

APPENDIX 10.3

ZONING DESCRIPTIONS

NOTE: In December 2007, the Miami-Dade County Board of County Commissioners passed and adopted Resolution No. Z-56-07 that grants Unusual Use approvals and variances for a nuclear power plant (atomic reactors) and ancillary structures and equipment for Turkey Point Units 6 & 7. That Resolution (or Development Order) amended prior Resolutions Nos. 4-ZBA-559-71 and CZAB15-11-99. A copy of Resolution #Z-56-07 is provided in Appendix 10.3.1

~~**Appendix 10.3.2 provides excerpts from Miami-Dade County Zoning Code relevant to the location of FPL-owned fill source/water management feature.**~~

Appendix 10.3.2 is deleted.

APPENDIX 10.3.1

ZONING

**MIAMI-DADE COUNTY BOARD OF COUNTY
COMMISSIONERS RESOLUTION NO. Z-56-07**



Carlos Alvarez, Mayor

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Government Information Center
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

Planning and Zoning
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

December 26, 2007

Florida Power & Light Company
c/o Jeffery Bercow
First Union Financial Center
200 South Biscayne Boulevard
Suite 850
Miami, FL 33131

Re: Hearing No. 07-12-CC-2
Location: East of S.W. 117 Avenue, lying between theoretical S.W. 344
Street and theoretical S.W. 456 Street, Miami-Dade County,
Florida

Dear Applicant:

Enclosed herewith is a corrected copy of Resolution No. Z-56-07, which was adopted by the Board of County Commissioners on December 20, 2007. The correction was done to correct the number of items that was approved in the motion, to further address request number #5 under Chapter 28 §19(A), and to add three D.I.C. conditions, which were omitted from the resolution.

Please discard the original and replace with the attached, as the resolution has been revised to reflect the above-mentioned correction.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

Delivered to the County Clerk



Planning and Zoning
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

Carlos Alvarez, Mayor

December 24, 2007

Florida Power & Light Company
c/o Jeffery Bercow
First Union Financial Center
200 South Biscayne Boulevard
Suite 850
Miami, FL 33131

Re: Hearing No. 07-12-CC-2
Location: East of S.W. 117 Avenue, lying between theoretical S.W. 344 Street and theoretical S.W. 456 Street, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-56-07, adopted by the Board of County Commissioners, which approved Items #1 through 10 on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **December 24, 2007**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Cuevas, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination
Agenda Coordination
Animal Services
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Building
Building Code Compliance
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Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Government Information Center
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-56-07

WHEREAS, FLORIDA POWER & LIGHT COMPANY applied for the following:

- (1) UNUSUAL USE to permit a nuclear power plant (atomic reactors) and ancillary structures and equipment.
- (2) MODIFICATION of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property and reading as follows:

FROM: "1. That detailed plans be submitted to and meet with the approval of the Director of the Building and Zoning Department, that said plan be substantially in compliance with that submitted for the hearing entitled 'Plot Plan Florida Power & Light Co.,' as prepared by A. R. Toussaint & Associates, Land Surveyors, and dated received Oct. 1, 1971."

TO: "1. That in the approval of the plan, the same shall be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group."

- (3) MODIFICATION of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, as further modified by Resolution #CZAB15-11-99, passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property and reading as follows:

FROM: "1. That in the approval of the plan the same be substantially in accordance with those submitted for the hearing entitled 'Cooling Canals System General Plan,' as prepared by A. R. Toussaint & Assoc., dated received 04/7/99, and plans entitled 'Proposed Canal Bank Modification,' as prepared by S. P. Chaviano, Registered Engineer and dated 6/2/99."

TO: "1. That in the approval of the plan, the same shall be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public

Hearing Application Construction/Operating Facility Plan' and 'FP L Turkey Point Public Hearing Application Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group."

The purpose of requests #2 and #3 is to allow the applicant to submit a revised plan showing an expansion of the existing power plant site, to include two atomic reactors and proposed access points to the facility.

- (4) Applicant is requesting to waive the zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of S.W. 87 Avenue, S.W. 360 Street and S.W. 376 Street and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of S.W. 368 Street and S.W. 92 Avenue.
- (5) Applicant is requesting to waive subdivision regulations requiring parcels and lots to have frontage and access on a public street (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street).
- (6) Applicant is requesting to waive the zoning regulations requiring parcels to have frontage on a public street; to permit multiple parcels with 0' of frontage on a public street and to permit access to public streets by means of private drives (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street).
- (7) Applicant is requesting to permit building heights of 350' maximum (35' maximum permitted) and to permit buildings with a maximum height of 5 stories (2 stories maximum permitted).
- (8) Applicant is requesting to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.
- (9) Applicant is requesting to permit fences and walls with no height limit (maximum 8' permitted).
- (10) Applicant is requesting to permit fences and walls with multiple strands of barbed wire in the GU and AU zones (barbed wire not permitted in the GU zone, maximum three strands of barbed wire permitted in the AU zone).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(7) (Generalized Modification Standards), approval of requests #4 and #6 through #10 may be considered under §33-311(A)(4)(b) (Non-Use Variance) and approval of request #5 must be considered under Chapter 28 §19(a) of the Public Works Code.

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

SUBJECT PROPERTY: ACCESS AREA: Tracts 1 - 28, inclusive, Block 2, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 30, Township 57 South, Range 40 East; less that portion that lies within the north 130', and lies within the east 35', and lies within the south 30' and lies within the west 30' of the NW ¼ of said Section 30. TOGETHER WITH: Tracts 1 - 28, inclusive, Block 3, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 30, Township 57 South, Range 40 East; less that portion that lies within the north 30', and lies within the east 35', and lies within the south 30' and lies within the west 30' of the SW ¼ of said Section 30. TOGETHER WITH: Tracts 1 - 28, inclusive, Block 4, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 30, Township 57 South, Range 40 East; less that portion that lies within the north 30', and lies within the east 30', and lies within the south 30' and lies within the west 30' of the SE ¼ of said Section 30. TOGETHER WITH:

Tracts 1 - 28, inclusive, Block 1, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 30, Township 57 South, Range 40 East; less that portion that lies within the north 130', and lies within the east 30', and lies within the south 30' and lies within the west 35' of the NE ¼ of said Section 30. TOGETHER WITH: Tracts 1 - 28, inclusive, Block 2, MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 of the public records of in Section 29, Township 57 South, Range 40 East; less that portion that lies within the north 130', and lies within the east 30', and lies within the south 30' and lies within the west 30' of the NW ¼ of said Section 29. TOGETHER WITH: Tracts 1 - 28, inclusive, Block 3, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 29, Township 57 South, Range 40 East; less that portion that lies within the north 30', and lies within the east 30', and lies within the south 30' and lies within the west 30' of the SW ¼ of said Section 29. TOGETHER WITH: Tracts 5 - 22, inclusive, and Tracts 27 and 28, Block 1, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 29, Township 57 South, Range 40 East; less that portion that lies within the north 120', and lies within the west 30', and lies within the south 30' of the NE ¼ of said Section 29, and less that portion that lies E/ly of the W/ly right-of-way line of Levee 31 east Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6), and less that portion of said Tracts 6, 7, 8, 9, 10, 11, 12, 13, 14, 27 and 28, being more particularly described as follows:

Commence at the northwest corner of the NE ¼ of said Section 29; thence S00°04'36"W (S0°28'33"E legal), along the west line of the NE ¼ of said Section 29, for a distance of 50'; thence N89°33'04"E (N89°33'2"E legal) for a distance of 35' to the Point of beginning of the hereinafter described parcel of land; thence S00°04'36"W (S0°28'33"E legal), along a line 35' east of and parallel with the west line of the NE ¼ of said Section 29, for a distance of 1,380'; thence N89°33'04"E (N89°33'2"E legal) for a distance of 1,380'; thence N00°04'36"E (N0°28'33"W legal) for a distance of 1,380'; thence S89°33'04"W (S89°33'2"W legal) for a distance of 1,380' to the Point of beginning. Less the north 70' thereof for road right-of-way. TOGETHER WITH: Tracts 6 - 19, inclusive,

Block 4, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 29, Township 57 South, Range 40 East; Less that portion that lies within the north 30', and lies within the west 30', and lies within the south 30' of the SE ¼ of said Section 29, and less that portion that lies E/ly of the W/ly right-of-way line of Levee 31 East Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6). TOGETHER WITH: Section 31, Township 57 South, Range 40 East; less the south 130' thereof. TOGETHER WITH: Section 32, Township 57 South, Range 40 East; less the south 145', and less that portion of said Section 32 that lies E/ly of the W/ly right-of-way line of Levee 31 East Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6). AND: The north 1' of the NE ¼ of Section 32, Township 57 South, Range 40 East, bounded on the west by the W/ly right-of-way line of Levee 31 East Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6). And bounded on the east by the E/ly right-of-way line of said Levee 31 East Section 8. TOGETHER WITH: A portion of Sections 28, 29 and 32, Township 57 South, Range 40 East, being more particularly described as follows:

Commence at the northeast corner of said Section 29; thence S00°02'14"W, along the east line of said Section 29, for a distance of 15' to the Point of beginning of the hereinafter described parcel of land; thence continue S00°02'14"W, along the last described line, for a distance of 661.39'; thence N89°35'27"E for a distance of 5.36'; thence S03°51'02"E for a distance of 66.67'; thence S16°39'02"E for a distance of 42.35'; thence S30°37'02"E for a distance of 42.82'; thence S48°42'02"E for a distance of 37.31'; thence S50°51'02"E for a distance of 4,986.37'; thence S70°19'02"E for a distance of 71.04'; thence S89°53'32"E for a distance of 223.65'; thence S00°18'13"E for a distance of 1,065.03'; thence S89°24'04"W for a distance of 1,532.86'; thence N00°02'14"E for a distance of 1,135.45'; thence west for a distance of 707.07'; thence N00°02'14"E for a distance of 350'; thence west for a distance of 684.79'; thence S00°02'14"W for a distance of 1,500'; thence S89°24'04"W for a distance of 2,386.67'; thence S17°38'08"W for a distance of 5,912.06' to a point on the south line of said Section 32; thence S89°43'49"W, along the last described line for a distance of 683.25'; the next described 8 courses and distances being along the SE/ly and E/ly right-of-way line of Levee 31 East Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6); 1) thence N17°38'00"E for a distance of 265.61'; 2) thence S72°22'00"E for a distance of 60'; 3) thence N17°38'00"E for a distance of 300'; 4) thence N72°22'00"W for a distance of 60'; 5) thence N17°38'00"E for a distance of 8,627.28'; 6) thence N00°02'14"E for a distance of 1,928.72'; 7) thence S89°57'46"E for a distance of 40'; 8) thence N00°02'14"E for a distance of 65'; thence N89°33'04"E, along a line 15' south of and parallel with the north line of the NE ¼ of said Section 29, for a distance of 725.02' to the Point of beginning. Subject to recorded plat of lands belonging to the MIAMI LAND AND DEVELOPMENT COMPANY, Section 29, Township 57 South, Range 40 East, Plat book 5, Page 10, subject to road and canal rights-of-way and easements and reservations of record. PROPOSED PLANT SITE AND EXISTING CLOSED LOOP COOLING CANAL SYSTEM/INDUSTRIAL WASTEWATER FACILITY:

A portion of Sections 28, 29, 32 and 33, Township 57 South, Range 40 East, and portions of Sections 5, 7, 8, 18, 19, 28, 29 and 30, all of Sections 4, 9, 16, 17, 20 and 21, Township 58 South, Range 40 East, being more particularly described as follows:

Commence at the northeast corner of the NE $\frac{1}{4}$ of said Section 33; thence S89°41'47"W, along the north line of said Section 33, for a distance of 1,100' to the Point of beginning of the hereinafter described parcel of land; thence S00°18'13"E for a distance of 1,200'; thence N89°41'47"E for a distance of 1,968.67'; thence S37°55'00"W for a distance of 75.1'; thence S23°01'45"W for a distance of 91.77'; thence S37°08'34"W for a distance of 204.9'; thence S35°53'44"W for a distance of 324.68'; thence S27°44'33"W for a distance of 90.04'; thence S02°57'57"E for a distance of 59.99'; thence S24°40'05"E for a distance of 77.55'; thence S21°16'03"E for a distance of 41.16'; thence S20°27'51"E for a distance of 90.5'; thence S17°29'10"E for a distance of 100.36'; thence S17°52'05"E for a distance of 341.32'; thence S22°27'46"E for a distance of 269.01'; thence S09°00'08"E for a distance of 280.42'; thence S06°51'47"E for a distance of 79.79'; thence S03°00'07"E for a distance of 71.53'; thence S01°09'17"E for a distance of 104.15'; thence S01°51'35"E for a distance of 111.12'; thence S01°08'24"E for a distance of 318.04'; thence S00°42'20"E for a distance of 284.44'; thence S00°04'52"E for a distance of 261.19'; thence S00°58'50"W for a distance of 217.13'; thence S04°21'54"E for a distance of 72.34'; thence S03°55'58"E for a distance of 177.91'; thence S01°36'56"W for a distance of 126.94'; thence S02°31'12"W for a distance of 108.53'; thence S14°11'42"E for a distance of 144.23'; thence S17°42'08"E for a distance of 43.82'; thence S72°17'52"W for a distance of 194.07'; thence S80°22'32"W for a distance of 208.04'; thence S87°13'38"W for a distance of 502.97'; thence S50°52'09"W for a distance of 64.69'; thence S03°12'43"E for a distance of 56.71' to a point on the south line of said section 33; thence N89°44'24"E, along the last described line for a distance of 50.04' to a point being the southeast corner of said Section 33, said point also being the northeast corner of said section 4; thence S00°06'05"W, along the east line of said Section 4, for a distance of 5,371.29' to the southeast corner of said Section 4, also being the northeast corner of said Section 9; thence S00°04'53"W, along the east line of said Section 9, for a distance of 5,398.43' to the southeast corner of said Section 9, also being the northeast corner of said Section 16; thence S00°04'58"W, along the east line of said Section 16, for a distance of 5,326.65' to the southeast corner of said Section 16, also being the northeast corner of said Section 21; thence S00°05'00"W, along the east line of said Section 21, for a distance of 5,342.48' to the southeast corner of said Section 21, also being the northeast corner of said Section 28, Township 58 South, Range 40 East; thence S00°00'43"W, along the east line of said Section 28, Township 58 South, Range 40 East, for a distance of 1,099.37'; thence S89°47'29"W for a distance of 10,677.18'; thence S89°47'08"W for a distance of 1,300; thence N00°01'16"E for a distance of 1,100.5'; thence N00°05'08"E for a distance of 5,337.99'; thence N00°06'46"E for a distance of 4,167.37'; thence N17°37'51"E for a distance of 1,250.34'; thence N17°38'00"E for a distance of 5,644.56'; thence N17°38'08"E for a distance of 11,544.17'; thence N89°24'04"E for a distance of 5,311.47'; thence S00°18'13"E for a distance of 284.68' to the Point of beginning. Subject to recorded plat of "PLAT OF LANDS BELONGING TO THE MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10. BARGE SLIP ACCESS/COASTAL MANGROVE AREA: That portion of Sections 27, 33 and 34, Township

57 South, Range 40 East, being bounded on the east by state coast meander line as per Miami-Dade County Township Map 57 South, Range 40 East, and bounded on the west by the following described line:

Commence at the northeast corner of the NE $\frac{1}{4}$ of Section 33; thence S89°41'47"W, along the north line of said Section 33, for a distance of 1,100'; thence S00°18'13"E for a distance of 1,200'; thence N89°41'47"E for a distance of 1,900' to a point hereinafter refer to as reference point "A", said point also being the Point of beginning of the following described line; thence continue N89°41'47"E for a distance of 68.67'; thence S37°55'00"W for a distance of 75.1'; thence S23°01'45"W for a distance of 91.77'; thence S37°08'34"W for a distance of 204.9'; thence S35°53'44"W for a distance of 324.68'; thence S27°44'33"W for a distance of 90.04'; thence S02°57'57"E for a distance of 59.99'; thence S24°40'05"E for a distance of 77.55'; thence S21°16'03"E for a distance of 41.16'; thence S20°27'51"E for a distance of 90.5'; thence S17°29'10"E for a distance of 100.36'; thence S17°52'05"E for a distance of 341.32'; thence S22°27'46"E for a distance of 269.01'; thence S09°00'08"E for a distance of 280.42'; thence S06°51'47"E for a distance of 79.79'; thence S03°00'07"E for a distance of 71.53'; thence S01°09'17"E for a distance of 104.15'; thence S01°51'35"E for a distance of 111.12'; thence S01°08'24"E for a distance of 318.04'; thence S00°42'20"E for a distance of 284.44'; thence S00°04'52"E for a distance of 261.19'; thence S00°58'50"W for a distance of 217.13'; thence S04°21'54"E for a distance of 72.34'; thence S03°55'58"E for a distance of 177.91'; thence S01°36'56"W for a distance of 126.94'; thence S02°31'12"W for a distance of 108.53'; thence S14°11'42"E for a distance of 144.23'; thence S17°42'08"E for a distance of 43.82'; thence S72°17'52"W for a distance of 194.07'; thence S80°22'32"W for a distance of 208.04'; thence S87°13'38"W for a distance of 502.97'; thence S50°52'09"W for a distance of 64.69'; thence S03°12'43"E for a distance of 56.71' to a point on the south line of said Section 33, said point also being the Point of termination. AND: Begin at the aforementioned reference point "A"; thence N00°18'13"W for a distance of 2,617.17'; thence N47°59'36"E for a distance of 577'± to a Point of termination, being the water's edge of Biscayne Bay.

LOCATION: East of S.W. 117 Avenue, lying between theoretical S.W. 344 Street and theoretical S.W. 456 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested unusual use to permit a nuclear power plant (atomic reactors) and ancillary structures and equipment (Item #1), the requested modifications of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property (Item #2) and of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, as further modified by Resolution #CZAB15-11-99, passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property (Item #3) and the requests to waive the zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of S.W. 87 Avenue, S.W. 360 Street and S.W. 376 Street and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of S.W. 368 Street and S.W. 92 Avenue (Item #4), to waive subdivision regulations requiring parcels and lots to have frontage and access on a public street (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #5), to waive the zoning regulations requiring parcels to have frontage on a public street; to permit multiple parcels with 0' of frontage on a public street and to permit access to public streets by means of private drives (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #6), to permit building heights of 350' maximum and to permit buildings with a maximum height of 5 stories (Item #7), to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite (Item #8), to permit fences and walls with no height limit (Item #9), to permit fences and walls with multiple

strands of barbed wire in the GU and AU zones (Item #10) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use (Item #1) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Items #1 through 10 was offered by Commissioner Dennis C. Moss, seconded by Commissioner Joe A. Martinez, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	absent	Dorrian D. Rolle	aye
Carlos A. Gimenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	nay
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	aye	Sen. Javier D. Souto	aye

Bruno A. Barreiro aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested unusual use to permit a nuclear power plant (atomic reactors) and ancillary structures and equipment (Item #1), the requested modifications of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property (Item #2) and of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, as further modified by Resolution #CZAB15-11-99, passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property (Item #3) and the requests for to waive the zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of S.W. 87 Avenue, S.W. 360 Street and S.W. 376 Street and to waive the zoning regulations requiring half section

line rights-of-way to be 70' in width, to permit 0' of dedication for portions of S.W. 368 Street and S.W. 92 Avenue (Item #4), to waive subdivision regulations requiring parcels and lots to have frontage and access on a public street (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #5), to waive the zoning regulations requiring parcels to have frontage on a public street; to permit multiple parcels with 0' of frontage on a public street and to permit access to public streets by means of private drives (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #6), to permit building heights of 350' maximum and to permit buildings with a maximum height of 5 stories (Item #7), to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite (Item #8), to permit fences and walls with no height limit (Item #9), to permit fences and walls with multiple strands of barbed wire in the GU and AU zones (Item #10) be and the same are hereby approved, subject to the following conditions:

1. That the applicant (FPL) shall prepare and submit a Wetlands Mitigation Plan for the 365-acre site related to Request #1. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24. The type of mitigation shall be developed using the Uniform Mitigation Assessment Methodology (UMAM) or approved mitigation bank scoring methods.
2. That FPL in consultation with DERM and the US Fish and Wildlife Service (USFWS) shall prepare and submit a management plan for all federal and state listed threatened or endangered species documented within the proposed plant expansion area. This plan shall preserve, to the maximum extent possible, all habitat identified as critical to these species. The management plan shall address short-term measures to be taken during construction and permanent measures necessary to protect all critical habitat. This shall include strategies to relocate nesting areas away from the construction area; however, in no case shall nests of a "threatened" or "endangered" species be destroyed without prior approval and relocation if required. Permanent measures of this plan shall include, but not limited to, use of design features such as permanent physical barriers, visual buffers, and the

establishment of development setbacks necessary to prevent both direct and indirect impacts to adjacent critical habitat. These design features, visual buffers, and setbacks shall be sufficient to prevent disruption of sensitive behaviors such as breeding, nesting and foraging within the adjacent critical habitat. Satisfaction of this condition shall be in accordance with the substantive requirements of the applicable statutes and regulations and shall be reviewed and interpreted by DERM for compliance with said statutes and regulations. The applicant shall modify the management plan as needed to satisfy compliance with such applicable statutes and regulations.

3. That prior to construction, all permits and assessments required by the USFWS for the proper preservation and management of habitat for "threatened" or "endangered" species shall be obtained by FPL in accordance with applicable state and federal law.
4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a source of cooling water for the proposed facilities.
5. That FPL shall utilize reclaimed or reuse water to the maximum extent possible, in accordance with the requirements of the Miami-Dade Water and Sewer Department (WASD) and the South Florida Water Management District (SFWMD). Should WASD be unable to provide the applicant with sufficient quantity or quality or consistency in water delivery as required by FPL for its cooling system, alternative sources may be proposed to satisfy such deficiencies. FPL will provide the County with an Alternative Water Sources Plan, which will outline all sources of water not supplied by WASD through reuse. To the extent permitted by law, this plan must demonstrate that any withdrawals from the Floridan Aquifer will not interfere with current legal users of that source as well as meet the substantive requirements of Section 24-43.2 of the Code and must further demonstrate that withdrawals will not negatively impact any current or future water supply projects identified by the County or municipalities in their respective 20-year consumptive water use permit (CUP) or, in absence of a 20-year CUP, those projects adopted into the Water Supply Plan of the local government's respective comprehensive plan in effect at the time the Alternative Water Sources Plan is submitted. Additionally, data must be based upon groundwater modeling that uses a methodology approved by WASD in consultation with the Florida Department of Environmental Protection (DEP), SFWMD and DERM. In analyzing marine (salt) water as a source, impacts of directional boring to construct an underground pipeline upon Biscayne National Park or the Florida Keys National Marine Sanctuary must be addressed. Under the directional bore scenario, the potential to utilize fill generated by the process for construction of the facility and access roads should also be addressed.
6. That FPL shall prepare and submit a wastewater discharge plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed a FPL shall prepare and submit a wastewater discharge plan. This plan shall be developed in accordance with the

substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24. The plan will address at a minimum the type and quality of the discharge and shall also justify potential variances to Chapter 24, if necessary. Additionally, this plan shall evaluate the potential technical feasibility for reuse of the discharge for the benefit of Alternative O of the Biscayne Bay Coastal Wetlands Project.

7. That FPL shall prepare and submit an earthwork and materials disposal plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24. The plan will include at a minimum the various types of earthwork, characterization of disposal materials, and potential for on-site and off-site disposal sites.
8. That all the conditions of Resolutions #4-ZAB-559-71 and #CZAB15-11-99 remain in full force and effect except as herein modified.
9. That the applicant (FPL) shall prepare and submit a Wetlands Mitigation Plan for the areas impacted by the construction of the access roads. This plan shall be developed in accordance with substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the final wetland mitigation plan as needed to satisfy compliance with said code. The type of mitigation shall be developed using the Uniform Mitigation Assessment Methodology (UMAM) or approved mitigation bank scoring methods. Wildlife protection features including but not limited to fencing and panther underpasses shall be incorporated into the roadway design as appropriate based upon the UMAM or the approved mitigation bank scoring. Sheet flow shall be maintained across roadway alignments by elevating portions of the roadway and through the installation of culverts in other areas. Planned restoration features such as, but not limited to, pump PU-M3 and downstream hydrologic restoration shall not be compromised or constrained by the roadway(s). FPL in cooperation with DERM shall develop a conceptual plan for the roadway elevations to account for increased water elevations in area of the access roads.
10. That FPL shall be required to maintain all mitigation lands associated with the proposed project in accordance with the requirements of the approved mitigation plan, free of exotic vegetation unless and until any said lands are conveyed into public ownership for purposes of regional restoration.
11. That FPL in consultation with DERM and the US Fish and Wildlife Service (USFWS) shall prepare and submit a management plan for all federal and state listed threatened or endangered species documented within the proposed access area.

This plan shall preserve, to the maximum extent possible, all habitat identified as critical to these species. The management plan shall address short-term measures to be taken during construction and permanent measures necessary to protect all critical habitat. This shall include strategies to relocate nesting areas away from the construction area; however, in no case shall nests of a "threatened" or "endangered" species be destroyed without prior approval and relocation if required. Permanent measures of this plan shall include, but not limited to, use of design features such as permanent physical barriers, visual buffers, and the establishment of development setbacks necessary to prevent both direct and indirect impacts to adjacent critical habitat. These design features, visual buffers, and setbacks shall be sufficient to prevent disruption of sensitive behaviors such as breeding, nesting and foraging within the adjacent critical habitat. Satisfaction of this condition shall be in accordance with the substantive requirements of the applicable statutes and regulations and shall be reviewed and interpreted by DERM for compliance with said statutes and regulations. The applicant shall modify the management plan as needed to satisfy compliance with such applicable statutes and regulations.

12. That prior to the construction of any roads, FPL shall prepare and implement an exotic vegetation management plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24.
13. That all material that will not be planted at the proposed plant site shall be planted at off-site locations approved by DERM and the Parks and Recreation Department. All material to be planted off-site shall be native material appropriate to the planting area as verified by DERM and shall be Florida Landscape Grade A. Half of the required material shall be planted at a site or sites selected by the Parks and Recreation Department, the remaining half shall be planted at a DERM selected site(s) for purposes of environmental enhancement or restoration. Plans shall be submitted to DERM and the Parks and Recreation Department for approval. All materials shall be planted within the timeframes specified by DERM and the Parks and Recreation Department.

Conditions applicable to all requests:

As expressed by DERM, some conditions are necessary to meet the requirements of Chapter 24 of the Miami-Dade County Code and may not be specifically tied to the CDMP or Chapter 33 of the MDCC. Furthermore, these conditions are not directed towards a specific request, but are necessary to insure compliance in many areas of the proposed project.

14. That only clean fill shall be used pursuant to the applicable sections of Chapter 24, Miami-Dade County Code. This shall apply to all construction filling and disposal operations within the boundaries of the subject application.

15. That a hydrologic study shall be required if final project elements are reasonably expected to impact surface or groundwater. The proposed study shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application.
16. That within sixty days after final approval of the application, a complete description of all surface and groundwater management practices at Turkey Point shall be provided to DERM. This shall include a detailed description of existing water management practices associated with the interceptor canal that is located west of the cooling canals. This description shall include whether water is pumped (or gravity flows) between the interceptor canal and the cooling canals, stage differences, the typical quality of this water including chloride concentration and temperature, the frequency and volume of transfers and basic operational guidelines including stage or other triggers. Copies of regulatory approvals for the current water management operations shall also be provided as part of this submittal. All information shall be subject to verification from DERM and shall serve, in part, as a basis for design of the DERM-required hydrologic study.
17. That within one-hundred eighty (180) days of the approval of the application, draft flowage easements shall be submitted to DERM for review. The flowage easements shall provide for the maintenance of existing flow across the north/south transmission corridors as well as the east/west transmission corridors located within the Biscayne Bay Coastal Wetlands CERP Project study boundaries. The easements shall also provide for and allow improvements to sheet flow conveyance of surface waters over these features consistent with planned local, state, and federal restoration projects in this area. Improvements to sheet flow such that the corridors do not impede the flow of ground or surface waters will also be required where transmission corridor upgrades in this area are necessary for power distribution as a result of this project. FPL shall improve sheet flow during construction of the improvements. The flowage easements shall be in favor of county, state and the federal government and DERM shall coordinate the review with the applicable government agencies for acceptance of the final easement language. FPL shall modify the language in a timely manner as necessary based on DERM's coordinated review. The flowage easements shall be executed by FPL prior to construction and recorded by DERM after acceptance of the finalized language. The subject easements shall be consistent with FPL requirements for, and not interfere with, the construction, maintenance, operation of and access to, the electrical system within the above referenced transmission corridors.
18. That the applicant coordinate with Homestead Air Force Base. The applicant shall be in compliance with Article XXXV Homestead General Aviation Airport Zoning (Code of Miami-Dade County Section 33-372-33-387).

19. That the applicant file form 7460-1 with the Federal Aviation Administration for any proposed construction reaching or exceeding 200 feet AMSL.

DIC Conditions:

20. That except as expressly pre-empted by state law, impacts to Miami-Dade County designated Natural Forest Community (NFC) as a result of any FPL transmission corridor improvement shall be minimized and consistent with the NFC standards and requirements of Chapter 24, Miami-Dade County
21. That physical modifications and operational changes to the county and state drainage canal systems including but not limited to the L31-E Borrow and Florida City canals and the S20 water control structure are planned, pursuant to regional restoration projects, to facilitate wetland hydroperiod improvements and stage augmentation with water level increases on the order of one foot or more in the area. FPL shall agree that it will allow the aforementioned water level increases on the project site and will design the project to accommodate these higher water levels at FPL's expense. Notwithstanding minimum elevation requirements of Miami-Dade County, the design and elevation of FPL project features such as but not limited to roadways and other fill pads shall be based on the planned higher water levels in this area as well as sea level rise pursuant to CM-9H of the Miami-Dade County CDMP.
22. That the applicant shall submit a quarterly report to all Department Directors and the Assistant County Manager who sit on the Developmental Impact Committee Executive Council commencing on the first quarter after final approval by the Board of County Commissioners. The quarterly report shall detail the status of the applicant's compliance with the conditions of the final approval.

BE IT FURTHER RESOLVED that the request to waive subdivision regulations requiring parcels and lots to have frontage and access on a public street (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #5) is predicated on the following:

- A. That there are special circumstances affecting the property and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

- C. That the granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.

BE IT FURTHER RESOLVED that the requested modification of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property (Item #2), shall read as follows:

1. That in the approval of the plan, the same shall be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group.

BE IT FURTHER RESOLVED that the requested modification of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, as further modified by Resolution #CZAB15-11-99, passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property (Item #3), shall read as follows:

1. That in the approval of the plan, the same shall be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 20th day of December, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 07-12-CC-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By 
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 24TH DAY OF DECEMBER, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-56-07 adopted by said Board of County Commissioners at its meeting held on the 20th day of December, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 24th day of December, 2007.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL



APPENDIX 10.3.2

ZONING

**MIAMI-DADE COUNTY ZONING CODE (EXCERPTS)
FPL-OWNED FILL SOURCE/WATER MANAGEMENT
FEATURE.**

ARTICLE XXXIII. AU, AGRICULTURAL DISTRICT*

***Cross references:** Height and type of fences in AU Districts, § 33-11(h); circuses and carnivals in AU Districts without public hearing, § 33-13(f); public hearing required for establishing cemeteries, mausoleums or crematories, § 33-23; permit to use metal buildings in AU Districts, § 33-32.

Sec. 33-279. Uses permitted.

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

- (1) All uses, except golf courses, permitted in the RU-1, EU-M or EU-1 Districts and subject to the restrictions thereof not inconsistent with this article.
- (2) (a) Barns and sheds used for cattle or stock and ancillary feed storage; provided such barns and sheds shall not be used for hogs and shall not be permitted unless approved after public hearing if located within two hundred fifty (250) feet of a residence under different ownership or if located within two hundred fifty (250) feet of an RU, or EU District.
 - (b) Barns, sheds or other buildings used for the storage of equipment, feed, fertilizer, produce or other items ancillary with the use permitted in this section. Such use shall be accessory to the agricultural use conducted on the property upon which the barns, sheds, or other buildings are located unless approved after public hearing and shall be fifty (50) feet from any residence under different ownership and any RU or EU zoned property unless approved after public hearing.
- (c) 1. Small packing facilities used for the packing of fruit and vegetables upon compliance with the following conditions:
 - a. Such use shall be accessory to an agricultural use conducted on the property upon which the packing facility is located and said agricultural use must encompass fifty-one (51) percent or more of the property.
 - b. The packing facility shall be located at least one hundred (100) feet from any property line.
 - c. The small packing facility shall not exceed three thousand five hundred (3,500) square feet.
2. Large packing facilities used for the packing of fruit and vegetables upon compliance with all of the following conditions:
 - a. Such use shall be accessory to an agricultural use conducted on the entire property upon which the packing facility is located, and said agricultural use must encompass fifty-one (51) percent or more of the property.
 - b. The lot upon which the packing facility is located shall not be less than ten (10) acres.
 - c. Packing operations shall be discontinued if the farm or grove use is abandoned.

- d. Incidental cleaning, storage and shipping of the fruit and vegetables is permitted.
- e. Outside storage of refrigerated containers is prohibited unless the refrigeration system is powered by electricity. The parking of trucks with refrigeration powered by means other than electricity is permitted on a temporary basis only until the truck is loaded for delivery.
- f. The packing facility shall be one hundred (100) feet from any property line.
- g. Site plan approval is secured from the Department.
- h. Upon compliance with all conditions enumerated, a certificate of use and occupancy is secured from the Building and Zoning Department.

3. The term packing facility shall include any building, lean-to, pole barn or open area utilized by the farmer or grove owner in the course of packing fruit or vegetables as well as any areas whether or not within a building used for the cleaning of produce, storing of trucks, equipment, coolers, refrigerated containers, packing crates or other items used in the packing operation and parking of any vehicles including employee cars and trucks used by the farmer or grove owner to transport the produce to or from the site as well as any trucks on the property being loaded for the purpose of transporting the produce onto or off the property.

(d) Outdoor storage of vehicles and equipment associated with agricultural, aquacultural or horticultural production occurring on property(ies) other than the property on which the storage is located, provided the storage is not a principal use but is ancillary to a use permitted in this section other than residential, subject to all of the following conditions:

- 1. The storage of refrigerated containers is prohibited, unless such refrigeration is electrically powered. Storage within the containers or within other types of equipment is permitted only on a recurrent basis with each occurrence limited to a maximum of thirty (30) days.
- 2. Such equipment, vehicles and the area of storage shall be maintained in compliance with Section 33-4 of this chapter. The vehicles and equipment shall be maintained in operable condition at all times, except as otherwise provided herein.
- 3. Major repairs or overhaul shall be permitted on equipment or vehicles associated with agricultural, aquacultural or horticultural production.
- 4. The equipment and vehicles shall be located on the property with the following setbacks:
 - a. From front property line, fifty (50) feet;
 - b. From rear property line, twenty-five (25) feet;
 - c. From interior side property line, fifteen (15) feet; and
 - d. From side street property line, twenty-five (25) feet.

(e) Outdoor storage of vehicles and equipment associated with agricultural, aquacultural or horticultural production occurring on property(ies) other than the property on which the storage is located, provided the storage is not a principal use but is ancillary to a residential use permitted in this section subject to all of the following conditions:

- 1. Such storage shall be limited to equipment and/or vehicles owned or leased by the occupant-owner or occupant-lessee of the site where the storage is located.

2. The location for such parked equipment and vehicles shall be in the rear yard or in the side yard to the rear of a line established by the front building line farthest from the street and set back to at least the rear building line. Such equipment and vehicles shall be set back from side property lines a distance at least equivalent to the required side setback for the principal building and shall be set back from the rear property line at least ten (10) feet.

3. Such equipment, vehicles and the area of storage shall be maintained in compliance with Section 33-4 of this chapter. The vehicles and equipment shall be maintained in operable condition at all times, except as otherwise provided herein.

4. Major repairs or overhaul shall be permitted on equipment or vehicles associated with agricultural, aquacultural or horticultural production.

5. The number of vehicles and amount of equipment stored on a residential site is limited by Section 33-4 of this chapter. The storage of refrigerated containers is prohibited, unless such refrigeration is electrically powered. Storage within commercial vehicles or within other types of equipment is permitted only on a recurrent basis with each occurrence limited to a maximum of thirty (30) days.

(3) Cattle or stock grazing (not including hog raising).

(4) Hog farms and hog raising shall be permitted only upon approval after public hearing.

(5) Dairy barns shall be subject to approval by public hearing, if to be located within fifty (50) feet of a residence under separate and different ownership or if to be located within five hundred (500) feet of an RU, EU-M, or EU District boundary.

(6) Farms.

(6.1) Fruit and vegetable stands may be permitted in the area designated agriculture on the Adopted Land Use Plan Map of the Comprehensive Development Master Plan upon compliance with the following conditions:

(a) The property upon which the fruit and vegetable stand is located shall be not less than five (5) acres gross.

(b) Such fruit and vegetable stand shall be accessory to a bonafide, actively farmed and harvested agricultural crop, and said agricultural crop must encompass 51 percent or more of the property. The fruit and vegetable stand shall be operated only by the party engaged in the production of the crop on that property. The stand shall be operated only during the period of time that the crop is being produced on the site, and the fruit and vegetable stand use shall be discontinued when farming on the property is abandoned. Farming on the property shall not be deemed abandoned if the property is fallow between seasonal growing periods. Fruit and vegetables sold shall not be limited to products grown on the property.

(c) Refrigerated storage area(s) are prohibited unless the refrigeration system is powered by electricity.

(d) A minimum of six (6) parking spaces shall be provided; said spaces shall be located a minimum of thirty-five (35) feet from right-of-way pavement.

(e) The stand shall be located on the property with the following setbacks:

1. From right-of-way pavement sixty (60) feet;
2. From rear property line, twenty-five (25) feet;
3. From side street property line, twenty-five (25) feet; and
4. From interior side property line, one hundred (100) feet.

(f) The stand shall be on open-sided, non-self propelled vehicle or conveyance permanently equipped to travel upon the public highways; however, a mobile home shall

not be utilized as a fruit and vegetable stand.

(g) The maximum size of the stand shall not exceed one thousand (1,000) square feet. Refrigerated storage area(s) shall be included in computing the size of the stand.

(h) Food products offered for retail sale shall be derived from the agricultural crop on the property where the fruit and vegetable stand is located and such food products shall be manufactured by the fruit stand operator.

(i) The hours of operation of the fruit and vegetable stand shall be limited to between 6:30 a.m. and 9:00 p.m.

(7) Groves.

(8) Greenhouses, nurseries--commercial.

(9) Dude ranches and riding academies shall be permitted only upon approval after public hearing.

(10) Horticultural farming--commercial.

(11) Hydroponics or other chemical farming.

(12) Nurseries--horticultural.

(13) The raising of one hundred (100) poultry, or more, shall be considered as commercial poultry raising. Buildings housing poultry must be at least five hundred (500) feet from any EU or RU District boundary, and at least fifty (50) feet from any residence under separate ownership on any adjacent property.

(13.1) Recreational vehicles as temporary watchman's quarters in accordance with Section 33-20(g) of this chapter.

(14) Truck gardens.

(15) One single-family permanent or temporary structure to house farm labor personnel will be permitted on a farm site for the first ten (10) acres (or less, if smaller, but not less than five (5) acres) and an additional one-family structure for each five (5) acres of additional land in said farm site will be permitted under the following conditions:

(a) Providing the structures are located a minimum of one hundred (100) feet from any property under separate and different ownership.

(16) Except as permitted under item (15), temporary or permanent barracks or structures to house farm labor may be erected only upon approval after public hearing.

(17) Fish pools shall conform to setbacks for accessory buildings, as provided in Section 33-282(b).

(18) Schools, including institutions of higher learning and primary and secondary schools only shall be permitted; provided, the school structures, buildings or improvements, as well as all incidental school uses, are at least two hundred fifty (250) feet from the boundary, property or lot line and further provided that such uses comply with the regulations of sections 33-151.11 through 33-151.22 of this code.

(19) A group home shall be permitted in a dwelling unit provided:

(a) That the total number of resident clients on the premises not exceed six (6) in number.

(b) That the operation of the facility be licensed by the State of Florida Department of Health and Rehabilitative Services and that said Department or sponsoring agency promptly notify the Director of said licensure no later than the time of home occupancy.

(c) That the structure used for a group home shall be located at least one thousand (1,000) feet from another existing, unabandoned legally established group home. The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the

structure of the existing use.

(20) Seed drying facility on a parcel of land not less than ten (10) acres gross shall be permitted as a special exception upon approval after public hearing.

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

- (a) That the principal use of the property shall be a working grove or vineyard; and
- (b) That the farm winery shall be ancillary to the principal use of said grove or vineyard; and
- (c) That the property upon which the grove/vineyard and ancillary farm winery is located shall not be less than ten (10) acres gross; and
- (d) That no more than 250,000 gallons of wine shall be produced in any one calendar year; and
- (e) That notwithstanding the maximum lot coverage of 15% permitted by the district, the maximum lot coverage permitted for all structures related to the wine processing, wine storage, wine tasting and sales areas shall not exceed ten (10) percent of the net lot area; and
- (f) That such a farm winery may be open to the public for tours, wine tasting and for the sale of the wine products produced on the property; and
- (g) That off-street parking requirements for the wine tasting and sales areas shall be calculated at one parking space for every 250 square feet of gross floor area or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code. In addition to the aforementioned parking requirements, at the time of application for ZIP pursuant to paragraph (1) herein, parking for indoor or outdoor farm related winery festivals shall be determined by the Director and such requirements shall be based on the number of people that can reasonably be assumed to be on such premises at one (1) time. Said determination shall be calculated on a basis of one (1) parking space for each four (4) persons.
- (h) Food service must be accessory to the production of wine and limited to hors d'oeuvres and other snacks. All such food shall be prepared off-site. No commercial kitchen shall be allowed.
- (i) That the hours of operation for the farm related winery shall not extend beyond 10:00 p.m.
- (j) Outdoor farm related winery festivals shall be allowable on properties having a current Certificate of Use for a farm related winery provided the organization and nature of those festivals is related to the winery operation on the site for the purpose of promoting the farm winery concept and further provided:
 - a. Written waivers of objection for outdoor farm related festival use shall be obtained from all property owners within five hundred (500) feet or eighty (80) percent of the owners of property within one thousand feet prior to the occurrence of the first festival. Festivals occurring subsequent to the initial festival shall not be subject to this requirement.
 - b. That no such outdoor farm related festival shall be more than three (3) days long.
- (k) That farm related wineries shall be subject to all required permits and inspections.
- (l) A Zoning Improvement Permit (ZIP) for outdoor farm related winery festivals shall be obtained from the Department for each festival. No more than a total of six (6) outdoor farm related winery festivals shall be held per calendar year. Such outdoor farm related winery festivals shall be restricted to daylight hours only.
- (m) That the use shall conform to the requirements of the Miami-Dade County

Department of Environmental Resources Management, and the special events requirements of the Miami-Dade County Police Department, if applicable.

(n) That the use of mechanically amplified outdoor live entertainment shall be prohibited.

(o) That the winery not be located in the East Everglades Area of Environmental Concern as that area is described in Chapter 33B, Code of Miami-Dade County.

(Ord. No. 57-19, § 26(A), 10-22-57; Ord. No. 59-9, § 1, 4-28-59; Ord. No. 61-33, § 2, 7-19-61; Ord. No. 69-21, § 1, 4-1-69; Ord. No. 69-52, § 1, 9-3-69; Ord. No. 74-16, § 1, 4-2-74; Ord. No. 81-26, § 9, 3-17-81; Ord. No. 81-25, § 1, 3-17-81; Ord. No. 81-60, § 1, 6-2-81; Ord. No. 87-68, § 1, 10-6-87; Ord. No. 91-51, §§ 2, 3, 5-7-91; Ord. No. 91-94, § 1, 9-16-91; Ord. No. 92-48, § 2, 6-2-92; Ord. No. 94-159, § 1, 9-13-94; Ord. No. 94-160, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 95-219, § 1, 12-5-95; Ord. No. 96-2, § 2, 1-9-96; Ord. No. 02-46, § 7, 4-9-02; Ord. No. 04-215, § 2, 12-2-04)

Sec. 33-280. Lot area and width.

Lots for any use in AU District shall contain a minimum of five (5) acres, and have a minimum street frontage of two hundred (200) feet. Credit shall be given towards lot area requirements for right-of-way dedication from the site.

Exceptions to be foregoing requirements shall be as follows:

(1) Lots platted prior to April 12, 1974, or lots for which tentative plats have been approved as of April 12, 1974, and finally approved and recorded within ninety (90) days from April 12, 1974, or lots purchased under a contract for deed or deeded prior to April 12, 1974, and which lots contain a minimum of one (1) acre in lot area and have a minimum street frontage of one hundred fifty (150) feet for any use provided for in this section except poultry raising; or lots for the raising of one hundred (100) poultry or more containing a minimum lot area of two and one-half (2 1/2) acres. Credit shall be given for right-of-way dedication from the site for both frontage and area computations. If contiguous property of more than the minimum area and frontage indicated herein, but less than the five (5) acres required by this section is already under one (1) ownership on April 12, 1974, such property shall be considered as one (1) parcel of land and cannot be divided or used except as one (1) lot.

(2) Lots platted or purchased under a contract for a deed or deeded prior to February 13, 1951, containing a minimum lot area of ten thousand (10,000) square feet and having a minimum street frontage of one hundred (100) feet may be used as a building site for residential use.

(3) A lot rezoned to AU pursuant to application of the Director, which does not meet the five-acre area or the minimum frontage requirements of this section may be used for any use permitted in the AU District where:

(a) The zoning immediately prior to such rezoning would have allowed the issuance of a building permit on said lot; and either

(b) Said lot was platted or a waiver of plat was approved prior to the effective date of the rezoning; or

(c) Said lot was the subject of an approval of tentative plat prior to the date of the rezoning and the plat was finally approved within one hundred twenty (120) days of the tentative plat approval as provided in Section 28-7(e); or

(d) Said lot was purchased under a contract for deed or deeded prior to the effective date of the rezoning, provided that if contiguous property is already under one (1) ownership at the effective date of the rezoning, such property shall be considered as one (1) parcel of land and cannot be divided or used pursuant to this subsection except as one (1) lot.

Subsections 33-280(1) and (2) shall not apply to any lot which was rezoned to AU from another zoning district pursuant to application of the Director, subsequent to December 28, 1984.

(Ord. No. 57-19, § 26(B), 10-22-57; Ord. No. 59-9, § 1, 4-28-59; Ord. No. 74-16, § 2, 4-2-74; Ord. No. 84-96, § 1, 12-18-84; Ord. No. 95-215, § 1, 12-5-95)

Sec. 33-280.1. Vested rights; property rezoned to AU.

(a) Any landowner whose property was rezoned to AU subsequent to December 28, 1984, as the result of an application by the Director and who claims a vested right to develop or use his property contrary to Section 33-280, may submit an application for a determination of vested rights to the Department within ninety (90) days after the later of: (1) the date that the official resolution of the zoning action by the Board of County Commissioners was transmitted to the owner; or, (2) the date of final judicial action.

(b) Any person filing an application for a determination of vested rights with the Department shall attach an affidavit setting forth the facts upon which the applicant bases his claim for vested rights. The applicant shall include copies of any contracts, letters and other documents upon which a claim of vested rights is based. The mere existence of zoning prior to the effective date of said resolution transmittal or final judicial action shall not vest rights.

(c) The Department shall review the application and determine whether the applicant has demonstrated:

- (1) An act of development approval by an agency of Miami-Dade County,
- (2) Upon which the developer has in good faith relied to his detriment,
- (3) Such that it would be highly inequitable to deny the landowner the right to complete the previously approved development.

(d) A determination that a landowner is entitled to a vested right to develop or use property contrary to Section 33-280 shall entitle development or use in accord with said determination. However, the development or use shall not be excepted from compliance with other standards set forth in this Code.

(Ord. No. 84-96, § 2, 12-18-84; Ord. No. 95-215, § 1, 12-5-95)

Sec. 33-281. Lot coverage.

The maximum lot coverage for one-acre lots or larger shall be fifteen (15) percent of the total lot area, and for the smaller lots (excepted under Section 33-280) shall be twenty-five (25) percent of the total lot area. There shall be no minimum or maximum lot coverage requirements on buildings housing poultry; nor on nursery buildings housing plants where the same are of glass, slats, saran, or of a similar type construction.

(Ord. No. 57-19, § 26(C), 10-22-57; Ord. No. 59-9, § 1, 4-28-59)

Sec. 33-282. Setbacks and spacing.

(a) (1) Minimum setback requirements for the one-acre lots or larger shall be as follows:

From front property line, fifty (50) feet.

From rear property line, twenty-five (25) feet.

From interior side property line, fifteen (15) feet.

From side street property line, twenty-five (25) feet.

(a) (2) Minimum setback requirements for the smaller lots (ten thousand (10,000) square foot lots to one (1) acre) shall be as follows:

From front property line, twenty-five (25) feet.

From rear property line, twenty-five (25) feet.

From interior side property line, fifteen (15) feet.

From side street property line, twenty-five (25) feet.

(b) Minimum setbacks for accessory buildings are:

From front property line, seventy-five (75) feet.

From rear property line, seven and one-half (7 1/2) feet.

Between buildings on same lot, parcel or tract of land, twenty (20) feet.

From interior side property line, twenty (20) feet.

From side street property line, thirty (30) feet.

(c) Minimum setbacks for horticultural nursery buildings, without a solid roof, consisting of but not limited to vertical poles or slats and cables draped with plastic screening or other similar materials, that are used for the production of plant material:

From front property line, thirty (30) feet.

From rear property line, seven and one-half (7 1/2) feet.

From interior side property line, seven and one-half (7 1/2) feet.

From side street property line, fifteen (15) feet.

There shall be no minimum spacing requirement.

(d) Horticultural nursery buildings with a solid roof shall comply with accessory building setbacks, except that no minimum spacing need be provided between such structures on the same property and such structures may be constructed to within thirty (30) feet of the front property line.

(e) Buildings housing poultry shall comply with accessory building setbacks (except as otherwise provided in Section 33-279, item 13 above), except that no minimum spacing need be provided between such buildings on the same property. Fence enclosures for poultry shall be the same as other fence requirements in this district.

(f) Hogs, cattle and other stock shall not be placed closer than two hundred fifty (250) feet to a residential district and no enclosure for hogs shall be closer than five hundred (500) feet to a residence under separate and different ownership. No hogs, cattle or other stock shall be permitted closer than ten (10) feet to any highway right-of-way.

(Ord. No. 57-19, § 26, 10-22-57; Ord. No. 59-9, § 1, 4-28-59; Ord. No. 74-16, §§ 3, 4, 4-2-74; Ord. No. 84-69, § 1, 9-4-84; Ord. No. 05-113, § 1, 6-7-05)

Sec. 33-283. Cubic content of buildings; height; construction.

(a) The minimum cubic content of any principal residential structure shall be seven thousand five hundred (7,500) cubic feet, except where a higher minimum cubic content may be established in a particular district, area or neighborhood. There shall be no minimum cubic content requirement for agricultural support structures including, but not limited to, barns, horse stalls, shade houses, or sheds.

(b) The maximum height of any building in this district shall be thirty-five (35) feet, two (2) stories.

(c) All structures in the AU (Agricultural) District shall comply with all technical code requirements for the unincorporated area of the County, as the same may be provided for in this or other ordinances.

(Ord. No. 57-19, § 26, 10-22-57; Ord. No. 59-9, § 1, 4-28-59; Ord. No. 92-18, § 1, 3-17-92)

Sec. 33-284. Fees and permits.

Permits shall be required and must be obtained for all structures erected, constructed, moved,

reconstructed or structurally altered in this district.

Fees shall be paid for all permits on all residential structures. For all nonresidential structures, fees shall be paid on all structures in excess of two hundred (200) square feet in area. All fees shall be paid in accordance with the fee schedule as otherwise provided for.

(Ord. No. 57-19, § 26, 10-22-57; Ord. No. 59-9, § 1, 4-28-59)

Sec. 33-284.1. Agricultural disclosure.

(a) *Definitions.*

(1) *Affected land* for the purpose of this section means:

a. Any parcel of land that is located outside of the Urban Development Boundary (UDB) delineated on the Comprehensive Development Master Plan Land Use Plan Map and either designated Agriculture, zoned AU or zoned interim (GU) and determined by the director to be subject to an agricultural (AU) trend of development pursuant to Section 33-196, Code of Miami-Dade County, Florida; or

b. Any parcel of land that is located inside the UDB and designated Agriculture, or zoned AU, or abutting any AU zoned parcel.

(2) *Interest in real property* means a nonleasehold, legal or equitable estate in land or any severable part thereof created by deed, contract, mortgage, easement, covenant or other instrument.

(3) *Purchaser* means a buyer, transferee, grantee, donee or other party acquiring an interest in real property.

(4) *Real property transaction* means the sale, grant, conveyance, mortgage or transfer of an interest in real property.

(5) *Seller* means a transferor, grantor, donor [or] other party conveying an interest in real property.

(b) *Disclosure statement for real property transactions involving Affected land.* The seller shall provide the purchaser with the following statement, which shall be set forth on a separate sheet of paper and shall be signed by the prospective purchaser prior to the execution of any other instrument committing the purchaser to acquire title to such real property or any other interest in any Affected land, as follows:

(1) For all Affected land, the statement shall include the following language:

LAND INVOLVED IN THIS TRANSACTION IS ZONED AGRICULTURAL (AU) OR LIES ADJACENT TO LAND THAT IS ZONED AU, OR IS DESIGNATED FOR AGRICULTURAL USE BY THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP), OR IS SUBJECT TO AU REGULATIONS.

AGRICULTURAL ACTIVITIES WHICH MAY BE LAWFULLY CONDUCTED WITHIN THIS AREA INCLUDE BUT MAY NOT BE LIMITED TO CULTIVATION AND HARVESTING OF CROPS; PROCESSING AND PACKING OF FRUIT AND VEGETABLES; BREEDING OF LIVESTOCK AND POULTRY; OPERATION OF IRRIGATION PUMPS AND OTHER MACHINERY; GROUND OR AERIAL SEEDING OR SPRAYING; APPLICATION OF CHEMICAL FERTILIZERS, CONDITIONERS, PESTICIDES AND HERBICIDES; GENERATION OF TRACTOR AND TRUCK TRAFFIC AND OF NOISE, ODORS, DUST AND FUMES ASSOCIATED WITH THE CONDUCT OF THE FOREGOING ACTIVITIES; AND THE EMPLOYMENT AND USE OF AGRICULTURAL LABOR. SUCH AGRICULTURAL ACTIVITIES MAY BE PROTECTED FROM NUISANCE SUITS BY THE "FLORIDA RIGHT TO FARM ACT," SECTION 823.14, FLORIDA STATUTES.

(2) In addition to the language set forth in Section 33-284.1(b)(1) the statement for all AU land not in the East Everglades Area of Critical Environmental Concern shall include the following language:

Miami-Dade COUNTY ZONING REGULATIONS REQUIRE A MINIMUM OF TWO HUNDRED (200) FEET OF STREET FRONTAGE AND A MINIMUM OF FIVE (5) ACRES OF LAND AREA (INCLUDING RIGHT-OF-WAY DEDICATIONS) AS PREREQUISITES TO ANY USE OF AU LAND, INCLUDING DEVELOPMENT OF ANY SINGLE-FAMILY RESIDENCE THEREON.

(3) In addition to the language set forth in Section 33-284.1(b)(1) the statement for all AU land in the East Everglades Area of Critical Environmental Concern shall include the following language:

AU LAND IN THE EAST EVERGLADES AREA OF CRITICAL ENVIRONMENTAL CONCERN IS SUBJECT TO RESTRICTIONS LIMITING DENSITY TO NO GREATER THAN ONE (1) DWELLING UNIT PER FORTY (40) ACRES, OR UNDER CERTAIN CONDITIONS TO ONE (1) DWELLING UNIT PER TWENTY (20) ACRES, AS PROVIDED BY SECTION 33B-25, CODE OF MIAMI-DADE COUNTY, FLORIDA.

(4) In addition to the language set forth in Section 33-284.1(b)(1) the statement for all nonresidential AU land served or to be served by a septic tank shall include the following language:

ALL NONRESIDENTIAL AU LAND SERVED OR TO BE SERVED BY A SEPTIC TANK SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS:

THE ONLY LIQUID WASTE (EXCLUDING LIQUID WASTES ASSOCIATED WITH THE PROCESSING OF AGRICULTURAL PRODUCE IN AGRICULTURAL PACKING HOUSES AND LIQUID WASTES ASSOCIATED WITH AGRICULTURAL VEHICLE OR AGRICULTURAL EQUIPMENT MAINTENANCE FACILITIES WHICH REPAIR OR MAINTAIN VEHICLES OR EQUIPMENT ANCILLARY TO AND DIRECTLY SUPPORTIVE OF A BONA FIDE AGRICULTURAL PURPOSE AND WHICH VEHICLE OR EQUIPMENT ARE OWNED OR OPERATED BY THE OWNER OR LESSEE OF THE AGRICULTURAL VEHICLE OR AGRICULTURAL EQUIPMENT MAINTENANCE FACILITY) WHICH SHALL BE GENERATED, DISPOSED OF, DISCHARGED, OR STORED ON THE PROPERTY SHALL BE DOMESTIC SEWAGE DISCHARGED INTO A SEPTIC TANK.

NON DOMESTIC WASTE, INCLUDING WASTE RESULTING FROM AN AGRICULTURAL VEHICLE OR AGRICULTURAL EQUIPMENT MAINTENANCE FACILITY SHALL NOT BE DISCHARGED TO A SEPTIC TANK AND MUST BE DISPOSED OF IN ACCORDANCE WITH APPLICABLE REGULATIONS.

(5) For all AU land, the statement shall conclude with the following language:

THE ZONING CODE OF Miami-Dade COUNTY ENUMERATES CERTAIN EXCEPTIONS WHERE SMALLER COUNTY LOT SIZES ARE PERMITTED. IF THE LAND WHICH IS THE SUBJECT OF THIS TRANSACTION DOES NOT QUALIFY FOR AN EXCEPTION, AND DOES NOT MEET BOTH THE LOT FRONTAGE AND AREA REQUIREMENTS NOTED ABOVE, NO SINGLE-FAMILY RESIDENTIAL USE OR ANY OTHER USE OF THE PROPERTY MAY BE PERMITTED UNLESS FIRST APPROVED AFTER PUBLIC HEARING.

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE FOREGOING STATEMENT.

Signature of Purchaser Date

(c) *Acknowledgment of agricultural disclosure statement on instrument of conveyance.* It shall be the seller's responsibility that the following statement shall appear in a prominent location on the face of any instrument conveying title to or any other interest in Affected land. The seller shall record the notarized statement with the Clerk of the Court:

I HEREBY CERTIFY THAT I HAVE READ, UNDERSTAND AND HAVE SIGNED THE AGRICULTURAL DISCLOSURE STATEMENT FOR THE SALE OF OR OTHER TRANSACTION INVOLVING THIS PARCEL OF AFFECTED LAND AS REQUIRED BY SECTION 33-284.1, CODE OF Miami-Dade COUNTY, FLORIDA.

Signature of Purchaser Date

(d) *Penalties.* Any seller who violates any provision of this section, or fails to comply therewith, or with any lawful rule, regulation or written order promulgated under this section, shall be subject to the penalties, civil liability, attorney's fees and enforcement proceedings set forth in Sections 33-39 through 33-39.3, Code of Miami-Dade County, Florida, and to such other penalties, sanctions and proceedings as may be provided by law. Miami-Dade County shall not be held liable for any damages or claims resulting from the seller's failure to comply with provisions of this section.

(e) *Exceptions.* Notwithstanding any other provision of the Code of Miami-Dade County, real property that is zoned AU (agriculture) or that is zoned GU (interim) and determined by the Director to be subject to an agricultural trend of development, and which property or property interest is being transferred to the South Florida Water Management District, shall be exempt from all disclosure requirements pertaining to AU land.

(Ord. No. 94-162, § 2, 9-13-94; Ord. No. 97-89, § 1, 7-17-97; Ord. No. 98-29, § 3, 2-19-98; Ord. No. 00-162, § 1, 12-7-00)

Secs. 33-284.2--33-284.5. Reserved.