

Memorandum



(Second Reading 2-1-11)
Date: October 19, 2010

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

Agenda Item No. 7(G)

From: George W. Burgess
County Manager

Ordinance No. 11-07

Subject: Ordinance amending Section 33-363.1 of the Code pertaining to uses permitted on Opa-locka Airport lands in the GP Government Property zoning district.

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance amending Section 33-363.1 of the Code pertaining to uses permitted on Opa-locka Airport lands in the GP Government Property zoning district.

Scope

The Opa-locka Airport is located in Commission District 1 and it is immediately east of Commission District 13.

Fiscal Impact/Funding Source

The proposed ordinance creates a positive fiscal impact to Miami-Dade County in that it revises regulations to permit additional private third party leasehold development within the boundaries of the Opa-locka Airport.

Track Record/Monitor

Not applicable.

Background

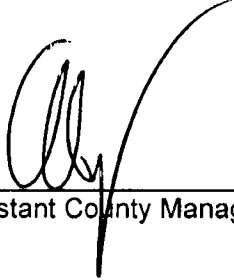
On May 5, 2009, the Board of County Commissioners adopted ordinance number 09-33 providing for third party leasehold development on Opa-locka airport lands where consistent with the CDMP. This ordinance established three development zones where non-aviation uses (commercial, office, hotel and motel, institutional and industrial) may occur within the airport proper. The zones were defined as follows:

- Zone One - 153.4 acres along NW 57th Avenue on the west side of the airport.
- Zone Two - 87.7 acres located primarily on the central portion of the east side of the airport.
- Zone Three - 132 acres located primarily on the southeast corner of the airport.

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

The proposed ordinance seeks to add an additional 12.53 acres to Zone Two for a new total of 100.23 acres. The proposed amendment would create certain development entitlements depending on market forces.

The proposed amendment to Section 33-363.1 of the Code pertaining to uses permitted on Opa-locka Airport lands in the GP Government Property zoning district, was requested by airport leaseholders (which currently hold development entitlements within the in the airport zones established by this ordinance).The necessary amendment will conform the CDMP text and percentages of use for each of the zones apportioned to developers. A revised land-use map depicting aviation, aviation-related and non-aviation uses has also been added to allow developers to have the development flexibility allowed in the CDMP. The proposed changes with revised map as depicted in the proposed ordinance has been added to allow the leaseholders to develop Commercial (retail)/Office, Hotel/Motel, Institutional and Industrial with acreage limits within specified parcels. Specifically, Zone 2, the Adler Aviation (AA) leasehold contained a "carve-out" for another tenant that has since left and the 12.5 acres have to be restored to Alder Aviation.



Assistant County Manager



MEMORANDUM
(Revised)

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

DATE: February 1, 2011

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)
2-1-11

ORDINANCE NO. 11-07

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; AMENDING SECTION 33-363.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO USES PERMITTED ON OPA-LOCKA AIRPORT LANDS IN THE GP GOVERNMENTAL PROPERTY 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 33-363.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-363.1. Uses permitted on Opa-locka Airport lands in the GP Governmental Property zoning district.

* * *

- (3) The airport shall consist of three development zones as depicted on the Opa-locka Executive Airport Development Zone Map where non-aviation uses may be developed. The minimum and maximum land area devoted to non-aviation uses within each development zone shall be limited as follows. The location and intensity of non-aviation uses within each development zone shall further be limited by the Comprehensive Development Master Plan's Airport Land Use Master Plan map and interpretive text.

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) Zone One (153.4 Acres)

	Minimum (acres)	Maximum (acres)
Commercial	7.7	38.4
Office	7.7	38.4
Hotel or Motel	0	15.3
Institutional	0	30.7
Industrial	76.7	130.4

~~[(b) Zone Two (87.7 acres)~~

	Minimum (acres)	Maximum (acres)
Commercial	4.4	21.9
Office	4.4	21.9
Hotel or Motel	0	8.8
Institutional	0	17.5
Industrial	43.9	74.5]]

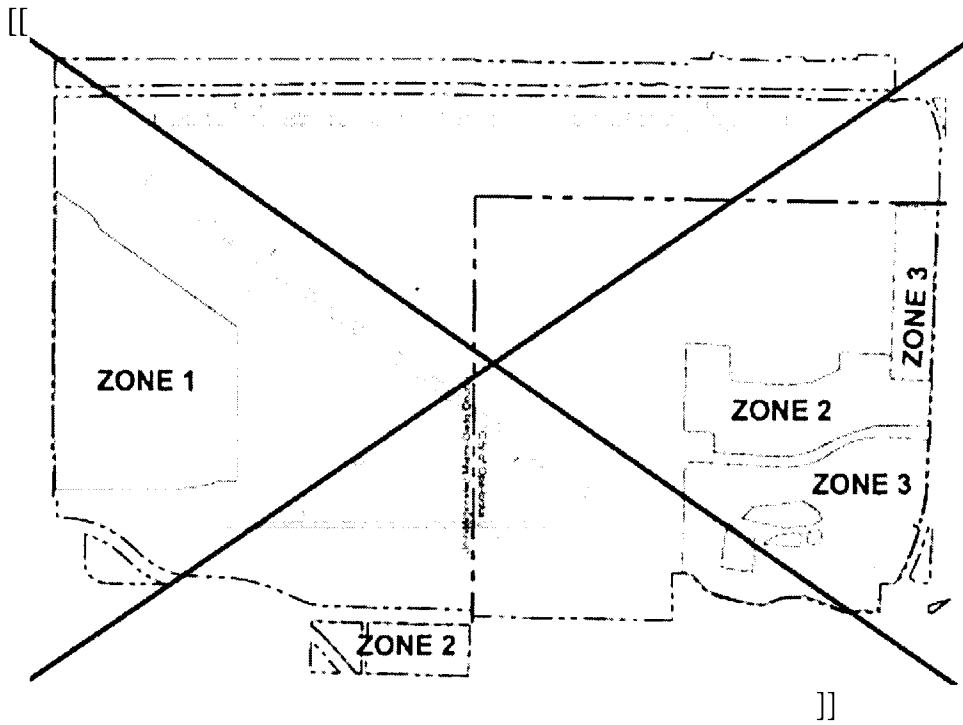
>>(b) Zone Two (100.23 acres)

	Minimum (acres)	Maximum (acres)
Commercial	5.0	25.1
Office	5.0	25.1
Hotel or Motel	0	10.0
Institutional	0	20.0
Industrial	50.1	85.2<<

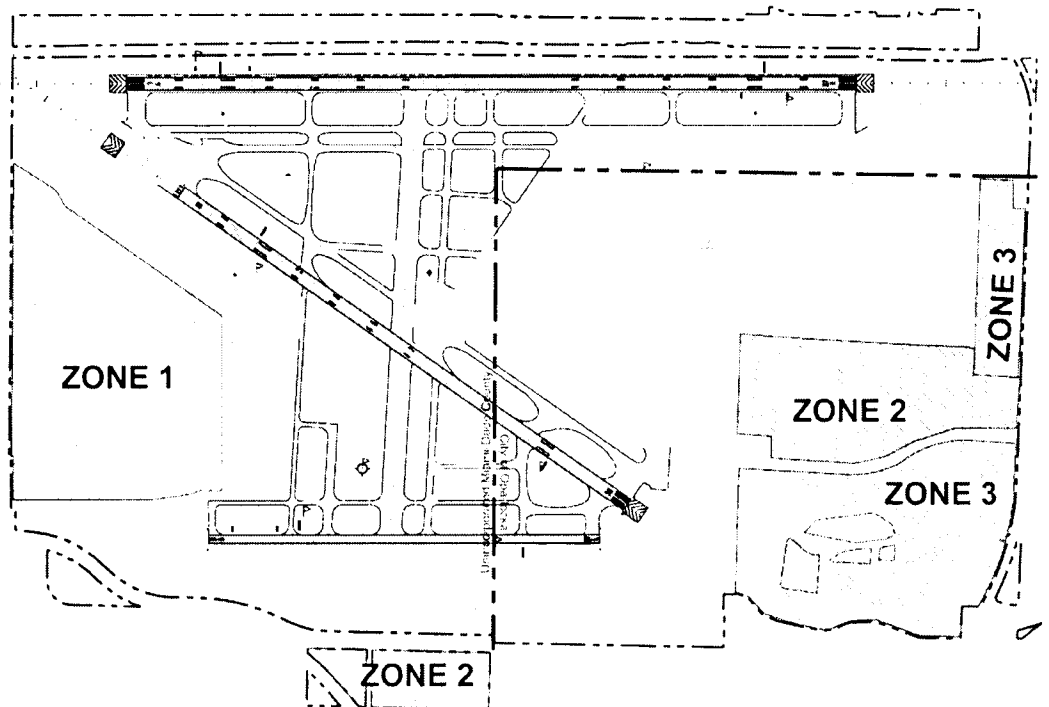
(c) Zone Three (132 Acres)

	Minimum (acres)	Maximum (acres)
Commercial	6.6	33.0
Office	6.6	33.0
Hotel or Motel	0	13.2
Institutional	0	26.4
Industrial	66	112.2

5



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LEGEND
--- Airport Property Line

- Zones:
- Zone 1 153.4 Acres
 - Zone 2 100.23 Acres
 - Zone 3 132.0 Acres

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6

Opa-locka Executive Airport Development Zone Map

* * *

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: February 1, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



John McInnis

7

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

Ordinance No. 11-26

11-26

May 3, 2011

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

Ordinance No. 11-30

11-30

May 3, 2011

MEMORANDUM

Amended
Agenda Item No. 7(C)

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

DATE: August 2, 2011

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

SUBJECT: Ordinance pertaining to zoning;
amending Section 33-279 of
the Code, modifying
requirements for hog farms or
hog raising in areas zoned
agriculture

Ordinance No. 11-59

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jose "Pepe" Diaz and Commissioner Lynda Bell.



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum

MIAMI-DADE
COUNTY

Date: August 2, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance amending Section 33-279 of the Code modifying requirements for hog farms and hog raising in areas zoned Agriculture (AU)

The proposed ordinance pertaining to requirements for hog farms or hog raising in areas zoned Agriculture (AU) and authorizing certain agricultural uses in the open land Subareas 1 and 4 will not have a fiscal impact to the County.


County Executive Office

Fis5111



MEMORANDUM

(Revised)

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

DATE: August 2, 2011

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

SUBJECT: Amended
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 _____

Amended
Agenda Item No. 7(C)
8-2-11

ORDINANCE NO. 11-59

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); MODIFYING REQUIREMENTS FOR HOG FARMS OR HOG RAISING IN AREAS ZONED AGRICULTURE (AU); CREATING SECTION 33-279.1 OF THE CODE; AUTHORIZING CERTAIN AGRICULTURAL USES IN THE OPEN LAND SUBAREAS 1 AND 4, AS DESIGNATED IN THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Comprehensive Development Master Plan (CDMP) designates certain areas of the County located outside the Urban Development Boundary as “Open Land.” The CDMP further defines certain geographic subareas within the Open Land areas and provides guidance as to the uses and activities allowed within those subareas. This ordinance addresses the requirements of specific uses allowed and their restrictions, when applicable, in Open Land Subarea 1 (Snake-Biscayne Canal basin) located in northwestern Miami-Dade County and Open Land Subarea 4 (East Everglades) located in west Miami-Dade County; and

WHEREAS, the CDMP further provides for the development of land development regulations specific to these Subareas in order to address the types of agricultural uses and the raising of livestock that are permitted, considering the limited flood protection in these Subareas,

**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 follows:¹

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:

* * *

- (4) >>Raising or keeping of two hogs per site<< Hog farms and hog raising>>, in excess of two hogs per site,<< shall be permitted only upon approval after public hearing.

* * *

Section 2. Section 33-279.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Section 33-279.1. Agricultural Uses Permitted in Open Land Subareas Areas 1 and 4 of the Comprehensive Development Master Plan (CDMP).

Notwithstanding any provisions to the contrary in Chapter 33 or Chapter 33B of this Code, the agricultural uses provided in this Section are permissible in areas zoned AU or GU with an AU trend in the Open Land Subareas 1 and 4, as designated in 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.

5

Comprehensive Development Master Plan, to the extent such uses are permissible under Section 33-279 of this Code. No additional agricultural uses shall be permitted in these areas.

The CDMP acknowledges that the lands within these Subareas have special hydrologic conditions and are prone to flooding, and these lands are subject to wetlands regulation (where applicable) and stormwater management regulation pursuant to Chapter 24 and floodplain regulations pursuant to Chapter 11C of this Code.

The County does not provide flood protection for properties in these areas, nor does the County have plans to provide flood protection in the future. Property owners should consider the risks of flooding in these areas.

- (a) Residential uses are only permitted to the extent otherwise allowed under this Code. This Section does not provide any additional residential uses.

- (b) The following uses are permissible, to the extent that such uses are permissible under Section 33-279 of this Code:
 - a. Barns and Sheds for cattle or stock
 - b. Barns and sheds for storage of equipment
 - c. Beekeeping
 - d. Farms
 - e. Fish pools
 - f. Fruit and Vegetable Stands
 - g. Groves
 - h. Greenhouses or nurseries, commercial
 - i. Horticultural farming – commercial
 - j. Hydroponics or other chemical farming
 - k. Nurseries – horticultural
 - l. Seed drying facilities
 - m. Truck gardens
 - n. Raising or keeping of 2 hogs per site
 - o. Raising or keeping of 2 of any of the following per acre: cows, horses or other equine animals
 - p. Raising or keeping of 3 of any of the following per acre: goats or sheep
 - q. Raising or keeping of 40 of any of the following per acre: chickens, poultry or fowl
 - r. Raising or keeping of 40 rabbits per acre
 - s. Raising or keeping of cows, horses or other equine animals, goats, sheep, chickens, poultry, rabbits or fowl in excess of any of the above thresholds, only upon issuance of a Certificate of Use (CU) for the property where the uses are to be conducted, subject to site plan

approval by the Department. The site plan shall indicate, at a minimum, onsite stormwater retention and waste stream management.

- (c) The following uses are permissible only upon approval after public hearing, as provided in Section 33-279 of this Code, and for floodplain management purposes, the application package must include a site plan which indicates 1) existing and proposed locations of structures, fences or buffers; 2) onsite stormwater retention; and 3) waste stream management.
- a. Dude ranch
 - b. Hog farm or hog raising, except for the raising of 2 hogs

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: August 2, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Abbie Schwaderer Raurell

Co-Prime Sponsor: Commissioner Jose "Pepe" Diaz

Co-Prime Sponsor: Commissioner Lynda Bell

MEMORANDUM

Agenda Item No. 7(F)

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

DATE:

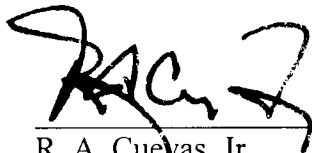
(Second Reading 8-2-11)
June 7, 2011

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

SUBJECT: Ordinance relating to Zoning;
clarifying voting procedures
governing zoning hearings
before the Boards; amending
Sections 2-1, 33-308 and
33-314 of the Code

Ordinance No. 11-62

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



R. A. Cuevas, Jr.
County Attorney

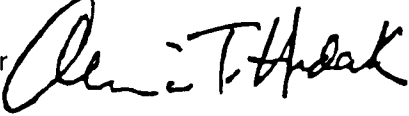
RAC/up

Memorandum



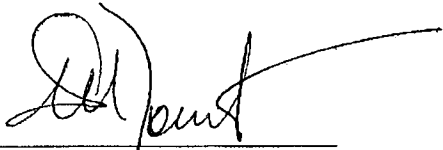
Date: August 2, 2011

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

From: Alina T. Hudak
County Manager 

Subject: Ordinance relating to zoning; clarifying voting procedures governing zoning hearings before Board of County Commissioners and community zoning appeals boards

The proposed ordinance clarifying voting procedures governing zoning hearings before the Board of County Commissioners (BCC) and community zoning appeals boards will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Susanne M. Torriente
Sustainability Director

Fis4411



MEMORANDUM
(Revised)

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

DATE: August 2, 2011

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)
8-2-11

ORDINANCE NO. 11-62

ORDINANCE RELATING TO ZONING; CLARIFYING VOTING PROCEDURES GOVERNING ZONING HEARINGS BEFORE BOARD OF COUNTY COMMISSIONERS AND COMMUNITY ZONING APPEALS BOARDS; AMENDING SECTIONS 2-1, 33-308, AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (“CODE”); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, zoning items are quasi-judicial matters and, as such, require affirmative action of the zoning board to resolve; and

WHEREAS, in contrast to normal legislative items, for which a tie vote is deemed to be a denial of the item, a tie vote on a zoning item is deemed to not result in board action; and

WHEREAS, when a zoning item results in a tie vote, this Board and the Community Zoning Appeals Boards have historically interpreted their rules of procedure to permit additional motions to be made on the item until the next item is called or the meeting is adjourned, at which point the item is deemed to be deferred to the next regularly scheduled zoning meeting; and

WHEREAS, a contrary interpretation would require the zoning item to be automatically deferred upon the first tie vote, thereby requiring the applicant and the members of the public to return for a subsequent meeting the following month or later even if a slightly revised motion could lead to affirmative board action and resolve the item, and thus increasing the costs to the applicant and to the members of the public who wish to be heard on the item; and

WHEREAS, this Board seeks to codify its historical interpretation and clarify its rules of procedure addressing tie votes on zoning items,

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

Section 1. Section 2-1 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 2-1. - Rules of procedure of County Commission.

* * * *

Rule 7.01 Rules of debate.

* * * *

(h) *Tie votes.* Whenever action cannot be taken because the vote of the commissioners has resulted in a tie, and no other available motion on an item is made and approved before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, the item shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 7.01(1)>>.<< Notwithstanding any rule of procedure to the contrary, in zoning and other quasi-judicial matters when action on a resolution results in a tie vote, >>and no other available motion on the resolution is made and approved before the next matter is called for consideration or before a recess or adjournment is called, whichever occurs first,<< such resolution shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matters unless the commission designates a different time for such reconsideration.

* * * *

Section 2. Section 33-308 of the Code of Miami-Dade County is hereby amended to read 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.

Sec. 33-308. - Community Zoning Appeals Board—Organization.

>>(A)<< The Director shall serve as secretary for the Community Zoning Appeals Boards, shall be in attendance at all meetings as an advisor and be permitted to propound questions and give evidence; provided, the Director shall have authority to designate a staff member of the Department to act in the Director's stead.

>>(B)<< Meetings of the Community Zoning Appeals Boards shall be held, where practical, in the area of each Community Zoning Appeals Board's jurisdiction at a time and place determined by the Director.

>>(C)<< Each Community Zoning Appeals Board shall elect a Chair and a Vice-Chair from its members, each of whom shall serve until a successor is elected.

>>(D)<< Rules and regulations for the Community Zoning Appeals Boards shall be adopted by the County >>Mayor or the Mayor's designee<< ~~[[Manager]]~~ and approved by the County Commission.

>>(E)<< The Chair, or Vice-Chair, or Acting Chair, may administer oaths and compel the attendance of witnesses in the same manner prescribed in the Circuit Court.

>>(F) Voting Requirements.<< No action shall be taken on any matter before the Community Zoning Appeals Boards unless a quorum of four (4) members is present, and only upon not less than a majority vote of all members present and voting provided however that any approval or denial of any application or portion thereof pursuant to Chapter 33 shall require not less than three (3) votes. When there is an insufficient number of votes to either approve or deny an application, the result shall be deemed a tie vote. Whenever a tie vote occurs, >>and no other available motion on the application is made and approved before the next application is called for consideration or before a recess or adjournment is called, whichever occurs first.<< the matter shall be carried over to the next regularly scheduled meeting.

>>(G)<< Minutes will be kept of all meetings and proceedings and shall include and state the vote of each member on each question, and the motion shall state the reason upon which it is made; such reason or reasons being based upon the prescribed guides and standards and good zoning and planning principles. If a member is absent from voting, the minutes shall so indicate. The Community Zoning Appeals Boards shall keep accurate records of their public hearings which shall be filed, together with their minutes and resolutions, with the Department, and the same shall be open for public inspection at reasonable times and hours.

>>(H)<< The Director shall furnish from the Department such staff as may be necessary to assist and advise the Community Zoning Appeals Boards in the fulfillment of their duties, and is authorized to retain a qualified reporter to record and transcribe the public hearing proceedings of the Community Zoning Appeals Board, and shall provide County transportation for such Board for the purpose of making inspections of sites involved in zoning applications.

Section 3. Section 33-314 of the Code of Miami-Dade County is hereby amended to

read as follows:

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

* * * *

(G) >>The following additional procedures shall apply to zoning hearings before the County Commission:

(1) Deferrals.<< The County Commission may defer action on any matter before it in order to inspect the site in question, to remand to the Community Zoning Appeals Boards, or for any other justifiable and reasonable reason. Whenever a deferral is approved at the request of the applicant, the applicant shall be required to pay a deferral fee in the amount of round-trip public transit fare for each person present at the hearing in opposition to the application, or two hundred fifty dollars (\$250.00), whichever is greater. The Clerk of the Board shall prepare and have available at the hearing appropriate voucher forms, in duplicate, to be filed under oath by persons present to oppose the application in question. Each objector presenting a completed voucher to the Clerk shall be given two (2) transit tokens. At the end of the meetings at which the deferral was requested, the Clerk shall, for each deferral, total the number of vouchers issued, determine the value of transit fares represented by the tokens, and submit the deferral fee to the applicant, or his attorney. The applicant requesting the deferral shall pay the deferral fee to the Department, which shall then pay an amount equal to the value of the transit fares to the transit agency. Except for that portion of the deferral fee paid to the transit agency, all monies collected by the Department as deferral fees shall be deposited into a separate account and shall be expended only for purposes of administering and enforcing the provisions hereof. In the event that the applicant does not pay the deferral fee prior to the date of the scheduled deferred hearing, the application shall be deemed to have been voluntarily withdrawn without prejudice, the applicant shall be deemed to be in violation of this provision, and enforcement may be effectuated through all available means including but not limited to Chapter 8CC of the Code of Miami-Dade County, Florida. Notwithstanding the

7

foregoing, the County Commission shall, at the time of approving a deferral, have the discretion to waive the provisions of this section upon a showing of good cause for the deferral.

>>(2) Record.<< When any final action has been taken by the Board of County Commissioners, its record, together with a certified copy of its minutes and resolutions pertaining to such action shall be transmitted to the Department for filing, and the same shall be open to the public for inspection at reasonable times and hours.

>>(3) Voting Requirements.<< Save and except as otherwise provided by ordinance, all actions taken by the Board of County Commissioners under this article shall be by a majority vote of all members present. When there is an insufficient number of votes to either affirm or reverse a Community Zoning Appeals Boards' resolution or on a direct application there is an insufficient number of votes to either approve or deny an application, the result shall be deemed a tie vote. >>Whenever a tie vote occurs, and no other available motion on the application is made and approved before the next application is called for consideration or before a recess or adjournment is called, whichever occurs first, the matter shall be carried over to the next regularly scheduled meeting.<<


* * * *

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 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: August 2, 2011

Approved by County Attorney as
to form and legal sufficiency: 

Prepared by: 

Dennis A. Kerbel

Prime Sponsor: Chairman Joe A. Martinez



MEMORANDUM

Agenda Item No. 7(I)

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

DATE: July 7, 2011

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

SUBJECT: Ordinance relating to zoning
and other land development
regulations; providing for the
North Central Urban Area
District; creating sections 33-
284.99.48 through 33-
284.99.54 of the Code

Ordinance No. 11-65

The substitute differs from the original in that it updates the Boundary Map (Sec. 33-284.99.48, Figure 1) and the Regulating Plans (Sec. 33-284.99.51) to include the entire parcel of property owned by Miami-Dade Transit and located just north of 95th Street on 27th Avenue.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

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

R. A. Cuevas, Jr.
County Attorney

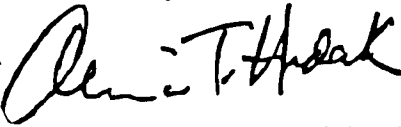
RAC/cp

Memorandum



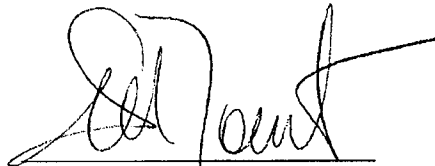
Date: August 2, 2011

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

From: Alina T. Hudak
County Manager 

Subject: Ordinance relating to zoning and other land development regulations

The proposed ordinance relating to zoning and other land development regulations; providing for the North Central Urban Area District (NCUAD); creating Sections 33-284.99.48 through 33-284.99.54 of the Code will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Susanne M. Torriente
Sustainability Director

Fis4311



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:** August 2, 2011
and Members, Board of County Commissioners

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

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(I)

8-2-11

ORDINANCE NO. 11-65

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE NORTH CENTRAL URBAN AREA DISTRICT; CREATING SECTIONS 33-284.99.48 THROUGH 33-284.99.54 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 33-284.99.48 of the Code of Miami-Dade County, Florida is hereby created as follows:

ARTICLE XXXIII (S)

NORTH CENTRAL URBAN AREA DISTRICT (NCUAD)

Sec. 33-284.99.48. Purpose, intent and applicability.

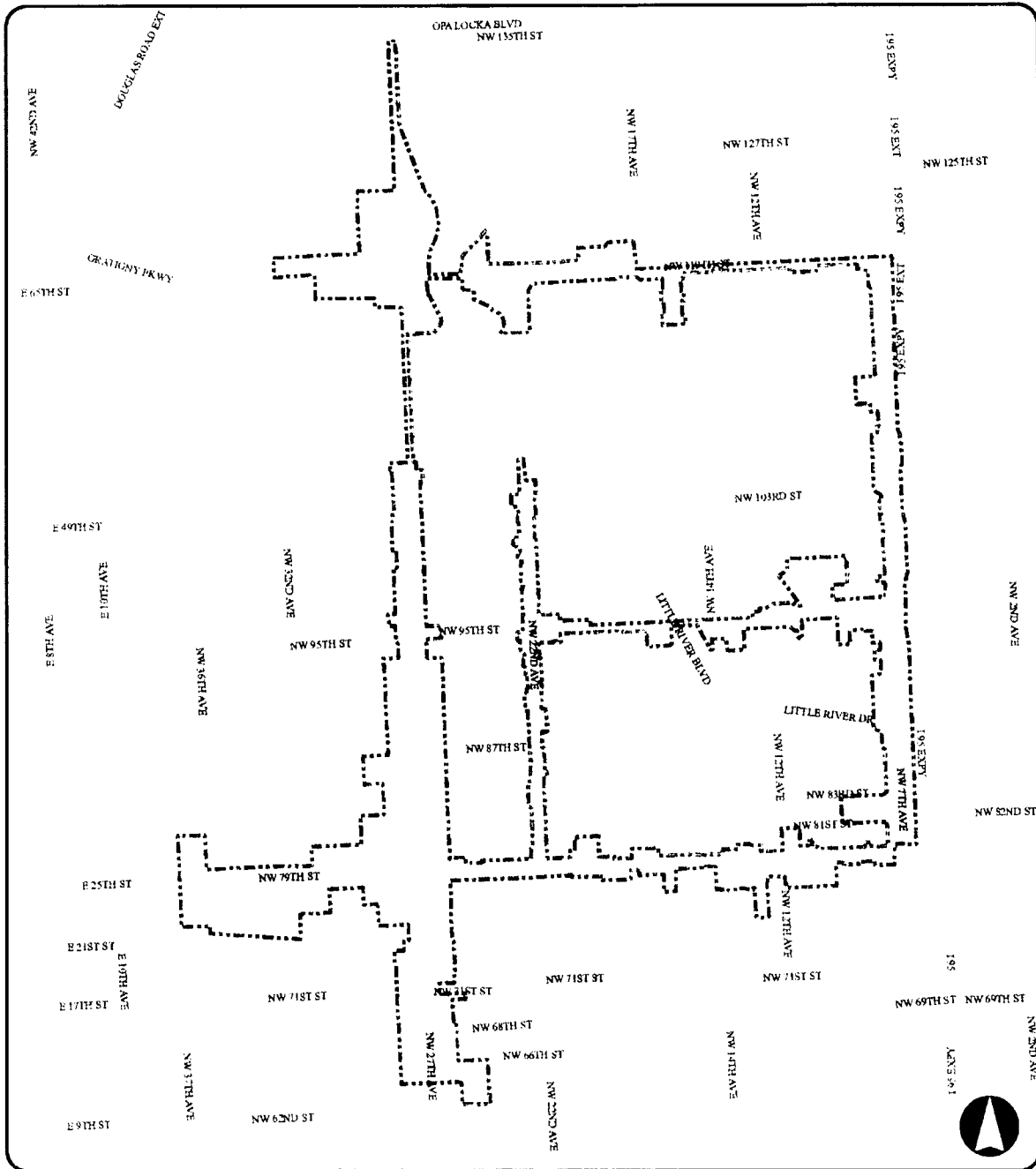
- A. The NCUAD regulating plans were guided by the three Urban Centers located within the boundary and the major roadways provisions of the Comprehensive Development Master Plan.
- B. The regulations contained in this chapter and Chapter 18A, Landscape Code, Code of Miami-Dade County, Florida, shall apply to this article, except as otherwise added to or modified herein.
- C. Figure 1 shows the boundaries of the North Central Urban Area District (NCUAD).

- D. The NCUAD'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. 33-284.99.51 of this code. As provided in the Standard Urban Center District Regulations, the Workforce Housing requirement shall apply to the area included in the Designated Urban Center boundaries. The legal description of the boundaries of the NCUAD is on file with the Miami-Dade Department of Planning and Zoning.

- E. Full scale map of the boundaries 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.

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

Figure 1: North Central Urban Area Boundary



 Study Area Boundary



6

Section 2. Section 33-284.99.49 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.49. North Central Urban Area District (NCUAD) Requirements.

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

Section 3. Sec. 33-284.99.50 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.50. Uses.

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the NCUAD 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 permitted in the Mixed-Use Corridor (MC) category and the following additional 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.

(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. 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 chapter.

(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.

(e) Glass installation.

- (f) Tire vulcanizing and retreading or sale of used 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. Industrial uses. In the Industrial District (ID) area:
- (a) MC uses at maximum residential densities shown on the Density Regulating Plan in Sec. 33-284.99.51 of this article.

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 as required by Section 33-284.88 of this code:

- 1. Liquor package stores, which shall only be permitted in the Core and Center Sub-districts, and only in compliance with Article X of this chapter.

Section 4. Sec. 33-284.99.51 of the Code of Miami-Dade County, Florida, is hereby created as follows:

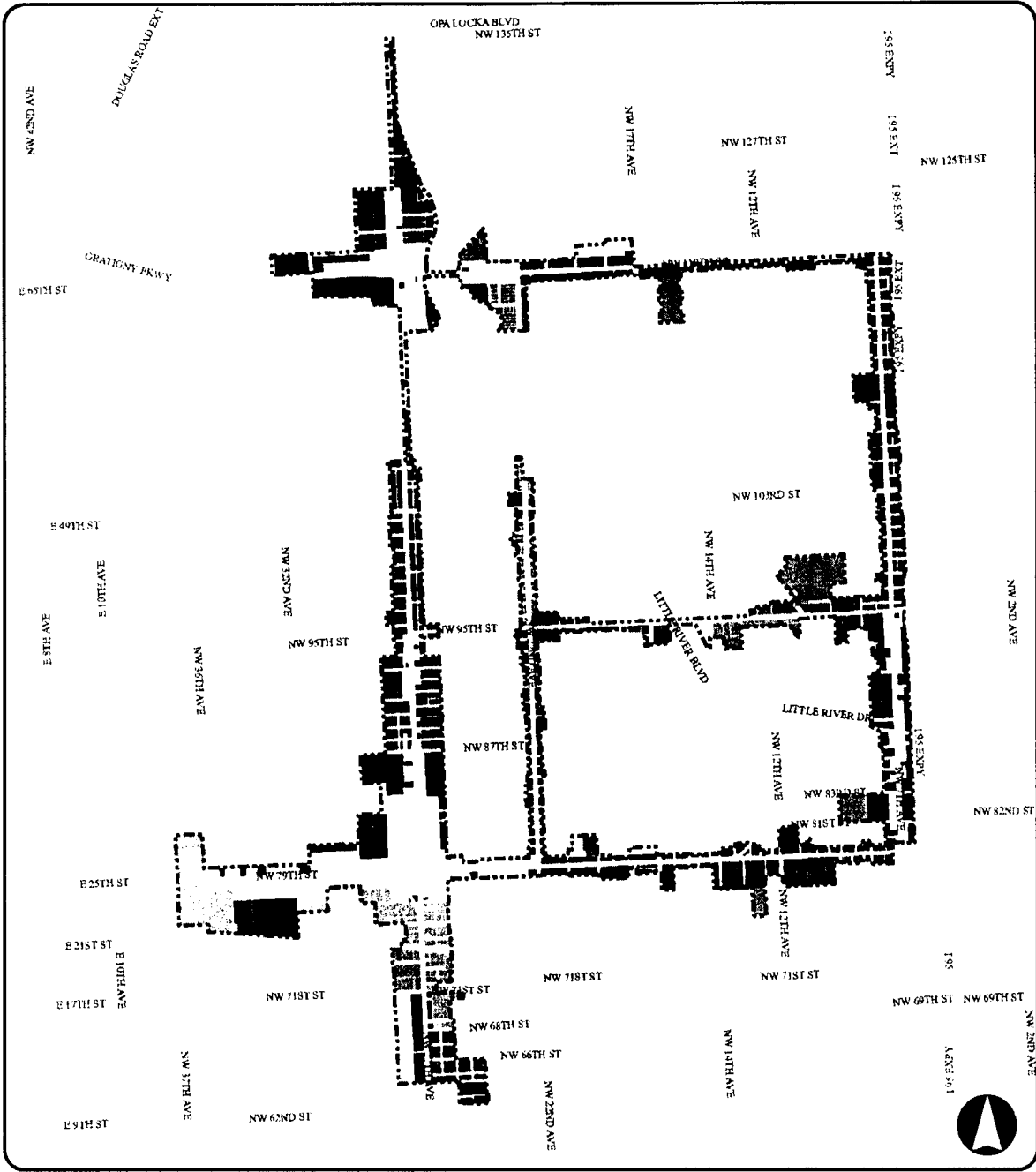
Sec. 33-284.99.51. Regulating Plans.

The Regulating Plans 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 shall be permitted.
- B. The Density Plan, which delineates areas where specified 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 shall 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. Designated open spaces 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 NCUAD. All new A streets shall be required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in section 33-284.86(F) of this code.

A. Land Use Plan

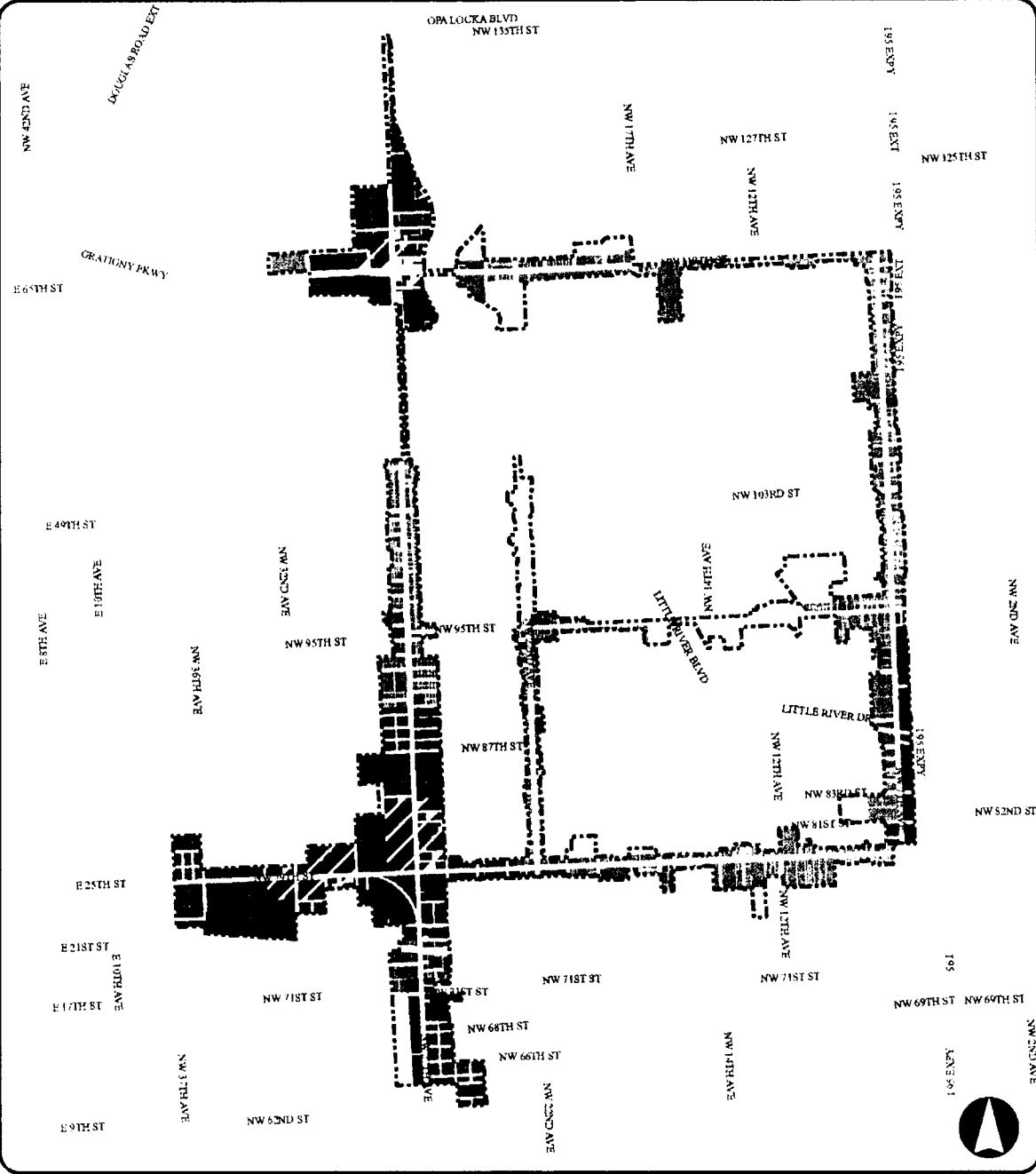


Land Use










- MM: Mixed Use Main Street
- MCS: Mixed-Use Corridor Special
- MC: Mixed-Use Corridor
- RM: Residential Modified
- R: Residential
- ID: Industrial District
- I: Institutional



B. Density Plan



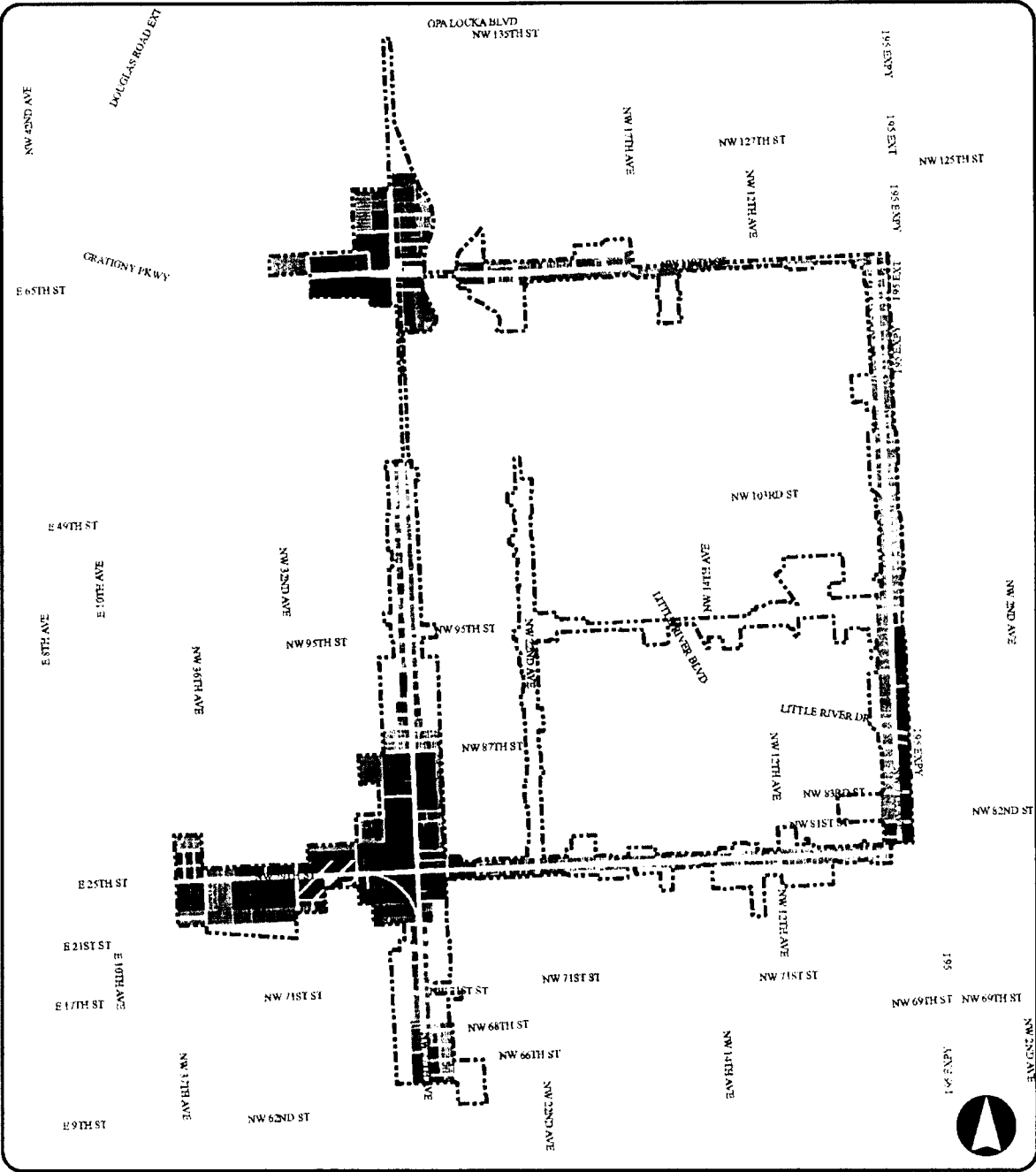
Residential Density

-  Max 125 units/acre
-  Max 90 units/acre
-  Max 60 units/acre
-  Max 41 units/acre
-  Max 36 units/acre
-  Max 25 units/acre
-  Max 18 units/acre
-  Max 6 units/acre
-  Residential As Per Sec. 33.284.99.16(A)(5)







12

C. Building Heights Plan



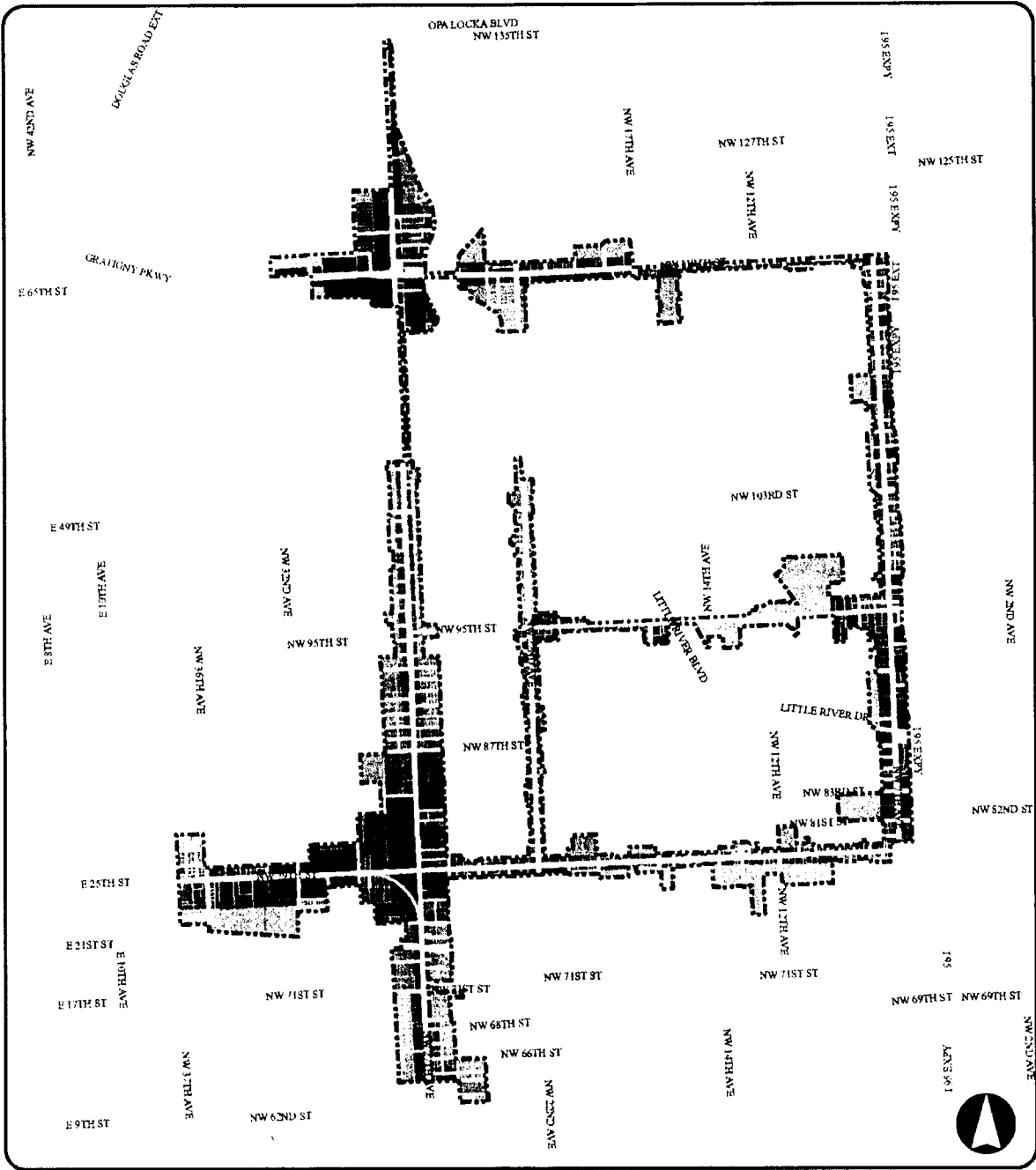
Building Height (Stories)*

-  Min 4 to Max 15
-  Min 3 to Max 12
-  Max 6
-  Max 4

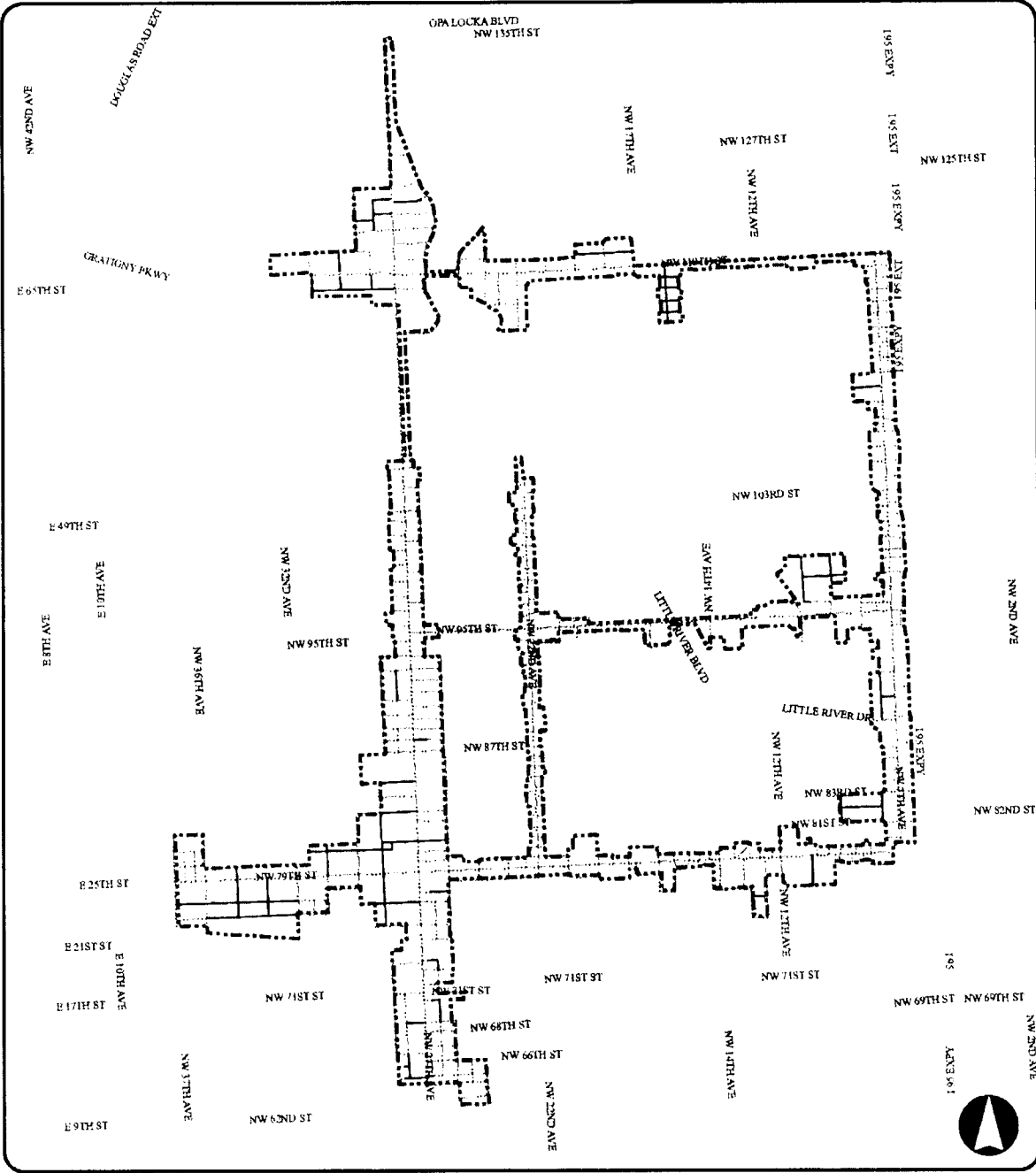
* Note: Where a proposed development abuts an area designated for single-family residential on the Future Land Use Map, the height of the proposed development along the abutting property line, for a minimum depth of 50 feet, shall be no greater than three stories. See Section 33-284.99.52(1) of this code.



D. Sub-districts Plan



F. New Streets Plan



New Streets

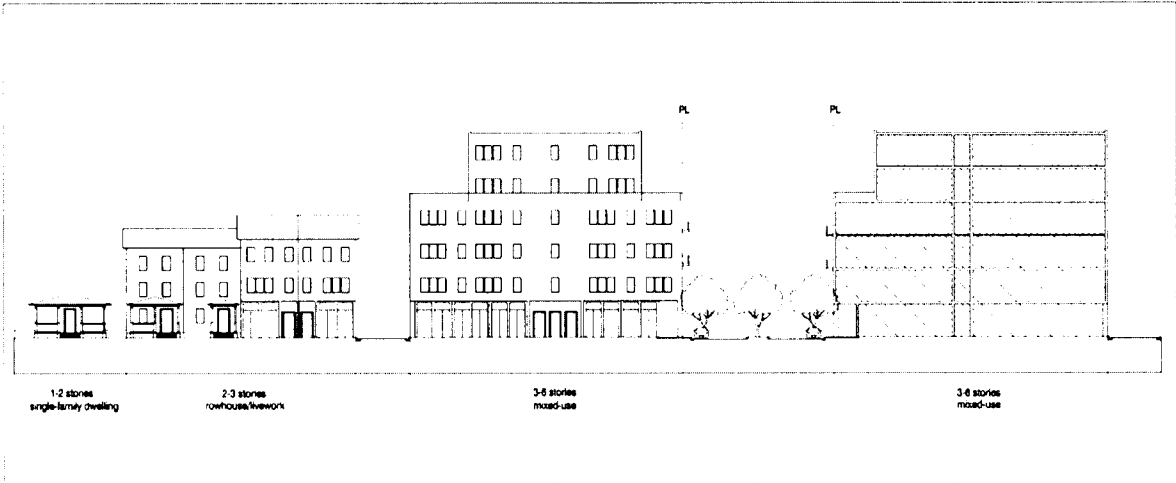
- Existing "A" Streets
- _____ Existing "B" Streets
- New "B" Streets



Section 5. Section 33-284.99.52 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.52. Development Parameters.

- A. Except as otherwise provided in this section, all new development and redevelopment within the NCUAD shall comply with the development parameters as set forth in Article XXXIII(K) of this chapter.
- 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 chapter, except that self-service gas stations shall comply with the development parameters applicable to the BU-1A district as set forth in Section 33-247.
- C. At a minimum, streets within the NCUAD shall comply with the Street Type Parameters for Type 5, Minor Street, as provided in section 33-284.85.
- D. Buffering between dissimilar land uses shall be in accordance with Section 18A-6(H) of this code.
- E. Where a proposed development abuts an area designated for single-family residential on the Future Land Use Map of the CDMP, the height of the proposed development along the abutting property line, for a minimum depth of 50 feet, shall be no greater than three stories. Examples of the required height transition are shown below.



Example of building heights transition from mixed-use to single-family

Section 6. Section 33-284.99.53 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.53. 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. 33-284.99.54 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.54. 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 NCUAD that either (1) was existing as of the date of the district boundary change on the property to NCUAD 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 NCUAD 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. It is further provided, however, that no lawfully existing single-family home use or mobile home park use shall be subject to Section 33-35(c) of this code, even if it is discontinued for a period of six months or more or incurs damage to the roof or structure to an extent of 50 percent or more of its market value.

Section 8. Sec. 33C-7 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

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

Sec. 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 >>, and except for the Northside Station, which development shall comply with the North Central Urban Area District regulations set forth in Chapter 33, Article XXXIII(S) 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.

* * *

(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 >>, and except for the Northside Station, which development shall comply with the North Central Urban Area District

regulations set forth in Chapter 33, Article XXXIII(S) 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 the applicable 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 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 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: August 2, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Jean Monestime

MEMORANDUM

Agenda Item No. 7(K)

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

DATE: (Second Reading 8-2-11)
June 21, 2011

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

SUBJECT: Ordinance pertaining to
Airport Zoning Regulations;
creating Section 33-396.1 of
the Code pertaining to uses
permitted on Kendall Tamiami
Executive Airport Lands in the
GP Government Property
zoning district; creating Section
33-396.2 pertaining to site plan
review standards

Ordinance No. 11-66

The accompanying Ordinance was prepared by the Department of Planning and Zoning and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: August 2, 2011

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

From: Alina T. Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak".

Subject: Proposed Zoning ordinance establishing Sections 33-396.1 and 33-396.2 of the Code pertaining to uses permitted on Kendall Tamiami Executive Airport (TMB) lands in the GP Government Property zoning district and related site plan review criteria

Recommendation

It is recommended that the Board of County Commissioners adopt the attached zoning ordinance establishing Sections 33-396.1 and 33-396.2 of the Code pertaining to uses permitted on Kendall Tamiami Executive Airport (TMB) lands in the GP Government Property zoning district and related site plan review criteria

Scope

The Kendall Tamiami Executive Airport (TMB) is located in Commission Districts 9 and 11.

Fiscal Impact/Funding Source

The proposed ordinance has a positive fiscal impact to Miami-Dade County in that it allows for private, third party development within the boundaries of the TMB Airport. The projected revenue for the County is a combination of the annual fair market value of land rents currently estimated at \$2,571,583 per year plus additional revenue based upon a negotiated percentage of the gross revenue. The negotiated percentage of the gross revenue is expected to be in the 3% range.

Track Record/Monitor

Not applicable.

Background

The purpose of this ordinance is to establish a regulatory framework for the aviation, aviation-related and non-aviation uses permitted at TMB in compliance with the County's Comprehensive Development Master Plan (CDMP). Specifically, this ordinance establishes Section 33-296.1 providing for uses permitted on lands at TMB with the GP or Government Properties zoning designation. This section categorizes the permitted uses and divides the airport property as follows:

1. Aviation uses: Includes uses such as airfield and aircraft storage located in the portion of the airport where general public access is restricted.
2. Aviation-related uses: Includes uses such as airport fixed-base operator's lounges and ground transportation services located in a portion of the airport where general public access is not restricted.

3. Non-aviation uses: Includes uses such as hotels/motels, offices, retail and industrial facilities that are compatible with the airport and located in a portion of the airport where general public access is not restricted. This is the area where third-party (commercial) development is allowed.

The proposed ordinance will allow the Miami-Dade Aviation Department to maximize commercial development opportunities in order to generate crucial revenue needed for the Capital Improvements Program debt service through third-party leaseholds by permitting reasonable and flexible non-aviation development which is compatible with the airport operations and consistent with applicable law and the CDMP. In addition, the proposed Section 33-296.2 contains the site plan criteria to be used in the review of this development.



Assistant County Manager



MEMORANDUM
(Revised)

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

DATE: August 2, 2011

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

SUBJECT: Agenda Item No. 7(K)

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
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- 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(K)
8-2-11

ORDINANCE NO. 11-66

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; CREATING SECTION 33-396.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO USES PERMITTED ON KENDALL TAMAMI EXECUTIVE AIRPORT LANDS IN THE GP GOVERNMENTAL PROPERTY ZONING DISTRICT; CREATING SECTION 33-396.2 PERTAINING TO SITE PLAN REVIEW STANDARDS; PROVIDING FOR DEVELOPMENT CRITERIA; 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 33-396.1 of the Code of Miami-Dade County, Florida, is hereby created, reading as follows:¹

Sec. 33-396.1 Uses permitted on Kendall Tamiami Executive Airport lands in the GP Governmental Property zoning district.

The following public airport uses shall be permitted on those lands at Kendall Tamiami Executive Airport zoning area that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, are compatible with and not disruptive of airport operations occurring on such lands, and comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

(A) **Aviation Uses:** The portion of the airport designated in the Comprehensive Development Master Plan (CDMP) for aviation uses, shall be deemed to consist of all portions of the airport where general public access is restricted (but not including terminal concourses).

(1) Areas designated for aviation uses shall be limited to aviation uses, including but not limited to:

a) Airfield uses such as runways, taxiways, aprons, runway protection zones, safety areas, landing areas, and support and maintenance facilities such as control towers, flight service

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

5

- stations, access roads, fire stations, storage and aircraft maintenance and repair facilities and hangars,
- b) Aircraft and aircraft parts manufacturing and storage,
 - c) Fixed base operators,
 - d) Air cargo operations,
 - e) Specialized aircraft service operations,
 - f) Fuel farms,
 - g) Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the portions of the airport designated for aviation use, subject to such conditions and requirements as may be imposed to ensure public health and safety.

(B) ***Aviation-Related and Non-Aviation Uses:*** The portion of the airport designated in the Comprehensive Development Master Plan for aviation-related and non-aviation uses, shall be deemed to consist of all portions of the airport where general public access is not restricted, and may be developed with aviation uses (aviation facilities), aviation-related uses and non-aviation uses that are compatible with airport operations and consistent with applicable law.

(1) Aviation-related uses:

- a) Facilities where general public access is allowed may include existing uses and the following or substantially similar uses:
 - (1) Fixed Base Operator's lounge areas for aviation passenger traffic, including private or corporate aircraft passenger traffic, which may include non-aviation uses designated to serve the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments,
 - (2) Parking garages and lots serving the airport,
 - (3) Access roadways serving the airport,
 - (4) Offices of aviation industry companies and the Miami-Dade Aviation Department,
 - (5) Hangar rentals and tie downs,
 - (6) Ground transportation services,
 - (7) General aviation aircraft, such as private and corporate jets or other aircraft, and automobile rental establishments,
 - (8) Aviation-related educational uses such as flight schools, simulator training facilities, helicopter and aerobatics training and other educational facilities providing aviation courses,

- (9) Aviation-related governmental agency facilities,
- (10) Flying club facilities,
- (11) Aviation-related entertainment uses such as museums and sightseeing services,
- (12) Aviation-related retail uses such as general aviation aircraft sales, electronic and instrument sales and pilot stores,
- (13) Storage and aircraft maintenance and repair facilities and hangars,
- (14) Aircraft and aircraft parts manufacturing and storage,
- (15) Air cargo operations, and
- (16) Specialized aircraft service operations.

(2) Non-aviation uses:

- a) Subject to the restrictions contained herein, the following non-aviation uses may be approved in the aviation-related and non-aviation areas of the airport:

- (1) Lodgings such as hotels and motels,
- (2) Office buildings,
- (3) Industrial uses such as distribution, storage, manufacturing research and development and machine shops,
- (4) Agricultural uses, and
- (5) Retail, restaurants, and personal service establishments.

- b) Such non-aviation uses shall be limited as follows:

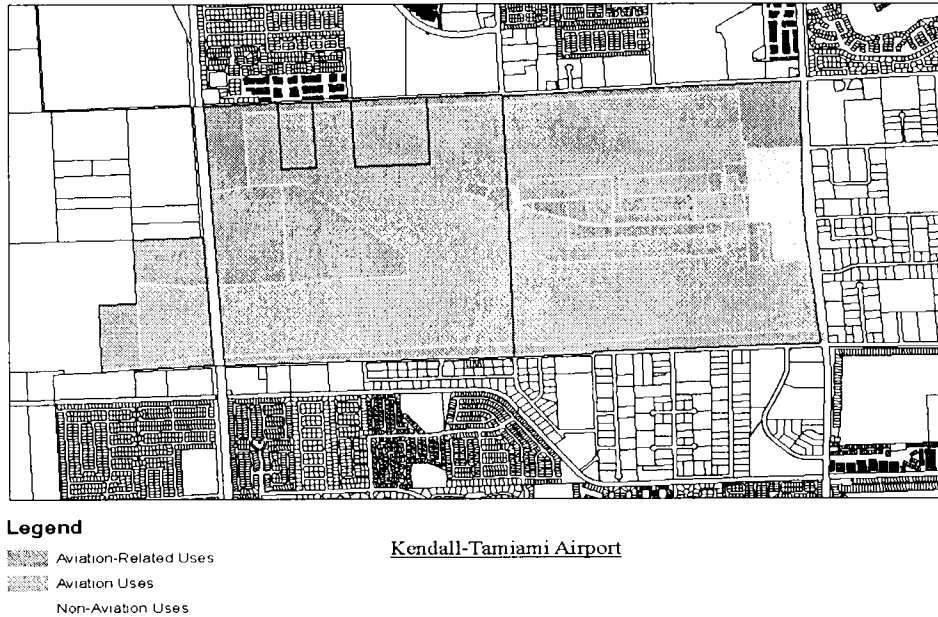
- (1) The distribution, range, intensity and types of such non-aviation uses shall vary by location as a function of the availability of public services, height restrictions, Comprehensive Development Master Plan (CDMP) intensity ceiling for the Urbanizing Area (FAR of 1.25 not counting parking structures), impact on roadways, access and compatibility with neighboring development.
- (2) Freestanding retail uses and shopping centers shall front on major access roads preferably near major intersections, where practical, and have limited access to major roadways.

- (3) Each non-aviation use shall comply with applicable law, including but not limited to FAA regulations and the current airport layout plan on file with the Miami-Dade County Aviation Department governing permissible uses on the entire airport property.
- (4) Warehouses, storage showrooms, printing shops and any other industrial use shall be subject to the site development standards of the IU-1 zoning district. Office buildings, retail sales, hotels and motels, restaurants, personal service establishments, and any other similar uses shall be subject to the standards of the BU-2 district.
- (5) All development shall comply with the off-street parking regulations of Chapter 33 and with Chapter 18A (Landscaping) of this code. All non-aviation uses shall be subject to the site plan review standards of Section 33-396.2 of this code.
- (6) The development of the 8.2 acre (973.52 ft x 363 ft) parcel for non-aviation uses at the southwest corner of SW 137 Avenue and theoretical SW 124 Street shall be limited to access roads, open space, parking and drainage facilities.
- (7) The minimum and maximum land area devoted to non-aviation uses shall be limited as follows:

Non-Aviation Uses Area (±43 Acres)

Use	Minimum (acres)	Maximum (acres)
Industrial	0	37
Commercial	0	43
Office	0	11
Hotels/Motels	0	4
Institutional	0	9

(C) **Airport Area Map:** The following map depicts the airport's areas where aviation, aviation-related and non-aviation uses are permitted in accordance with the Comprehensive Development Master Plan.



Section 2. Section 33-396.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-396.2. Site plan review.

(A) For all non-aviation uses, 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 review is to encourage logic, imagination, innovation and variety in the design process and encourage the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. Denials shall be in writing and shall specifically set forth the grounds for denial. Receipt of applicant's plans for fifteen (15) days without formal written denial shall constitute approval. Notwithstanding the provisions of 33-314, if the site is located within unincorporated or incorporated Miami-Dade County and if the plan is disapproved, the applicant may appeal to the Board of County Commissioners. Appeals by the applicant shall be filed within thirty (30) days of the date the project was denied.

(B) *Required exhibits.* The following exhibits shall be prepared by design professionals such as architects and landscape architects and submitted to the Department:

(1) Dimensioned site plan(s) indicating, as a minimum, the following information:

a) Existing zoning on the site and on adjacent properties.

- b) The basic use, height, bulk and location of all buildings and other structures with setbacks.
- c) Vehicular and pedestrian circulation systems including connection(s) to existing or proposed roadway and sidewalk system and the layout of parking, service and loading areas.
- d) Graphics and/or notations indicating the site planning or structure design methods used to minimize the impact of those industrial activities that could have a negative impact on existing or proposed adjacent land uses.
- e) Sketches of design elements to be used for buffering surrounding uses.

(2) Elevation of the proposed buildings and other major design elements.

(3) Landscape plans: Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(4) Figures indicating the following:

- a) Proposed uses.
- b) Gross floor area: _____ square feet
- c) Land area:
Gross lot area: _____ square feet _____ acres
Net lot area: _____ square feet _____ acres
- d) Landscaped open space:
Required: _____ square feet _____ % of net land area
Provided: _____ square feet _____ % of net land area
- e) Tree Required: _____ Trees Provided: _____
- f) Off-street parking spaces: Required: _____ Provided: _____

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

- (1) *Planning studies:* Planning studies approved by the Board of County Commissioners that include development patterns or environmental and other design criteria shall be considered in the plan review process.
- (2) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen noncompatible uses, and ameliorate the impact of noise.
- (3) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent non-commercial uses.
- (4) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.

- (5) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.
- (6) *Energy conservation:* Applicants are advised to consider requirements of Florida Statutes Chapter 553 (Energy Code).
- (7) *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 two and one-half (2 1/2) 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 (1) or more of the following planting materials:
 - 1) *Shrubs.* Shrubs 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.
 - 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.
 - 3) *Vines.* Climbing vines shall be a minimum of thirty-six (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.

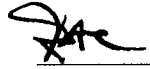
Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered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

//

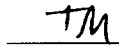
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: August 2, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



John D. McInnis

MEMORANDUM

Substitute
Agenda Item No. 5(A)

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

DATE: November 15, 2011


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

SUBJECT: Ordinance related to Zoning
and pertaining to Traditional
Neighborhood Development
District (TND) amending
Sections 33-284.47, 33-284.51
and 33-284.53 of the Code

Ordinance No. 11-83

The substitute differs from the original in that it: (1) revises the definition of setback to accommodate buildings on curved frontage lines, (2) clarifies that buildings on rowhouse use lots that do not cover more than 50% of the net lot do not have to count outbuildings toward lot coverage, (3) clarifies that buildings on house use lots are allowed greater lot coverage based on a percentage tier, (4) clarifies that outbuildings on house use lots do not count toward lot coverage unless the lot coverage exceeds 50%, and (5) corrects a typographical error.

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: November 15, 2011

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance related to Zoning and pertaining to Traditional Neighborhood Development District (TND)

The proposed ordinance pertaining to design criteria, land use categories, and ownership and maintenance of common open spaces and civic buildings will not have a fiscal impact to the County.


Office of the Mayor

Fis1212

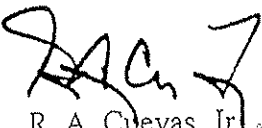


MEMORANDUM

(Revised)

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

DATE: November 15, 2011

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

SUBJECT: Substitute
Agenda Item No. 5(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

feet per dwelling unit or twenty-four hundred (2,400) gross square feet, whichever is greater. The total number of dwelling units shall be established at the time of the TND approval.

* * *

>>(26a) Porte-cochere: A house use category feature consisting of a roofed structure attached to a building and erected over a driveway. It shall be open on three (3) sides and may have a part of the main or principal building over it.<<

* * *

(30) *Setback:* An absolute distance between the building lot line and the outside of the facade closest to said building lot line of the enclosed portion of the building. Front porches and ramps for people with disabilities are exempt from setback requirements. >>On curvilinear lots only, the required front setback shall be measured at the closest point to the lot line and may exceed the required front setback along the curvilinear property line.<<²

* * *

Section 2. Section 33-284.51 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-284.51. Land Use Categories.

* * *

(B) *Civic use.*

* * *

(2) *Land allocation.*

* * *

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.

- (c) The developer shall covenant to construct a >>minimum of one (1)<< meeting hall on a civic use lot[[~~, on or adjacent to the mandatory square~~]] upon the sale >>or lease<< of fifty (50) percent of the lots and/or units of the neighborhood proper.

- (d) The developer shall designate a minimum of >>any<< one (1) >>of the following use lots or an area within a building placed on said use lots<< [[~~civic use lot reserved~~]] for a day care center>>: civic, shopfront or workshop.<< The developer shall covenant that a building for said use shall be constructed >>for a day care center or an area within a building constructed on said use lots be reserved for a day care center<< when building permits have been obtained for fifty (50) percent of the residential units. Day care centers shall be in accordance with the sections 33-122 through 33-132 of this Code. The developer shall have the option of selling, leasing or transferring title of the lot and building reserved for day care center.

* * *

(C) *Shopfront use.*

* * *

(1) *Land use.*

* * *

>>11a. Day care center.<<

* * *

>>29a. Police sub-stations.<<

* * *

(2) *Land allocation..*

* * *

- (d) A minimum of two (2) shopfront use lots ~~[[shall]]~~ >>may<< front on a mandatory square or be placed within two hundred (200) feet of a mandatory green.

* * *

(D) *Rowhouse use.*

* * *

(2) *Land allocation.*

* * *

- (b) ~~[[A maximum of five (5) r]]~~ >>R<<owhouse use lots may be consolidated for the purpose of constructing ~~[[a—single—building containing]]~~ multifamily dwellings.

* * *

(3) *Lots and buildings.*

* * *

- (h) Buildings on rowhouse use lots shall cover no more than ~~[[fifty (50)]]~~ >>sixty (60)<< percent of the net lot area. >>Outbuildings shall not count towards the lot coverage when the principal buildings do not cover more than fifty (50%) percent of the net lot area. Front porches and covered stoops without habitable space above shall not count towards the lot coverage.<<~~[[Outbuildings shall not count towards lot coverage.]]~~

* * *

- (j) Buildings on rowhouse use lots shall have a minimum first floor front elevation eighteen (18) inches above finished sidewalk grade >>except that an apartment building(s), as defined in Section 33-1(6.1) of the Code of Miami-Dade County, in rowhouse use lots shall not be subject to the elevation

requirement<<. Rear entrance(s) shall be accessible for people with disabilities by grading or ramping. Space shall be provided in the front yard area for the construction of a ramp.

* * *

(E) *House use.*

* * *

(2) *Land allocation.*

* * *

(a) House use lots shall constitute a maximum of ~~[[thirty]]~~>>fifty<< percent ~~[[30%]]~~>>50%<< of the gross area of the neighborhood proper.

~~[[b)] A maximum of two (2) house use lots may be consolidated for the purpose of constructing a single residence.~~

~~(e) A maximum of fifty (50) percent of all house use lots may be consolidated.]~~

* * *

(3) *Lots and buildings.*

* * *

(c) House use lots shall have a minimum width of thirty-six (36) feet and a ~~[[maximum width of seventy-five (75)]]~~>>minimum lot size of three thousand six hundred (3,600) square<< feet with a minimum average lot size of five thousand (5000) square feet.

* * *

- (g) Buildings on house use lots >>between 3,600 square feet and 4,999 square feet<<³ shall cover no more than forty (40%) percent of the [[building]] lot area. >>Buildings on 5,000 square foot and greater house use lots shall cover no more than fifty (50%) percent of the lot area. Outbuildings shall not count towards the lot coverage when the principal buildings do not cover more than forty (40%) percent of the net lot area. Front porches, porte-cocheres and covered stoops without habitable space above shall not count towards the lot coverage.<< [[~~Outbuildings and front porches do not count in lot coverage.~~]]

* * *

(5) *Parking.*

* * *

- (b) All off-street parking places shall be to the side or the rear of the building. Where no alley access exists and vehicular access is through the frontage, garage>>s<< [[~~or earports~~]] shall be located a minimum of twenty (20) feet behind the front building setback. >>Porte-cocheres may be located at the front building setback line. Porte-cocheres without habitable space above may encroach into the front setback a maximum of eight (8) feet.<<

* * *

(F) *Workshop use.*

(1) *Land Use.*

* * *

>>12a. Day care centers.<<

³ In this subsection, the substitute removes the proposed changes in the original item and replaces it with words double underlined and >>double arrowed<<.

* * *

(2) *Land allocation.*

- (a) Workshop use lots shall constitute a minimum of three percent (3%) and a maximum of seven percent (7%) of the gross area of the neighborhood proper. >>When a TND borders land designated in the CDMP as agriculture or open land, the land allocation for workshop use lots may constitute only one and one-half (1.5%) >>percent<< of the gross area of the neighborhood proper.<<

* * *

Section 3. Section 33-284.53 of the Code of Miami-Dade County is hereby amended

as follows:

Sec. 33-284.53. Ownership and maintenance of common open space(s) and civic use buildings.

All land designated on approved plans as common open space, including squares, greens and parks, and all structures devoted to the common use of the inhabitants of a TND will be owned and/or maintained >>under one or more of the following<< structures:

- (A) Those projects developed under a condominium ownership shall be in accordance with applicable Florida law, or
- (B) The common open space and civic uses shall be maintained under a special taxing improvement district >>or community development district<< as approved by the Board of County Commissioners, or
- (C) The common open space and civic uses shall be owned ~~[[by a]]~~ >>and maintained as provided under the provisions of the<< property homeowners' association ~~[[in which case the ownership shall be subject to covenants providing]]~~ >>declaration, which shall, at a minimum, provide<< for the maintenance of >>all<< common facilities >>covered by the documents<< in a manner that assures ~~[[its continuing]]~~ >>their continued<< use for ~~[[its]]~~ >>their<< intended purpose>>s<< and provided >>further<< that

[[a]] >>the property<< homeowners' association
>>declaration<< shall comply with the following
requirements:

- (1) Approval for form and legal sufficiency as to compliance with the ordinance by the Miami-Dade County Attorney's Office.
- (2) A homeowners' association shall be established before the units or individual building lots are sold.
- (3) Membership shall be mandatory for each property owner and said association shall have the authority to adjust the assessment to meet the needs of maintaining the open space and common facilities.
- (4) 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.

* * *


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: November 15, 2011

Approved by County Attorney as
to form and legal sufficiency:


CHC For

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Chairman Joe A. Martinez

MEMORANDUM

Agenda Item No. 5(C)

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

DATE: (Public Hearing 11-15-11)
November 3, 2011

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

SUBJECT: Ordinance pertaining to
Zoning; amending Section 33-
259 of the Code, providing for
Home Improvement
Warehouses in the IU-1,
Industrial, Light
Manufacturing District

Ordinance No. 11-85

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



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



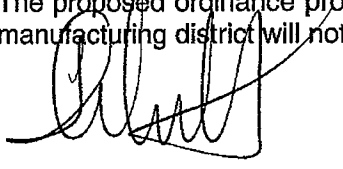
Date: November 15, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance pertaining to Zoning; amending Section 33-259 of the Code

The proposed ordinance providing for home improvement warehouses in the IU-1, industrial, and light manufacturing district will not have a fiscal impact to the County.

A large, stylized handwritten signature of Carlos A. Gimenez, the Mayor, written in black ink.

Office of the Mayor

Fis1112

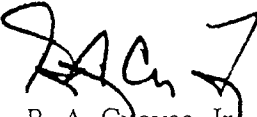


MEMORANDUM

(Revised)

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

DATE: November 15, 2011

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

SUBJECT: Agenda Item No. 5(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. 5(C)
11-15-11

ORDINANCE NO. 11-85

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-259 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR HOME IMPROVEMENT WAREHOUSES IN THE IU-1, INDUSTRIAL, LIGHT MANUFACTURING 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 33-259 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-259. Uses permitted.

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

* * *

>>(87.1) Home Improvement Warehouses—the sale of a variety of home improvement products, including hardware, construction supplies, electrical and plumbing fixtures, lumber, tools, and lawn and garden supplies to contractors, developers, and wholesale and retail consumers, subject to the following conditions:

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 subject use shall be located on a site having access on a major access road, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways, or on a minor roadway as depicted on the adopted Comprehension Development Master Plan, Land Use Plan map, within one-quarter (1/4) mile of that roadway's intersection with a major roadway;
- (b) the short term rental of tools, compressors, chainsaws, ladders, post hole diggers, hand trucks and similar equipment and trucks (for the convenience of customers purchasing items) may only be provided as an accessory use;
- (c) the subject use is permitted only as a freestanding structure on a site of twenty (20) acres or less and containing no less than 100,000 square feet of gross building floor area;
- (d) setbacks as required for the principal building shall apply to all storage, display, and sales areas;
- (e) parking shall be provided in accordance with Section 33-124(h)(3.1) of this chapter;
- (f) site plan review shall meet the criteria set forth in Section 33-261.1 of this article.<<

* * *

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: Novmeber 15, 2011

Approved by County Attorney as
to form and legal sufficiency:

JAC

Prepared by:

CHC

Craig H. Coller

Prime Sponsor: Chairman Joe A. Martinez



MEMORANDUM

Agenda Item No. 5(D)

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

DATE:

Public Hearing 11-15-11)
October 18, 2011

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

SUBJECT: Ordinance relating to zoning;
modifying notice requirements and
procedures for applications to extend
expiration dates, build out dates, and
phasing deadlines certain previously
approved development of regional
impact development orders and
related zoning actions; amending
Sections 33-303.1, 33-309, 33-310,
and 33-311

Ordinance No. 11-86

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

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

R. A. Cuevas, Jr.
County Attorney


RAC/up

Memorandum



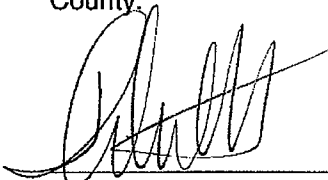
Date: November 15, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance relating to Zoning

The proposed ordinance modifying notice requirements and procedures for applications to extend expiration dates, build out dates, and phasing deadlines in certain previously approved development of regional impact development orders and related zoning actions will not have a fiscal impact to the County.



Office of the Mayor

Fis0612



MEMORANDUM

(Revised)

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

DATE: November 15, 2011

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

SUBJECT: Agenda Item No. 5(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

Approved _____ Mayor

Agenda Item No. 5(D)

11-15-11

Veto _____

Override _____

ORDINANCE NO. 11-86

ORDINANCE RELATING TO ZONING; MODIFYING NOTICE REQUIREMENTS AND PROCEDURES FOR APPLICATIONS TO EXTEND EXPIRATION DATES, BUILD OUT DATES, AND PHASING DEADLINES IN CERTAIN PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDERS AND RELATED ZONING ACTIONS; AMENDING SECTIONS 33-303.1, 33-309, 33-310, AND 33-311 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-303.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-303.1. Developmental Impact Committee

* * *

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

* * *

(2) Review and make recommendations concerning all applications for development approval of a development of regional impact and notices of change to a previously approved development if regional impact which would change in any respect the conditions existing in a current development order, resolution

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

or declaration of restrictions governing land development; provided, however, applications to extend a >>commencement<< build-out date, expiration date, ~~[[or]]~~ phasing deadline >>,or applicable mitigation requirements<< for the maximum period of time declared by state law >>regardless of any previous extension<< not to constitute a substantial deviation from existing development orders ~~[[in]]~~ >>for currently valid<< developments of regional impact development orders ~~[[that were under active construction on July 1, 2007]]~~, and related applications for zoning actions to accomplish only the requested extension, shall not be subject to review by the Developmental Impact Committee >>; it is further provided, however, that, pursuant to § 380.06(19)(c)(2), Fla. Stat., the foregoing exception from DIC review shall not apply to development orders for which, before December 1, 2011, the County has notified a developer that has commenced any construction within the phase for which mitigation is required that the County has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer<<.

Section 2. Section 33-309 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-309. Community Zoning Appeals Board/Board of County Commissioners Applications for public hearing.

All hearings before the Community Zoning Appeals Board or the Board of County Commissioners shall be initiated by the filing with the Department an application on forms prescribed by the Director, executed and sworn to by the owner or owners of at least seventy-five (75) percent of the property described in the application, or by tenant or tenants, with owner's written sworn-to consent or by duly authorized agents, evidenced by a written power of attorney, if not a member of the Florida Bar, or by the Director, or by any person aggrieved by an order, requirement, decision or determination of an administrative official when appealing the same, or by anyone desiring an amendment or repeal to the zoning regulations. All properties described in one (1) application must be contiguous and immediately adjacent to one (1) another, and the Director may require more than one (1) application if the property concerned contains more than forty (40) acres, or the fee paid for one (1) application would not equal the

cost of processing the same. Only applications which the Community Zoning Appeals Board or the Board of County Commissioners are authorized to consider and act upon shall be accepted for filing.

* * *

For property that is the subject of a >>currently valid<< DRI development order ~~[[that was under active construction as of July 1, 2007]]~~, the director shall file an application to extend ~~[[the buildout date, expiration date, and phasing deadlines contained in such development order for the maximum period of time declared by state law not to constitute a substantial deviation from the existing development order;]]~~ >>all commencement, phase, buildout, expiration dates, and applicable mitigation requirements of the DRI for the maximum period of time declared by state law regardless of any previous extension. Such extension shall not constitute a substantial deviation from the existing DRI development order, shall not be subject to further DRI review, and shall not be considered when determining whether a subsequent extension is a substantial deviation under Florida law<<, provided that the owner of the property consents to the application >>no later than December 31, 2011<< and that funds sufficient to pay the costs of >>processing, reviewing,<< advertising and notice as required under Section 33-310 of this code, or sufficient security for such sums, have been provided by or on behalf of the property owner. >>It is provided, however, that, pursuant to § 380.06(19)(c)(2), Fla. Stat., the foregoing provision shall not apply to development orders for which, before December 1, 2011, the County has notified a developer that has commenced any construction within the phase for which mitigation is required that the County has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer.<<

Section 3. Section 33-310 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

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

* * *

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

(1) Approvals of or modifications to Developments of Regional Impact ("DRI"), including substantial deviation determinations or modifications thereof, one (1) mile; except applications to extend a >>commencement date,<< build-out date, expiration date, [[ø]] phasing deadline >>, or applicable mitigation requirement<< for the maximum period of time declared by state law >>regardless of any previous extension<< not to constitute a substantial deviation from [[existing]] development orders [[in]] >>for currently valid<< developments of regional impact development orders [[that were under active construction on July 1, 2007,]] and related applications for zoning actions to accomplish only the requested extension (1,500 feet).

Section 4. Section 33-311 of the Code of Miami-Dade County, Florida, is hereby

amended to read 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 hereunder set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate

7

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 Board shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

* * *

(9) Hear and make recommendations to the Board of County Commissioners on applications for developments of regional impact and related requests, including requests for modifications thereof and substantial deviation determinations pursuant to Section 380.06(19), Fla. Stat., as amended, as provided by Section 33-314 except an application for modification or elimination of a condition or restrictive covenant that is not a substantial deviation, or an application to extend a >>commencement date,<< build-out date, expiration date, ~~[[or]]~~ phasing deadline >>, or applicable mitigation requirements<< for the maximum period of time declared by state law >>regardless of any previous extension<< not to constitute a substantial deviation from ~~[[existing]]~~ development orders ~~[[in]]~~ >>for currently valid<< developments of regional impact development orders ~~[[that were under active construction on July 1, 2007]]~~, and related applications for zoning actions to accomplish only the requested extension, where such application does not contain a request for any other action under this chapter requiring a public hearing apart from modifying the DRI development order >>; it is provided, however, that, pursuant to § 380.06(19)(c)(2), Fla. Stat., the foregoing exception from CZAB review shall not apply to development orders for which, before December 1, 2011, the County has notified a developer that has commenced any construction within the phase for which mitigation is required that the County has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer<<.

* * *

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.

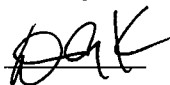
Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: November 15, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

Prime Sponsor: Chairman Joe A. Martinez