board of County Commissioners (BCC) adopted Resolution R-1161-07, imposing a temporary moratorium in the unincorporated area of Miami-Dade County to examine the appropriateness of existing zoning districts for mobile home park use. The moratorium postponed the issuance of building permits on 40 properties being utilized as mobile home parks. The temporary moratorium was subsequently extended by the BCC in February 2008 (Resolution No. R-167-08), May 2008 (Resolution No. R-567-08), October 2008 (Resolution No. R-1115-08), February 2009 (Resolution No. R-144A-09), and June 2009 (Resolution No. R-647-09).

On November 3, 2009, the BCC adopted Resolution R-1230-09 extending the temporary moratorium for 120 days in order to provide time for BCC consideration of the proposed Mobile Home Owner Resident Protection ordinance and the proposed Villa Development Zoning District.

The proposed amendment to the Mobile Home ordinance codifies the statutory requirements (Chapter 723, Florida Statutes) for development applications on properties being utilized as mobile home parks. The proposed ordinance sets forth standards to ensure compliance with the statutory requirements regarding availability of alternative housing for mobile home unit owners and provides certain additional notice requirements for any proposed development that would result in the removal or relocation of mobile home owners. In addition, the proposed amendments allow for more

flexibility to maintain smaller mobile home parks of five acres or more and add manufactured homes up to two stories in height.

Specifically, the proposed ordinance:

- (1) Defines manufactured home in the Zoning Code (Sec. 33-1(70.1)) and provides for the use of manufactured homes in mobile home parks (Sec. 33-172)
- (2) Expands the legislative intent of the County to recognize that mobile home parks provide alternative forms of affordable housing and that the impacts on the supply of this housing type shall be considered when hearing rezoning requests to change the use of land which is used as a mobile home park (Sec. 33-166)
- (3) Creates a requirement that mobile home parks receive an annual certificate of use which will review the vacancy rate of the park and check for nuisances such as junk and trash and overgrowth. (Sec. 33-169)
- (4) Establishes a procedure for the review of requests for development actions impacting mobile home park property (Sec. 33-169.1)
 - a. Application must demonstrate that there exist adequate or suitable affordable housing facilities appropriate to the financial and other needs of the specific population of mobile home owners
 - b. Information will be required on the profile of resident mobile home owners; available mobile home lot spaces in other parks, other available alternative affordable housing meeting the profile of the mobile home unit owners
 - c. Submittal of a relocation and alternative housing closure plan detailing how the park owners will communicate and facilitate referrals of residential home unit owners to alternative public and private housing resources as well as applicable benefits through the state of Florida Mobile Home Relocation Corporation
 - d. Requires affidavit of the mobile home park owner that they will comply with state closure requirements in good faith
 - e. Review of the code enforcement history concerning the mobile home park property
- (5) Reduces the acreage requirement for a mobile home park from thirty (30) acres down to five (five) acres (Sec. 33-171)
- (6) Allows mobile homes or manufactured homes up to two stories in height (Sec. 33-172.1)
- (7) Requires the County to report all complaints of violations of Chapter 723 (Mobile Home Parks) to the appropriate state agency which oversees enforcement of state regulations in mobile home parks. (Sec. 33-191)
- (8) Provides for posting information on park property when a request is made for a development action concerning a mobile home park property; provides similar means to communicate the outcome of the development action request; mobile home unit owners have the opportunity to appeal the development action decision (Sec. 33-310.2)
- (9) Provides for appeals of development action decisions to the appropriate Community Council Zoning Appeals Board (Sec. 33-311)
- (10) Provides for appeals of the Community Council decision to the Board of County Commissioners (Sec. 33-314).



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: September 21, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

A handwritten signature in black ink, appearing to read "RACJ", is written over the printed name of the County Attorney.

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

- _____ "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
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ No committee review
- _____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- _____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)
9-21-10

ORDINANCE NO. 10-58

ORDINANCE PERTAINING TO ZONING REGULATION OF MOBILE HOME PARKS AND PARK REDEVELOPMENT; PROVIDING DEFINITION OF MANUFACTURED HOME; REQUIRING ANNUAL CERTIFICATE OF USE FOR MOBILE HOME PARKS; REQUIRING DISCLOSURES IN CONNECTION WITH APPLICATIONS FOR CERTAIN ZONING ACTIONS AND DEVELOPMENT PERMITS AS PART OF RELOCATION PROTECTION PLAN; MODIFYING CERTAIN SIZE AND HEIGHT REQUIREMENTS FOR MOBILE HOME PARKS AND LOT SPACES; REQUIRING REFERRAL OF COMPLAINTS TO STATE AGENCY; PROVIDING JURISDICTION FOR APPEALS OF ADMINISTRATIVE DECISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-1(70.1) of the Code of Miami-Dade County is hereby created as follows:

>>(70.1) *Manufactured home.* A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.<<

Section 2. Sec. 33-166 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-166. Purpose and intent

It is the purpose and intent of this article to provide regulations to control the use of mobile homes and to establish standards for mobile home parks which will promote the placement of parks in appropriate locations where there exist or would be provided the basic amenities and services akin to those in low- and medium-density areas, and to provide for the grouping of these mobile home units to make an efficient aesthetically pleasing use of land within the mobile home community so that a high-quality residential area will be created and maintained

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.

for the benefit of the mobile home community and adjacent properties and the public as a whole.

>>Mobile home parks provide alternative forms of housing and add to the diversity of affordable housing opportunities for the residents of unincorporated Miami-Dade County. It is the goal of the Board of County Commissioners of Miami-Dade County to preserve the diversity and stock of low cost housing alternatives. The Board of County Commissioners and the Community Zoning Advisory Boards will evaluate the impacts to the available supply of this form of low cost housing when hearing zoning applications to change the use of land which is an existing mobile home park.<<

Section 3. Sec. 33-169 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-169. Mobile home park, public hearing approval and permit required to establish;>>requirement to obtain an annual certificate of use<<

>>(1)<<It shall be unlawful for any person to own, operate, maintain or permit to be operated or maintained, or to construct, increase by number of spaces or otherwise extend any mobile home park unless such person shall first obtain a permit as a result of approval of the use and of the site plan of such park after public hearing. Such park shall comply with the approved plan and the provisions of this chapter and all other applicable State and County regulations and laws in its development and maintenance. The provisions of this article shall not apply to legal, existing mobile home parks nor to parks approved prior to the effective date of this article, but on which development has not commenced except as provided in Section 33-170(B).

Anything to the contrary notwithstanding, mobile homes >>or manufactured homes<<, their porches, and other additions to mobile homes >>or manufactured homes<< in mobile home parks in existence prior to June 25, 1971 or which have been established subsequent to said date pursuant to Section 33-170(B), are permitted providing they conform to the requirements of Section 33-174(b).

>>(2)All legally established mobile home parks shall apply for and obtain an annual certificate of use.

(a)The scope of the certificate of use Inspection shall be limited to zoning compliance issues, including the following:

- i) A tenant occupancy report indicating the number of occupied lots and unoccupied lots; if the park is a combination of mobile homes and manufactured homes, the report shall list the information separately.
- ii) The current occupancy rate of the mobile home park based on the number of occupied lots and the number of legally permitted lots.
- iii) Inspection for compliance with the property maintenance standards of Chapter 19 of the code.
- iv) Inspection for compliance with commercial vehicle storage regulations.

- b) A copy of the certificate of use inspection report shall be sent to the owner of the mobile home park and referrals of violations of items listed in this section shall be made to the County department responsible for such code enforcement.
- c) Reports of violations and the park occupancy information shall be sent to the appropriate state agency for enforcement action.
- d) All legally existing mobile home parks must apply for a certificate of use within 90 days after the effective date of this ordinance. Renewals of the certificate of use shall be made each year in the month of June.<<

Section 4. Sec. 33-169.1 of the Code of Miami-Dade County is hereby created as follows:

>>Sec. 33-169.1. Applications for zoning action >>or development permits<< on property utilized as a mobile home park.

- (A) Applications for a zoning action >>or development permit<< on properties utilized as an existing mobile home park at the time the application is filed shall be approved only upon a determination that (1) approval of the application would not result in the removal or relocation of mobile home owners residing in the mobile home park or (2) adequate mobile home parks or other suitable alternative affordable housing exists for the relocation of the mobile home owners.
- (B) Applications for zoning action >>or development permit<< on properties utilized as mobile home parks at the time of filing shall include the following information, which shall be presented in a sworn statement by the applicant and the owner of the property:
 - (1) The total number of mobile homes in the park that are owned and occupied by mobile home or manufactured home owners; and
 - (2) The range of rents and number of mobile home and manufactured home spaces occupied and of tenants renting mobile home park owned units; and a summary of the number of mobile home owner and manufactured home owner leases or mobile home tenant rental agreements currently in place; and
 - (3) A report indicating the number of lots occupied by mobile home owners or manufactured home owners; in addition the report shall list the number of units owned by the mobile home park owner and shall include the number of tenants residing in those mobile home units. In addition, the list shall identify how many owner occupied mobile homes or manufactured homes are suitable for relocation. The relocation and alternative housing plan shall include potential mobile home parks with lots suitable for the units that can be relocated; and
 - (4) An estimate of the household profile for each household within the park, including an estimate of the number of adults, and number of children under eighteen years of age, and whether pets have been allowed in the park.

Replacement units identified should be suitable for similar household profiles; and

- (5) A list of other mobile home parks or other suitable relocation facilities within a 10-mile radius of the subject mobile home park and located near public transit facilities, describing the number and size of available vacant units or vacant replacement lots at the time of the application is filed, that are of a similar cost profile as that of the mobile home or manufactured home owners residing in the application property. This list will include, at a minimum, the name and address of the park, park contact name and phone number, the number of vacant spaces available, the lot sizes, park guidelines on age and description of available or acceptable units for relocation of mobile homes or manufactured homes. The report shall include the number of rental units or vacant replacement lots available and the rental costs of such units or replacement lots. All parks or other suitable affordable housing alternative facilities must be located within a ten-mile radius of the subject property and located near a public transit facility and serve the same general age, household, and occupancy profiles as the subject property. In the event that the existing park is not within 10 miles of a public transit facility, the comparison search area radius may be extended to 15 miles; and
- (6) Submittal of a relocation and alternative housing protection plan detailing the anticipated timing for park closure, a tenant communication plan and actions the mobile home park owner will take to refer mobile home park residents to alternative public and private housing resources and other forms of assistance that may be voluntarily offered by the mobile home park owner and assistance to mobile home park residents to obtain applicable benefits through the state of Florida Mobile Home Relocation Corporation; and
- (7) A sworn affidavit by the mobile home park owner and operator that they will, in good faith, comply with state laws concerning the sale of the park and notification to ~~[[of]]~~ park residents.

(C) In addition to the application information to be provided in Sec. 33-169.1(B) the Director shall review the history of code enforcement actions on the subject property and status information of all code enforcement cases initiated by Miami-Dade County departments.<<

~~[[>>Section 5. Sec. 33-169.2 of the Code of Miami-Dade County is hereby created to read as follows:]]~~

~~[[Sec. 33-169.2. Applications for zoning action or development permits on property previously utilized as a mobile home park.]]~~

~~[[No application for zoning action or development permit shall be approved on any property that was previously used as a mobile home park in the two years preceding the filing of the application, if such zoning action or development permit has resulted, or~~

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~~will result, in the removal or relocation of mobile home owners residing in the mobile home park, unless the applicant demonstrates that, at the time of park closure or at the time the application is filed, there was within a ten mile radius either a number of lots in alternative mobile home parks equivalent to the greatest number of mobile homes previously located on the site during the preceding two years, or other substantially equivalent affordable facilities or housing. It is provided, however, that upon application and demonstration at public hearing that, owing to special conditions, enforcement of this provision will result in unnecessary hardship, a variance from this provision shall be granted, but only to the extent necessary to permit reasonable use of the application site. <<]]~~²

Section >>[[5]]<<[[6]]<<H. Sec. 33-171 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-171. Minimum size for mobile home park.

No mobile home park site shall contain less than ~~[[thirty (30)]]~~ >>five (5)<< acres, including rights-of-way, nor have a frontage of less than six hundred sixty (660) feet on dedicated right-of-way except that these minimum requirements shall not apply to the expansion of an existing park into adjacent and contiguous lands.

Section >>[[6]]<<[[7]]<<H. Sec. 33-172 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-172. Minimum size for mobile home >>or manufactured home<< space and limitation of occupancy.

The minimum size ~~[[of eighty (80) percent]]~~ of the mobile home >>or manufactured home<< spaces in any park shall >>not be less than 2,700 square feet in net lot area, with a minimum frontage of 30 feet.<<~~[[be forty five (45) feet in width and ninety (90) feet in length, with variations of these dimensions being permitted if approved after special exception hearing based on site plan submitted, provided that such variations shall not reduce the area of the space below four thousand fifty (4,050) square feet; and ten (10) percent of the total number of spaces to be provided may not be less than three thousand two hundred (3,200) square feet and the remaining ten (10) percent may not be less than three thousand six hundred (3,600) square feet.]]~~ Only one (1) mobile home >>or manufactured home<<, occupied by only one (1) family, shall be placed on any one (1) space.

Section >>[[7]]<<[[8]]<<H. Sec. 33-172.1 of the Code of Miami-Dade County is hereby created as follows:

>>Sec. 33-172.1 Maximum height.

A mobile home or manufactured home unit shall be limited to two (2) stories, not to exceed 25 feet in overall height.<<

² Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

Section >>[[8]]<<[[9]]<<[[10]]<<[[11]] Sec. 33-191 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-191 - Responsibility for Compliance

The owner and operator of a mobile home park shall be responsible for compliance with all applicable conditions, provision, laws and regulations affecting the mobile home park or any mobile homes or trailers parked there. The owner and operator shall notify the tenant of a space of any violations created by such tenant. If the tenant fails to correct violations existing in connection with his mobile home or mobile home space, the owner and operator shall notify the Department of such violations and shall initiate appropriate action to have the violations corrected. Compliance with this Code is the responsibility of the tenant, park operator and park owner.

>>The County recognizes and abides by the applicable regulations of Chapter 723 of the Florida Statutes. Complaints received by the County that are subject to review and enforcement action by state agencies shall be submitted to the appropriate State of Florida Agency whose duty is it to investigate such complaints. The County shall provide the complainant with a copy of the referral. <<

Section >>[[9]]<<[[10]]<<[[11]] Sec. 33-310.2 of the Code of Miami-Dade County is hereby created as follows:

>>Section 33-310.2 Application for administrative approval on existing mobile home park site

Within thirty (30) days of the filing of an application for an administrative approval >>pursuant to Sec. 33-169.1<< by the director for the full or partial redevelopment of an existing mobile home park, the Director shall, at the cost to applicant, provide notice in a newspaper of general circulation, and shall post notice in at least 4 locations on mobile home park property.

If the mobile home park is listed by the applicant as vacant, the applicant shall provide documentation demonstrating the expiration date of the last leasehold in the park and a copy of the closure notice to park residents. The department shall provide closure information to the appropriate state agency.

Notice of the Director's decision shall be published within fifteen (15) days after the determination, at the cost to applicant, in a newspaper of general circulation and posted in at least four locations on the park property. Any aggrieved person may appeal the Director's decision pursuant to Section 33-311 within thirty (30) days after the date of newspaper publication. If no timely appeal is taken, the decision shall become final, and the necessary changes shall be made upon the zoning maps and records.<<

Section >>[[10]]<<[[>>11<<]]. Section 33-311 of the Code of Miami-Dade County 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]]~~>>33-310.2<< 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.

* * *

(2) Appeal of administrative variances, administrative adjustments; and appeals of >>administrative determination regarding existing mobile home parks issued pursuant to Section 33-310.2,<< administrative site plan review substantial compliance determinations, and administrative correction of clerical or scrivener's errors.

(a) Upon application for, hear and decide appeals where it is alleged there is an error in the granting or denial of an administrative variance, administrative adjustment, >>administrative determination regarding mobile home park property redevelopment action pursuant to Section ~~[[33-310.2]]~~>>33-169.1<<<< administrative site plan review, determination of substantial compliance, or administrative correction of a clerical or scrivener's error, pursuant to the provisions of this Code. Such administrative decisions shall not include appeals filed pursuant to Sections 2-114.1 through 2-114.4.

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Section >>[[11]]<< [[>>12<<]]. Sec. 33-314 of the Code of Miami-Dade County is hereby amended as follows:

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

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

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*

*

>> (10) Administrative determinations concerning mobile home parks pursuant to 33-311(2)(a) of this code.<<

Section >>[[12]]<< [[>>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 >>[[13]]<< [[>>14<<]]. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, shall become and be made 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 >>[[14]]<<[[>15<]]. 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: September 21, 2010

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

Prepared by: JM

John McInnis

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 7(G)
File Number: 101845
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: September 9, 2010
Type of Items: Mobile Home Parks

Summary

This ordinance establishes regulatory criteria for protecting mobile home park unit owners and mobile home park owners through the creation of §33-1(70.1), §33-169.1, §33-172.1, and §33-310.2; and the amendment of §33-166, §33-169, §33-171, §33-172, §33-191, §33-311 and §33-314 of the Miami-Dade County Code (Code).

Additional Mobile Home Park Items on This Agenda

7(G) Supplement No. 1 provides the information that the temporary moratorium (**see Item No. 5D**) is also on this agenda, providing the Board of County Commissioners (BCC) the opportunity to determine whether or not to continue the temporary moratorium.

7(G) Supplement No. 2 provides the Attorney General's opinion. It is the Attorney General's opinion that the County cannot adopt an ordinance imposing additional conditions to the vacation of a mobile home park where the owner of the park has followed the mandated of Chapter 723, Florida Statutes.

Background and Relevant Legislation

At the February 9, 2010, Budget, Planning and Sustainability (BPS) Committee meeting, this item was amended to require the following:

- Development permit applications in existing mobile home parks are subject to the same administrative review process as other zoning applications;
- A two (2) year look back provision to address mobile home parks that were closed prior to seeking zoning action or a development permit;
- Forwarding this item to the Florida Department of Community Affairs for their review prior to final BCC approval; and
- The correction of scrivener's errors.

Subsequently, at the March 2, 2010, BCC meeting, this item was remanded back to the BPS Committee without recommendations. At this meeting, the Board also extended the moratorium for an additional 120 days and requested an opinion from the Attorney General's office regarding the two (2) year look back provision.

At the April 13, 2010, BPS Committee meeting, this item was deferred because an opinion from the Attorney General's office had not been received.

At the July 13, 2010, BPS Committee meeting, this ordinance was amended, removing language in reference to the 2 year look back provision (Section 5). Furthermore, this ordinance was forwarded to the BCC with a favorable recommendation.

<u>LEGISLATIVE HISTORY OF MOBILE HOME PARKS MORITORIUM</u>	
Resolution No. 1161-07 adopted October 16, 2007	
Temporary moratorium imposed for 120 days.	
This resolution ordered a building moratorium for properties utilized as mobile home parks and directing the County Manager or his designee to do the following: (1) submit a report on the appropriateness of existing zoning districts and regulations, and (2) to recommend strategies to mitigate impacts of redevelopment.	
This legislation was proffered following the potential close of mobile home parks and proposals to redevelop those sites by the property owners. Florida statutes pre-empt the County's jurisdiction over control of landlord and tenant laws; therefore, the Board could only place a moratorium on building permits and not on the eviction of tenants.	
The moratorium allowed staff to review strategies and alternatives to provide housing for displaced residents and the moratorium prevented the issuance of building permits and temporarily halted the eviction of residents or the closure of 40 mobile home parks with an estimated total of 8,000 units.	
At this BCC meeting several Commissioners voiced concern regarding the relocation, moving costs of evicted mobile home residents, compensation for trailers and affordability of replacement housing.	
Resolution No. 167-08 adopted February 19, 2008	
Extended moratorium for an additional 90 days.	
On this date, the County Manager's Report was presented to the Board. This report included recommendations to advocate for the following changes through the State Legislation package:	
<ul style="list-style-type: none">• Reauthorize and lift the cap on Sadowski Housing Trust Fund;• Reassess the amount of reimbursement currently available to displaced residents for relocation from the State Relocation Trust Fund and allow for adjustments to reflect current market conditions;• Extend the time beyond 45 days that is currently allowed for First Right of Refusal by HOA when a	

<p>park is for sale; and</p> <ul style="list-style-type: none"> • Allow for longer notice period for eviction in case of sale of the property. <p>This resolution included an attachment which provided an update of the County's 2009 State Legislative Package. At the state level, several bills were introduced but ultimately failed to be adopted.</p>
<p align="center">Resolution No. 567-08 adopted May 6, 2008</p>
<p>Extended moratorium for an additional 180 days.</p> <p>On this date, the Board expounded on its directives, considering additional implementation strategies including the following:</p> <ul style="list-style-type: none"> • Purchase of Mobile Home Parks in Miami-Dade County The Board expressed interest in the voluntary sale/purchase and ownership of mobile home parks to make sure that an adequate supply of mobile homes are maintained in the County. • Voluntary Restriction to Limit Use for Assessed Valuation This would impose a voluntary restrictive covenant limiting the use of the property to a Mobile Home Park use for a period of 20 years in return for property tax assessment based primarily on restricted current use. • Development of Off-Site Alternatives The General Services Administration Department initiated a pilot project to use several County owned single-family infill lots to construct affordable housing using prefabricated homes. • Resident Owned Communities Staff also recommended utilizing a non-profit organization called ROC USA; the organization provides loans to help homeowner groups purchase their manufactured home communities (Source: Organization Website www.rocusa.org). • Housing Assistance Grant and Amnesty Program Funding This program is intended to provide necessary assistance with capital improvements to park owners and residents in order to assist in upgrading existing conditions.
<p align="center">Resolution No. 1115-08 adopted October 21, 2008</p>
<p>Extended moratorium for an additional 120 days.</p> <p>On this date, the Board directed the County Manager to continue reviewing zoning options for mobile home parks.</p>
<p align="center">Resolution No. 144A-09 adopted February 17, 2009</p>
<p>Extended moratorium until June 2, 2009.</p> <p>On this date, the Board requested an update report on the Mobile Home Zoning District, the Villa Development Zoning District, the Comprehensive Development Master Plan Amendment and the State Legislative Coordination. These concerns are all addressed in attachments and supplemental items for this resolution.</p>
<p align="center">Resolution No. 647-09 adopted June 2, 2009</p>
<p>Extended moratorium for five (5) months.</p>

On this date, the Board requested an analysis of potential land use/rezoning of the mobile home sites.

Resolution No. 1230-09 adopted November 3, 2009

Extended moratorium for an additional 120 days.

On this date, the Board directed the Mayor or his designee to implement appropriate recommendations contained in the November 3, 2009 report.

The following mobile home park sites were released from the temporary moratorium:

- No. 28 – Tract 3, Lil Abner Mobile Home Park in District 12;
- No. 10, Colonial Acres Mobile Home Park in District 2, with the acceptance of a proffered covenant;
- No. 14, Tradewinds Trailer Park in District 2, with the acceptance of a proffered covenant,
- No. 3, Landmark Plaza and Trailer in District 4;
- No. 5, Coe's Trailer Court in District 4; and
- No. 8, Palm Trailer Park in District 4.

Policy Change and Implication

This ordinance incorporates within several sections of the Code the specific regulation of Chapter 723, Florida Statutes, mandating that no government agency will approve any application for rezoning, or take any other development action which results in the removal and/or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

This ordinance applies the following changes to the Code:

- Requires an annual certificate of use;
- Defines the scope of the certificate of use inspection;
- Specifies the requirements for existing mobile home park in submitting an application for a development action or order;
- Reduces the acreage requirement for a mobile home park to five (5) acres;
- Allows mobile home or manufactured homes up to two stories in height; and
- Provides appeal provisions.

Prepared by: Elizabeth N. Owens

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

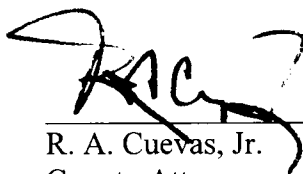
DATE: (Second Reading 10-19-10)
September 21, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
zoning regulation of signs;
amending Sections 33-82 and
33-107 of the Code;
expanding the area defined as
the City of Miami Urban Core
where mural signs may be
permitted; increasing the
number of mural signs
permitted

Ordinance No. 10-71

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



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



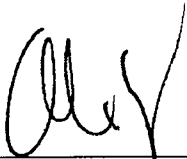
Date: October 19, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess 
County Manager

Subject: Ordinance amending Sections 33-82 and 33-107 of the Code of Miami-Dade County

The proposed ordinance expanding the area defined as the City of Miami Urban Core where mural signs may be permitted, and increasing the number of mural signs permitted from 35 to 45, will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Alex".

Alex Munoz,
Assistant County Manager

Fis8410



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 19, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

☒
☒
☒

"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

Ordinance creating a new board requires detailed County Manager's report for public hearing

No committee review

Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve

Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)

10-19-10

ORDINANCE NO. 10-71

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS; AMENDING SECTIONS 33-82 AND 33-107 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); EXPANDING THE AREA DEFINED AS THE CITY OF MIAMI URBAN CORE WHERE MURAL SIGNS MAY BE PERMITTED; INCREASING THE NUMBER OF MURAL SIGNS PERMITTED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, Chapter 33 of the Code of Miami-Dade County regulates the placement and size of Class C signs within the incorporated and unincorporated areas of Miami-Dade County; and

WHEREAS, the Board of County Commissioners (Board) adopted Ordinance No. 07-61, as modified by Ordinance No. 07-91, authorizing the display of mural signs within City of Miami Urban Core; and

WHEREAS, the City of Miami approved Resolution R-10-0328 requesting the Board to amend Chapter 33 of the Code of Miami-Dade County to expand the boundaries of the City of Miami Urban Core and to allow more than the current thirty-five (35) mural permits to be issued; and

WHEREAS, the City of Miami would be aesthetically enhanced by the display of additional mural signs within the City of Miami Urban Core; and

WHEREAS, the Board finds that the area proposed for expansion to the City of Miami Urban Core is aesthetically similar to the current boundaries of the City of Miami Urban Core,

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

Section 1. Section 33-84 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-84. Definitions.

For the purposes of this article the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise. Where there is a question as to the correct classification or definition of a sign, the Director shall place said sign in the strictest category and/or classification

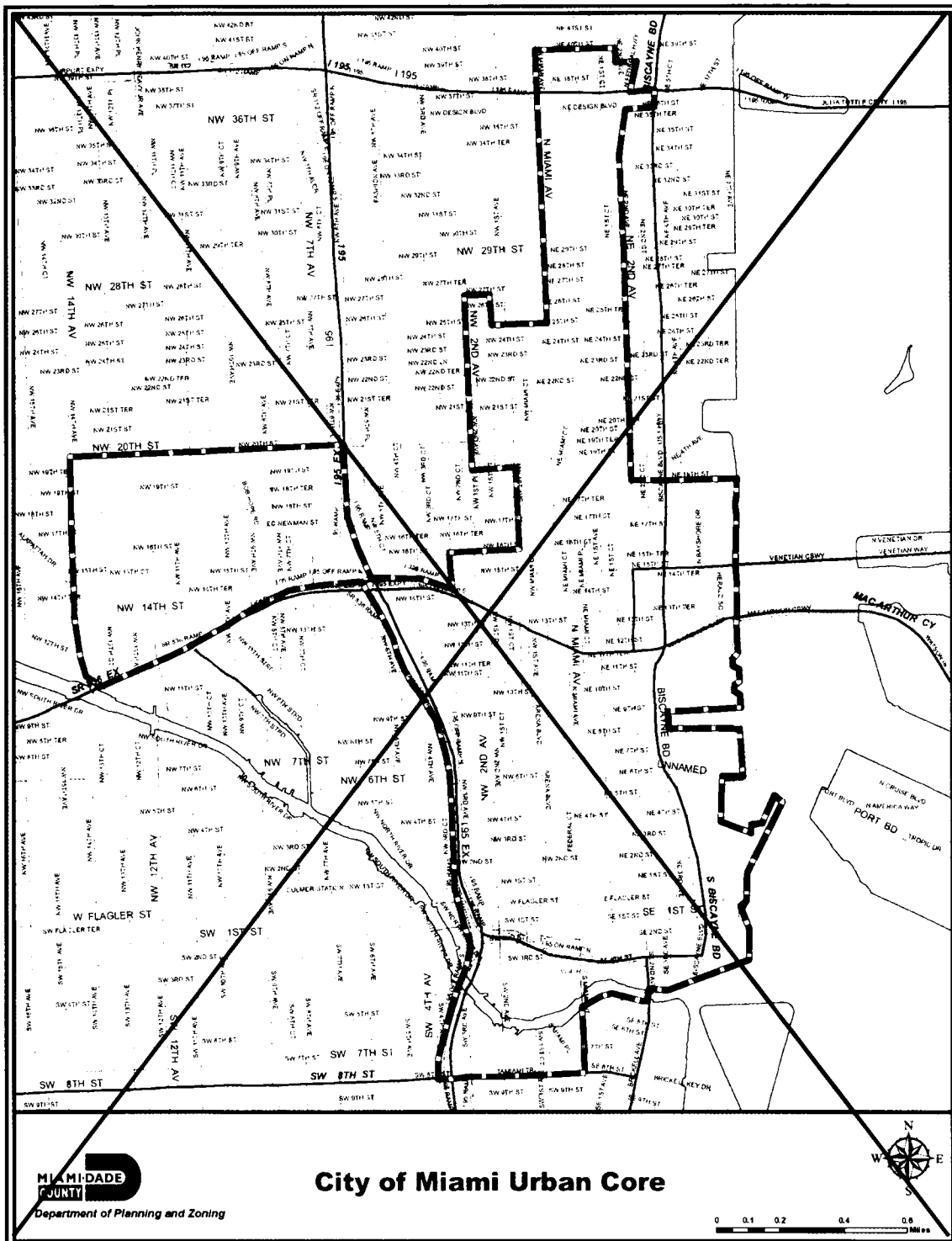
* * *

- (y) *City of Miami Urban Core* shall mean the geographic area commencing at Biscayne Bay and the North side of NE 18th Street; thence West along the North side of NE 18th Street to the East side of NE 2nd Avenue; thence North along the East side of NE 2nd Avenue to the South side of NE 36th Street; thence East along the South side of NE 36th Street to the West side of Biscayne Boulevard; thence North along the west side of Biscayne Boulevard to the North side of I-195; thence West along the North side of I-195 to the East side of N. Federal Highway; thence North along the East side of N. Federal Highway to the North side of NE 39th Street; thence West along the North side of NE 39th Street to East side of NE 2nd Avenue; thence North along the East side of NE 2nd Avenue to North side of NE 40th Street; thence West along the North side of NE 40th Street to West side of N. Miami Avenue; thence South along West side of N. Miami Avenue to the North side of NW 25th Street; thence West along the North side of NW 25th Street to the East side of the theoretical extension thereto of NW 1st Court; thence North along the East side of the theoretical extension of NW 1st Court to the North side of NW 27th Street; thence West along the North side of NW 27th Street to the West side of NW 2nd Avenue; thence South along the West side of NW 2nd Avenue to the

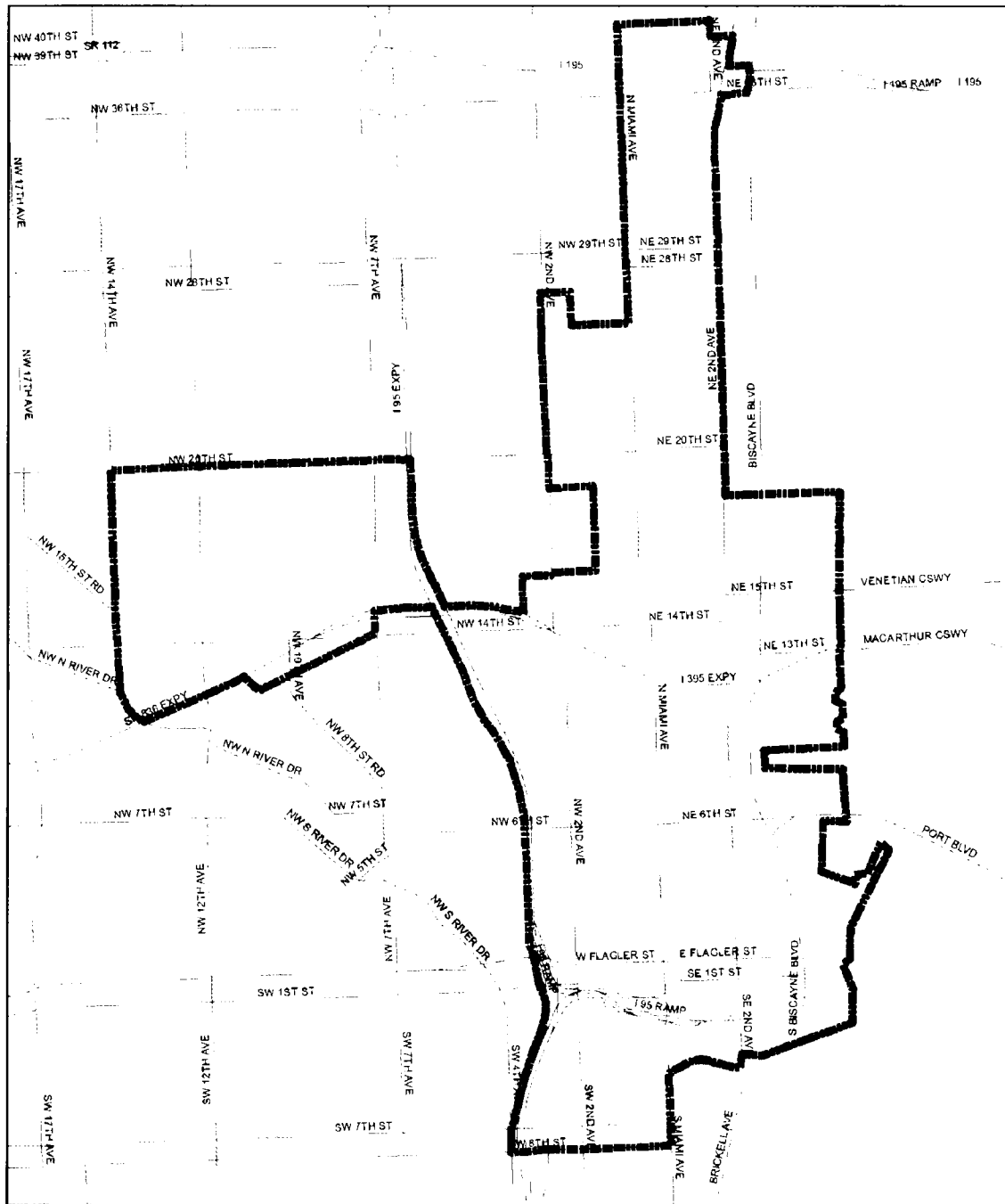
¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

South side of NW 19th Street; thence East along the South side of NW 19th Street to the West side of NW 1st Avenue; thence South along the West side of NW 1st Avenue to the North side of NW 16th Street; thence West along the North side of NW 16th Street to the West side of NW 3rd Avenue; thence South along the West side of NW 3rd Avenue to the North Side of the Dolphin Expressway; thence West along the North side of the Dolphin Expressway to the East side of I-95; thence North along the East side of I-95 to North side of NW 20th Street; thence West along the North side of NW 20th Street to the West side of NW 14th Avenue; thence South along the West side of NW 14th Avenue to the South side of the Dolphin Expressway; >>thence East along the South side of the Dolphin Expressway to the East bank of the Wagner Creek Canal; thence South 300 feet along the East bank of the Wagner Creek Canal; thence East running parallel 300 feet to the South of the Dolphin Expressway to the West side of NW 7th Avenue; thence North along the West side of NW 7th Avenue to the South side of the Dolphin Expressway;<<thence East along the South side of the Dolphin Expressway to the West side of I-95; thence South along the West side I-95 to the South side of SW 8th Street; thence East along the South side of SW 8th Street to the East side of S. Miami Avenue; thence North along the East side of S. Miami Avenue to the South side of the Miami River; thence East along the South side of the Miami River to the East side of Brickell Avenue; thence North along the East side of Brickell Avenue to the North side of the Miami River; thence East along the North side of the Miami River to Biscayne Bay; thence North along the Biscayne Bay shoreline to the point of beginning, as shown on the City of Miami Urban Core map shown below.

[[Deleted]]



May 1 2007



Department of Planning and Zoning

City of Miami Urban Core



0 2,000 4,000
SCALE IN FEET

8

Section 2. Section 33-107 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-107. Class C commercial signs.

* * *

Murals. Notwithstanding the Class C sign limitations contained in this section, mural signs located within the City of Miami Urban Core shall be permitted, subject to the following conditions:

* * *

- (3) No more than ~~[[35]]~~>>45<< mural signs shall be permitted at any one time within the entire City of Miami Urban Core.

* * *

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: October 19, 2010

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Craig H. Collier

Prime Sponsor: Commissioner Bruno A. Barreiro



MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners


DATE: November 4, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to zoning;
providing for commercial vehicle,
construction equipment and
agricultural equipment storage,
including incidental temporary
parking of passenger vehicles in the
AU (agricultural) district, under
prescribed circumstances; providing
for administrative site plan review;
amending Sections 33-1 and 33-279
of the Code; creating Section
33-283.1 of the Code

Ordinance No. 10-73

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE
COUNTY

Date: November 4, 2010

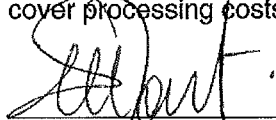
To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager



Subject: Ordinance pertaining to zoning; providing for commercial vehicle, construction equipment and agricultural equipment storage, including incidental temporary parking in the Agricultural District

The proposed ordinance pertaining to zoning will not have a fiscal impact to the County. The fees associated with the processing of Administrative Site Plan Review (ASPR) applications are expected to cover processing costs.



Susanne M. Torriente,
Sustainability Director

fis7810

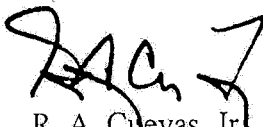


MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 4, 2010

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended
Agenda Item No. 7 (A)

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(A)
11-4-10

ORDINANCE NO. 10-73

ORDINANCE PERTAINING TO ZONING; PROVIDING FOR COMMERCIAL VEHICLE, CONSTRUCTION EQUIPMENT AND AGRICULTURAL EQUIPMENT STORAGE, INCLUDING INCIDENTAL TEMPORARY PARKING OF PASSENGER VEHICLES IN THE AU (AGRICULTURAL) DISTRICT, UNDER PRESCRIBED CIRCUMSTANCES; PROVIDING FOR ADMINISTRATIVE SITE PLAN REVIEW; AMENDING SECTIONS 33-1 AND 33-279 OF THE CODE OF MIAMI-DADE COUNTY (CODE); CREATING SECTION 33-283.1 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 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. Definitions.

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

* * *

>>(30.01) Commercial Vehicle Storage shall mean the parking and storage for a fee of operable, non-disabled, licensed commercial motor vehicles as defined in section 320.01, Florida Statutes, construction equipment, agricultural equipment, and incidental temporary parking of operable, non-disabled, licensed passenger

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.

automobiles to serve such allowable uses on the same parcel (but not to include stand-alone automobile parking and storage uses such as car rental facilities).<<

* * *

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

Sec. 33-279. Uses Permitted

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

* * *

>>(3.1) Commercial Vehicle Storage as defined in Section 33-1 of this code, subject to the following conditions:

- (a)<< ~~[[Commercial vehicle storage shall be prohibited except where expressly allowed in specially defined areas outside the Urban Development Boundary of the Comprehensive Development Master Plan]]~~ >>Commercial vehicle storage is limited to that portion of Open Land Subarea 1, as defined under the County's CDMP, that is located within the area of an arc no more than 7,000 lineal feet from the intersection of Okeechobee Road and Homestead Extension of the Florida Turnpike. Storage of agricultural equipment in connection with a bona fide agricultural use shall be permitted as provided in this Section.
- (b) Minimum site size shall be 20 gross acres.
- (c) The site shall be under one ownership.
- (d) An annual operating permit from the Department of Environmental Resources Management and quarterly groundwater quality monitoring shall be required. A

ground water monitoring plan and well locations shall be approved by DERM prior to installation of the wells.

- (e) Mechanical repair or maintenance of any kind, including truck washing, shall be prohibited.
- (f) Notwithstanding any provisions of section 33-282, the following minimum setbacks shall apply to the paved area utilized for the storage and the parking area of commercial vehicles:

- (1) 50 feet from front and side street property line.
- (2) 25 feet from interior side and rear property line.

The setback area shall be landscaped in accordance with section 33-283.1(C)(6)

- (g) A guard house and office may be permitted as an ancillary use to the commercial vehicle storage and parking facility provided that said guard house and office is setback at least 50 feet from the front property line and does not exceed 350 square feet of floor space.
- (h) An annual certificate of use shall be obtained from the Department of Planning and Zoning.
- (i) << [~~Notwithstanding any provisions of Chapter 33 or Chapter 18A (Landscaping Code) of the Code to the contrary, no landscaping shall be required except for street trees in compliance with section 18A-6(C) and for buffering and screening as provided by section 33-283.1.]]~~
>>Landscaping shall comply with Section 33-283.1(C)(6).
- (j) Administrative site plan review shall be required in accordance with section 33-283.1.
- (k) Building permits shall be obtained for the construction of any structures and other improvements as required under the Florida Building Code.
- (l) Discharge and handling of waste and hazardous material: The storage, handling, use, discharge and disposal of liquid or hazardous wastes or hazardous materials shall be prohibited.<<

Section 3. Section 33-283.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**Sec. 33-283.1. Site Plan Review for Commercial Vehicle Storage.**

- (A) Procedures. The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan criteria is to insure compatibility and adequate buffering of the uses with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied by the Department within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials should be in writing and shall specifically set forth the grounds for denial.

The written decisions of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

- (B) Required Exhibits. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department of Planning and Zoning and shall include, but not be limited to the following:

- (1) Schematic site plan at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:

- (a) Proposed commercial vehicle and equipment storage area.
- (b) Location of proposed paved area and driveway connections.
- (c) Parking and driveway layouts.
- (d) Proposed grades.
- (e) Existing and proposed fences, signs, architectural accents, guard house (if provided) and location of advertising or graphic features.
- (f) Landscaping and trees.
- (g) Plans showing the location, height, lights, shades, deflectors and beam directions.
- (h) Stormwater management improvements.
- (i) Other information and plans as deemed necessary by the Director to evaluate compliance with the CDMP and Chapters 33 and 24 of the Code of Miami-Dade County.

(C) Criteria. The following criteria shall be considered in the review process:

- (1) Parking and Storage: All vehicles and equipment shall be stored or parked only on paved impervious surfaces. The drainage system shall be approved by the Department of Environmental Resources Management.<<
- [[~~(2) Discharge and handling of waste and hazardous material: The storage, handling, use, discharge and disposal of liquid or hazardous wastes or hazardous materials shall be prohibited.~~]]

>>(2)<<[[~~(3)~~]] >>Emergency access: Unobstructed access for on-site access for emergency equipment shall be considered.<<

>>(3)<<[[~~(4)~~]] >>Site enclosure: The subject site shall be enclosed by an eight (8) foot high masonry wall, <<[[~~or~~]] >>vinyl coated chain link fence, or a chain link fence with visual screening. Said wall/fence shall be<< [[~~placed at the edge of the paved area along the entire perimeter of the property.~~]] >>located on all property lines.

(4)<<[[~~(5)~~]] >>Lighting: All outdoor lighting, or outdoor signs or identification features shall be designed as an integral part of the surrounding landscape. Light fixtures shall be designed with a maximum height of 35 feet. Shielding shall be provided to prevent light from projecting upward. Any overspill of lighting onto adjacent properties shall not exceed one-half (½) foot candle (vertical) and shall not exceed one-half (½) foot candle (horizontal) illumination on adjacent properties or structures. Lighting shall comply with the standards in Section 8C-3 of this Code.

(5)<<[[~~(6)~~]] >>Visual screening: Buffer and visual screening shall be provided to make the use compatible with rural and agricultural land uses and to prevent negative visual impact to surrounding areas. The following minimum landscaping shall be provided along all property lines within the required setback area:

(a) A continuous extensively landscaped buffer which shall be maintained in a good healthy condition by the property owner. The required buffer shall be located on the interior side of the required fence or wall along rights of way within required setback areas. The landscape buffer shall contain the following plant materials:

(1)<< [[~~Shrubs. Shrubs shall be minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken solid, visual screen within one (1) year time of planting.~~]]>>Ground

Cover. Ground cover shall consist of grass or plants. Plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

- (2)<< [[~~Hedges. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~]]
>>Continuous Hedge. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting, shall be planted at a maximum average spacing of 48 inches on center and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting. Of the provided hedge at least:
- (a) Thirty (30) percent shall be native species; and
 - (b) Fifty (50) percent shall be low maintenance and drought tolerant; and
 - (c) Eighty (80) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

- (3)<< [[~~Vine. Climbing vines shall be a minimum of thirty six (36) inches in height immediately after planting and shall be planted and maintained to form a continuous, unbroken solid, visual screening within in on~~

~~(1) year after time of planting.]]~~
>>Trees. Trees shall be of a species typically grown in Miami-Dade County which normally mature to a height of at least twenty (20) feet. Trees shall have a clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of two (2) inches at time of planting, and shall be provided within the buffer area along all property lines at a maximum average spacing of thirty-five (35) feet on center. Of the required trees at least:

- (a) Thirty (30) percent shall be native species; and
- (b) Fifty (50) percent shall be low maintenance and drought tolerant; and
- (c) No more than thirty (30) percent shall be palms.
- (d) Eighty (80) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

~~(b)<< [[A berm, to be approved by Department of Environmental Resources Management, shall be provided along zoned or dedicated rights-of-way.]]~~ >>A stormwater management plan shall be approved by the Department of Environmental Resources Management.

~~(c)~~ Stormwater retention/detention facilities may be located within the required setback provided all landscaping requirements are met.<<

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 re-lettered 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: November 4, 2010

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Coller

Prime Sponsor: Jose "Pepe" Diaz, Vice-Chairman

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

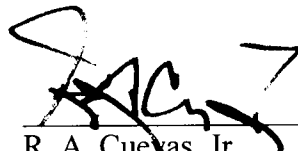
DATE: (Second Reading 12-7-10)
September 10, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
Zoning and Business Regulation
of minimal automobile
maintenance repairs; repealing
Section 6 of Ordinance 09-103 of
Miami-Dade County, Florida
(sunset provision) to allow such
repairs under prescribed
circumstances

Ordinance No. 10-84

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

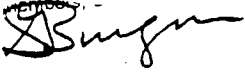
RAC/jls

Memorandum



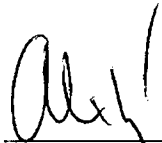
Date: December 7, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess 
County Manager

Subject: Ordinance pertaining to zoning and business regulation of minimal automobile
maintenance repairs

The proposed ordinance repealing Section 6 of Ordinance 09-103 (Sunset Provision) to allow such repairs under prescribed circumstances will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Alex", written over a horizontal line.

Alex Munoz
Assistant County Manager

Fis8510



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: December 7, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
12-7-10

ORDINANCE NO. 10-84

ORDINANCE PERTAINING TO ZONING AND BUSINESS
REGULATION OF MINIMAL AUTOMOBILE
MAINTENANCE REPAIRS; REPEALING SECTION 6 OF
ORDINANCE 09-103 OF MIAMI-DADE COUNTY, FLORIDA
(SUNSET PROVISION) TO ALLOW SUCH REPAIRS UNDER
PRESCRIBED CIRCUMSTANCES; 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 6 of Ordinance 09-103 is repealed in its entirety as follows:¹

~~[[Section 6. This ordinance shall sunset and stand repealed one
(1) year after 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.

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

Section 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: December 7, 2010

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature in black ink, appearing to be 'JAC', written over a horizontal line.

Prepared by:

A handwritten signature in black ink, appearing to be 'JAC', written over a horizontal line.

Joni Armstrong Coffey

Prime Sponsor:

Commissioner Sally A. Heyman



MEMORANDUM

Agenda Item No. 7(F)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: December 7, 2010

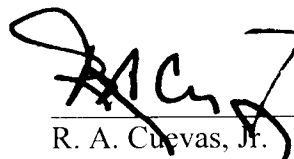
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to zoning;
regulating the appearance and
maintenance of walls and
fences in all districts; amending
Section 33-11 of the Code

Ordinance No. 10-87

The substitute differs from the original in that it (1) requires all fences and walls to be maintained in good, clean, and finished condition, (2) deletes the requirement that all fences and walls shall be constructed with uniform materials and color, (3) requires that fences with finished and unfinished sides shall be erected so that the unfinished side and supporting members face the interior of the property, and that the finished side shall face the neighboring property or street, (4) deletes the requirement that both sides of fences and walls visible from a public street or open space be finished, and (5) deletes the requirement that continuous fences and walls with multiple or common ownership shall be constructed with uniform materials and color.

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



R. A. Cuevas, Jr.
County Attorney

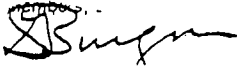
RAC/cp

Memorandum



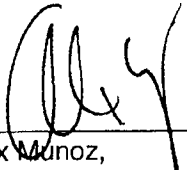
Date: December 7, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess 
County Manager

Subject: Ordinance regulating the appearance and maintenance of walls and fences in all districts

The proposed ordinance regulating the appearance and maintenance of walls and fences in all districts will not have a fiscal impact to the County. The ordinance only applies prospectively in the unincorporated areas of Miami-Dade County.



Alex Munoz,
Assistant County Manager

Fis8210




MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: December 7, 2010

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
12-7-10

ORDINANCE NO. 10-87

ORDINANCE PERTAINING TO ZONING; REGULATING
THE APPEARANCE AND MAINTENANCE OF WALLS
AND FENCES IN ALL DISTRICTS; AMENDING SECTION
33-11 OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA; 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. Section 33-11 of the Code of Miami-Dade County is hereby amended to
read as follows:¹

Sec. 33-11. - Fences, walls, bus shelters and hedges.

* * *

- (b) ~~[[Exterior finish of walls.]]~~ >>Exterior finish of walls and fences.<<² ~~[[Appearance of walls and fences.]]~~ >>All walls and fences shall be<< ~~[[constructed and]]~~ >>maintained<< ~~[[with uniform materials and color]]~~ >>in good, clean and finished condition<< >>A fence with a finished and unfinished side shall be erected so that the unfinished side and supporting members face inward toward the interior of the property. Furthermore, all<< ~~[[All]]~~ >>fences shall have the finished side facing the neighboring property or street (outward).<< ~~[[When a fence is located in a manner that both sides are visible from a public street or open space, both sides of the fence shall be finished.]]~~ >>A continuous wall or fence that is owned by multiple property owners or held in common ownership shall<< >>be of uniform construction and materials and<< >>its exterior<< >>shall also<< >>be<< ~~[[constructed and]]~~ >>maintained<< ~~[[with uniform color and materials]]~~ >>in good, clean and finished condition<< >>for the entire length of said wall or fence<< Each side of a CBS wall shall be completely finished with stucco and paint. Each side of a decorative masonry wall shall be completely painted>> however, walls comprised of decorative brick and natural stone may be left unpainted provided

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

² The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

the cement and grout are finished on both sides.<< If a wall is to be placed on a shared property line, consent for access must be obtained from the adjoining property owner(s) prior to finishing the opposite side of the wall. If such consent cannot be obtained, the property owner erecting the wall must present proof that a request for access approval was mailed to every adjacent property owner, by certified mail, return receipt requested, to the mailing address(es) as listed in the most current Miami-Dade County tax roll, and the mailing was returned undeliverable or the adjacent property owner(s) failed to respond to the request within thirty (30) days after receipt. Upon such a showing, the property owner erecting the wall shall not be required to finish the opposite side of the wall.

* * *



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: December 9, 2010

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

John McInnis
Prime Sponsor

Chairman Dennis C. Moss

5

Memorandum



Date: (Second Reading 12-7-10)
September 21, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 7(I)

From: George M. Burgess
County Manager

Ordinance No. 10-90

Subject: Proposed Zoning Ordinance Amending Sections 33-95 and 33-100.1 of the Code to allow additional signage, including portable signs, in the AU (Agricultural) Zoning District.

Recommendation

It is recommended that the Board of County Commissioners adopt the proposed ordinance amending Sections 33-95 and 33-100.1 of the Code, to allow for additional signage, including portable signs, in the AU (Agricultural) zoning district.

Scope

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact to the County as the cost incurred to regulate the signs will be offset by the Zoning Improvement Permit fee.

Track Record/Monitor

The Department of Planning and Zoning will administer the implementation of this ordinance.

Background

The proposed ordinance expands the permitted signage in the AU zoning district to allow for portable signs and additional Class B (point of sales) signage for properties with multiple frontages or primary frontage in excess of 660 linear feet. The ordinance will also permit up to five additional small non-illuminated signs, not exceeding six square feet per sign, and advertising of a bona fide on-site agricultural use (for example, these signs could be representational in nature, by depicting a picture of the agricultural good(s) sold at the location). The proposed change also increases the sign size for directional signage in the AU zoning district from three square feet to six square feet.

Prior to the adoption of the County's Sign Code in 1985, signage in the AU zoning district was considered the same type of signs as signs in the Business (BU) zoning district for commercial establishments. With the 1985 adoption of the Sign Code, the signage for the AU zoning district was made a subset of the residential sign code. This change placed the AU signage under a more restrictive zoning classification which limited point of sale signage

to one sign per property unit and also restricted the placement of additional signage on the subject property (such other directional signage and commercial typical signage that would normally be allowed under the BU zoning district).

Since the passage of the North American Free Trade Agreement in 1992, the agricultural Industry has needed to adjust to a changing marketplace, Miami-Dade farms have become smaller and the number and size of plant nurseries has increased. The rise of the "local food" movement and an increased interest in agri-tourism have provided these businesses with new market and business opportunities that increase their viability and growth. Local growers have experienced the need to transition their businesses from their once traditional farm establishments to new customer attractive front establishments in order to sell as much of their products directly to the public. Due to this business climate change, the need to increase point of sale signage to attract patrons to the establishments has become a priority for the industry. It has become evident that nurseries require more onsite directional signage in addition to their business location signage.

The proposed ordinance is a result of industry requested changes to the County's sign regulations. The proposed changes were requested by farmers and farm stand operators, as well as the Agricultural Practices Advisory Board Members, and were discussed at several public meetings of the County's Agricultural Practices Advisory Board, which are attended by members of the agricultural community. The proposed ordinance was also presented to the County's Agricultural Practices Advisory Board at their meeting of August 4, 2010.

It is estimated that an average of two million visitors pass through the South Miami-Dade area every year on their way to destinations such as the Florida Keys, Everglades and Biscayne National Parks, creating a great opportunity for growers to create an agri-tourism industry. On March 2, 2010 the BCC adopted three ordinances (Ordinance No. 10-19, No.10-20 and No. 10-21) to assist the industry in capitalizing on the agri-tourism potential. These ordinances amended the Code to allow breweries and distilleries in the AU zoning district to permit bed and breakfast establishments and permit certain additional uses that are ancillary to an ongoing agricultural use or directly supportive of agricultural use in the AU zoning district. The proposed changes to the sign code greatly compliment the previously adopted agricultural use ordinances.

The proposed ordinance will allow for the additional signage necessary to adequately promote on-site uses in the AU zoning district while continuing to maintain the character of the area.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: December 7, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(I)

Please note any items checked.

- ☒ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Veto _____

12-7-10

Override _____

ORDINANCE NO. 10-90

ORDINANCE AUTHORIZING CERTAIN POINT OF SALE
SIGNS IN THE AU (AGRICULTURAL) ZONING
DISTRICT; AMENDING SECTIONS 33-95, AND 33-100.1
OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes described in the accompanying memorandum,

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

Section 1. Section 33-95 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 33-95. Prohibited signs.

- (e) No signs shall be erected or painted on fence and wall enclosures in residential districts. Fence and wall signs shall be prohibited in the residential districts. >>These restrictions do not apply to Class B signs in the AU district. <<

- (i) >>Unless specifically permitted by this Chapter or other law,<< [[Portable]]
>>portable<< signs [[unless otherwise authorized by law]] shall be prohibited,
including those that are tied down with metal straps, chaining, or otherwise
temporarily anchored to an existing structure or other similar method of
anchoring.

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

Section 2. Section 33-100.1 of the Code of Miami-Dade County is hereby

amended to read as follows:

Sec. 33-100.1. ~~[[Permanent point]]~~ >>Point<< of sale signs for AU.

Type of signs permitted: Detached; flat; awning, canopy, roller curtain, umbrella; projecting>>:
portable, directional<<.

Type of Signs	Size>>3<<	Number ¹	Setbacks and Spacing	Illumination	Maximum Height	Special Conditions>>2<<
Detached	>>32 square feet (primary frontage sign, one sign only)<< 24.0 square feet >>(second ary frontage and additional sign)<<	Only 1 sign permitted >>per frontage<< of a type to be selected by applicant. >>Where the primary frontage exceeds 660 linear feet, a second sign shall be permitted. A minimum spacing of 100 feet is required between detached signs.<<	[[15]] >>5<< feet from >>dedicated << r.o.w. line >>or 15 feet from edge of pavement, whichever is greater<<	See general section on illumination Lighting permitted if does not conflict with adjacent property	20 feet from grade to top of sign	Permit required
Flat (wall and cantilever)	Same as detached	Same as detached	Not applicable	Same as detached	Not applicable	Same as above
Awning, canopy, roller curtain and umbrella signs	Same as detached	Same as detached	Same as detached	No illumination permitted	Not applicable	Same as above

Projecting	Same as detached	Same as detached	Same as detached	Same as detached	9 feet from established grade to bottom of sign	Same as detached sign Near edge of sign shall be no more than 18" from building wall
>>Portable signs	9 square feet	One sign permitted per entrance	same as detached	No illumination permitted	3.5 feet from grade	Signs shall not be left out between sunset and sunrise. Zoning Improvement Permit required<<

>>² In addition to signage permitted in this Section, up to five signs related to a bona fide on-site agricultural use are allowed without a permit. Such signs shall not exceed six square feet per sign and shall not be electrically illuminated.

³ Directional signage shall meet all provisions of Section 33-111 except that sign area is permitted up to six square feet per sign.<<

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:

December 9, 2010

Approved by County Attorney as
to form and legal sufficiency:


CAC

Prepared by:

Craig H. Collier