

**ORDINANCE NO. 06-80**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 33, ARTICLE XXXIII, AU, AGRICULTURAL DISTRICT AND CREATING ARTICLE 4.15 AU, AGRICULTURAL DISTRICT; PROVIDING FOR PERMITTED, CONDITIONAL AND ACCESSORY USES; DEVELOPMENT REGULATIONS; AND SITE PLAN REVIEW CRITERIA; ALL AS INCLUDED IN EXHIBIT "A" HEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the "Town"), upon incorporation, adopted Chapter 33 "Zoning" of the Code of Miami-Dade County to serve as the Town's Land Development Code; and

**WHEREAS**, the Town desires to update and streamline the existing Town Land Development Code and to tailor it to the Town's particular needs and community visions; and

**WHEREAS**, the Town has undertaken a comprehensive rewriting of the Land Development Code, after having conducted workshops and public hearings regarding the Code, and having adopted its Comprehensive Plan, pursuant to state statutes; and

**WHEREAS**, as part of the ongoing work to revise the Town Land Development Code, new Agricultural District regulations have been completed; and

**WHEREAS**, after conducting a properly noticed public hearing, the Town Local Planning Agency has recommended that the referenced regulations are consistent with the Town Comprehensive Plan; and

**WHEREAS**, after conducting a properly noticed hearing and considering the recommendations of the public, the Local Planning Agency and the Town staff, the Town Council wishes to adopt the regulations for inclusion in the Land Development Code.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The recitals are true and correct and are incorporated herein by this reference.

**Section 2. Creation of Article 4.15 AU, Agricultural District Regulations.** The Town Council hereby creates Article 4.15 AU, Agricultural District regulations for inclusion in the Town Land Development Code, which are attached as Exhibit “A” hereto and incorporated herein.

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provision of this Ordinance shall become and made part of the Town of Miami Lakes, Florida Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Roberto Alonso, who moved its adoption on first reading. The motion was seconded by Peter Thomson and upon being put to a vote, the vote was as follows:

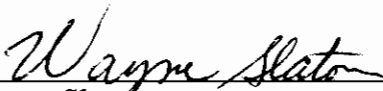
Councilmember Mary Collins	absent
Councilmember Roberto Alonso	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes
Councilmember Peter Thomson	yes
Vice Mayor Robert Meador, II	yes
Mayor Wayne Slaton	yes

PASSED AND ADOPTED on first reading this 20th day of December, 2005.

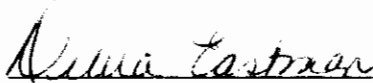
The foregoing Ordinance was offered by Councilmember Mary Collins, who moved its adoption on second reading. The motion was seconded by Vice Mayor Robert Meador, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	no
Councilmember Peter Thomson	yes
Vice Mayor Robert Meador, II	yes
Mayor Wayne Slaton	yes

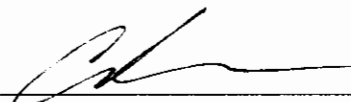
PASSED AND ADOPTED on second reading this twenty-fourth day of January, 2006.

  
\_\_\_\_\_  
Wayne Slaton  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Debra E. Eastman, MMC  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
\_\_\_\_\_  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.A.  
TOWN ATTORNEY

**DIVISION 4.15 AU, AGRICULTURAL DISTRICT**

**Section 1. Purpose and Intent.**

This article shall not be construed to:

1. Prohibit, restrict, regulate, or otherwise limit any activity of a bona fide farm operation on land classified as agricultural land pursuant to Section 193.461, F.S., where such activity is regulated through implemented best-management practices or interim measures developed by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or water management districts and adopted under Chapter 120, F.S., as part of a statewide or regional program.
2. Prohibit, restrict, regulate, or otherwise limit any activity of a farm operation, so long as such activity has not been determined to be a nuisance pursuant to Section 4.15.10.

**Section 2. Definitions.**

- (1) *Affected land* for the purpose of this section means any parcel of land designated Agriculture, or zoned AU, or abutting any AU zoned parcel.
- (2) *Accessory Use or Structure* means a use or structure customarily incidental and subordinate to the principal use or structure and, unless otherwise specifically provided, located on the same premises. "On the same premises" shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered part thereof, and not an accessory structure.
- (3) *Ancillary* means subordinate to the primary use.
- (4) *Building* means any structure having a roof entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.
- (5) *Feed* means food for domestic livestock.
- (6) *Feeding Station* means any structure, equipment, container or any other area located upon the affected land used to provide, hold or store feed.

- (7) *Front of Property* means property line facing a highway right-of-way.
- (8) *Interest in real property* means a nonleasehold, legal or equitable estate in and or any severable part thereof created by deed, contract, mortgage, easement, covenant or other instrument.
- (9) *Operable Condition* means vehicle is devoid of mechanical damage that prohibits vehicle from operating properly.
- (10) *Purchaser* means a buyer, transferee, grantee, donee or other party acquiring an interest in real property.
- (11) *Real property transaction* means the sale, grant, conveyance, mortgage or transfer of an interest in real property.
- (12) *Seller* means a transferor, grantor, donor [or] other party conveying an interest in real property.
- (13) *Setback* means the minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building, structure or enclosure.
- (14) *Vehicle* means a conveyance for people or materials.
- (15) *Structure* means anything constructed or erected the use of which requires rigid location on the ground, or attachment to something having a permanent location on the ground.

### **Section 3. Permitted Uses.**

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 District and subject to the restrictions thereof not inconsistent with this article.
2. Cattle or stock grazing (not including hog raising).
3. Hog farms and hog raising shall be permitted only upon approval of the site plan at a public hearing.

4. Dairy barns shall be subject to approval of the site plan at a 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 or RM District boundary.
5. Farms.
6. Groves.
7. Greenhouses, nurseries—commercial.
8. Dude ranches and riding academies shall be permitted only upon approval of the site plan at a public hearing.
9. Horticultural farming—commercial.
10. Hydroponics or other chemical farming, shall be permitted only upon approval of the site plan at a public hearing.
11. Nurseries—horticultural.
12. 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 RM or RU District boundary, and at least fifty (50) feet from any residence under separate ownership on any adjacent property.
13. Truck gardens.
14. Fish pools shall conform to setbacks for accessory buildings, as provided in Section 4.15.6.3.
15. 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.

16. 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.

#### **Section 4. Conditional Uses**

1. 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.

#### **Section 5. Accessory Uses**

1. Accessory Barns and sheds. Barns and sheds used for cattle or stock and feeding station 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, EU or RM District.
2. Accessory Barns and sheds. 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, EU or RM zoned property unless approved after public hearing.
3. Packing Facilities. 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.
  - a. Small packing facilities used for the packing of fruit and vegetables upon compliance with the following conditions:
    - (1) 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.

- (2) The packing facility shall be located at least one hundred (100) feet from any property line.
  - (3) The small packing facility shall not exceed three thousand five hundred (3,500) square feet.
- b. Large packing facilities used for the packing of fruit and vegetables upon compliance with all of the following conditions:
- (1) 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.
  - (2) The lot upon which the packing facility is located shall not be less than ten (10) acres.
  - (3) Packing operations shall be discontinued if the farm or grove use is abandoned.
  - (4) Incidental cleaning, storage and shipping of the fruit and vegetables is permitted.
  - (5) 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.
  - (6) The packing facility shall be one hundred (100) feet from any property line.
  - (7) Site plan approval is secured from the Building Department.
  - (8) Upon compliance with all conditions enumerated, a certificate of use and occupancy is secured from the Building Department.
4. 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:
- a. 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, with approval of Town Administrative Official.

b. Such equipment, vehicles and the area of storage shall be maintained in compliance with Division 6.4 of this Code. The vehicles and equipment shall be maintained in Operable Condition at all times, except as otherwise provided herein.

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

d. The equipment and vehicles shall be located on the property with the following setbacks:

(1) From front property line, fifty (50) feet;

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

(3) From interior side property line, twenty five (25) feet; unless the side property line faces an RU or RM zoning district then the setback shall be fifty (50) feet; and

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

(5) If the equipment or vehicles are used for ancillary cattle or livestock feed storage, feed, fertilizer, produce or other items ancillary with the use permitted in this section the setbacks shall comply with Section 4.15.5.2. for barns, sheds or other buildings used for the storage.

5. 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:

a. 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.

b. 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.

c. Such equipment, vehicles and the area of storage shall be maintained in compliance with Division 6.4 of this Code. The vehicles and equipment shall be maintained in Operable Condition at all times, except as otherwise provided

herein.

- d. Major repairs or overhaul shall be permitted on equipment or vehicles associated with agricultural, aquacultural or horticultural production.
  - e. The number of vehicles and amount of equipment stored on a residential site is limited by Division 6.4 of this Code. 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, with approval of Town Administrative Official.
6. Farm Labor Housing 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.
  - b. Except as permitted above, temporary or permanent barracks or structures to house farm labor may be erected only upon approval after a public hearing.

## **Section 6 Development Regulations for Buildings and Enclosures**

### **1. 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.

### **2. Lot Coverage.**

The maximum lot coverage shall be fifteen (15) 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.

### **3. Setbacks and Spacing.**

(a) Minimum building setback requirements shall be as follows:

From front property line, fifty (50) feet.

From rear property line, fifty (50) feet.

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

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

- (b) Minimum setbacks from accessory buildings when not specifically mentioned in this division are:

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

From rear property line, seven and one-half (7 1/2) feet unless the rear property line faces an RU or RM zoning district then the setback shall be fifty (50) feet.

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

From interior side property line, twenty (20) feet unless the side property line faces an RU or RM zoning district then the setback shall be fifty (50) feet.

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

Horticultural nursery buildings shall comply with accessory building setbacks, except that no minimum spacing need be provided between such structures on the same property and except that agricultural shade houses may be constructed to within thirty (30) feet of the front property line. Buildings housing poultry shall comply with accessory building setbacks (except as otherwise provided in Section 4.15.3.12, 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.

- (c) Buildings for 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.

#### **4. Height; Construction.**

- (a) The maximum height of any building in this district shall be thirty-five (35) feet, two (2) stories.
- (b) All structures in the AU (Agricultural) District shall comply with all technical code requirements for the Town of Miami Lakes, as the same may be provided for in this or other ordinances.

## **Section 7. Site Plan Review and Setback Reduction Procedure**

- (a) All new uses, construction, substantial remodeling or alterations to existing building and or uses shall comply with the site plan review criteria and procedures outlined in Division 3.4 of this Code before a building permit or a certificate of use can be issued.
- (b) The required setback may be decreased through the Variance procedure specified in Division 3.5 of the Town Code; provided that the applicant for a variance shall demonstrate that the existing setback requirement prohibits, restricts or otherwise limits a generally accepted farming practice. Any setback approved under this section shall be conditioned upon the applicant providing a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.

## **Section 8. 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 4.15.3, may submit an application for a determination of vested rights to the Town Council within ninety (90) days after the later of: (1) the effective date of the ordinance or resolution by the Town Council; or (2) the date of final judicial action.
- (b) Any person filing an application for a determination of vested rights with the Town Council 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 ordinance or resolution or final judicial action shall not vest rights.
- (c) The Town Council shall review the application and determine whether the applicant has demonstrated:
  - (1) An act of development approval by an agency of Miami-Dade County or The Town of Miami Lakes,
  - (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 4.15.3, 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.

**Section 9. Fees and Permits.**

(a) Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered in this District.

(b) 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.

**Section 10. Public Nuisance.**

- (1) Farm operations located on that portion of a plot or plots of land located in agricultural districts, shall constitute a public or private nuisance if the farm operation does not conform to generally accepted agricultural and management practices or if it is determined by the code enforcement board or authorized hearing officer that any of the following conditions exist:
  - a. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.
  - b. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.
  - c. The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.
  - d. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.
- (2) No farm operation shall become a public or private nuisance as a result of a change of ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with Best Management Practices adopted by local, state, or federal agencies if such farm has been in operation for one (1) year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

**Section 11. Agricultural Disclosure.**

- (1) *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:

- (2) 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 TOWN OF MIAMI LAKES COMPREHENSIVE DEVELOPMENT PLAN, 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.

- (3) In addition to the language set forth above the statement for all AU land not in the East Everglades Area of Critical Environmental Concern shall include the following language:

TOWN OF MIAMI LAKES 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.

- (4) In addition to the language set forth above 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 THE TOWN OF MIAMI LAKES 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

- (6) *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 4.15.11. CODE OF THE TOWN OF MIAMI LAKES.

\_\_\_\_\_

Signature of Purchaser

Date

- (7) *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, the Code of the Town of Miami Lakes, Florida, and to such other penalties, sanctions and proceedings as may be provided by law. The Town of Miami Lakes shall not be held liable for any damages or claims resulting from the seller's failure to comply with provisions of this section.
  
- (8) *Exceptions.* Notwithstanding any other provision of the Code of The Town of Miami Lakes, 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.