



MEMORANDUM

Agenda Item No. 6(J)

To: Honorable Chairperson and Members
Board of County Commissioners

Date: September 9, 2003

From: George M. Burgess
County Manager

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

Subject: Proposed Ordinance
Establishing Requirement
of Zoning Improvement
Permit

RECOMMENDATION

It is recommended that the proposed ordinance establishing the requirement for obtaining a Zoning Improvement Permit (ZIP) from the Department of Planning and Zoning be adopted.

BACKGROUND

Currently, certain structures, land improvements and installations are exempt from building permit requirements pursuant to the Florida Building Code, and non-habitable farm structures are exempt from building permit requirements by the State of Florida. This ordinance was prepared to ensure that such exempt proposed improvements meet the permitted use, setback, parking, landscaping requirements, etc., of the underlying zoning district, as well as the requirements of the Department of Environmental Resources Management and the Public Works Department.

The ZIP permit procedure will require (i) the applicant's submittal of plans showing the intended improvement(s); (ii) departmental plan review for compliance with all zoning, environmental, right-of-way and platting regulations; and (iii) site inspection(s) to confirm that the improvements comply with the approved plans.

The ordinance also gives the director of the Department of Planning and Zoning the authority to require a permit for zoning improvements and installations that are newly created or come about by changes in the state or local building codes.

FISCAL IMPACT

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



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.6 (J)

Please note any items checked.

- _____ **“4-Day Rule” (“3-Day Rule” for committees) applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Bid waiver requiring County Manager’s written recommendation**
- _____ **Ordinance creating a new board requires detailed County Manager’s report for public hearing**
- _____ **Housekeeping item (no policy decision required)**
- _____ **No committee review**

Approved _____ Mayor

Agenda Item No. 6 (J)

Veto _____

9-9-03

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING;
CREATING SECTION 33-8.1 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA;
ESTABLISHING ZONING IMPROVEMENT
PERMIT SPECIFICATIONS; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE

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

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

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

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

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

Above ground pools that contain water over 24 inches deep;

Agricultural/farm buildings and non-habitable structures on bona fide farms;

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

Chickee huts constructed by Miccosukee or Seminole Indians;

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

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

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

Decorative garden-type water fountains;

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

Signs - balloon type

Signs - painted wall type;

Signs - stick on letter type.

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

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

The submittal of plans shall be necessary to fully advise and acquaint the issuing Department with the location and use of the buildings, structures, improvements and installations, and such plans must accompany the application for a ZIP. The respective Directors of the Department of Public Works, Department of Environmental Regulation, Miami-Dade County Fire Rescue Department and Department of Planning & Zoning shall review the submitted plans only to the extent of their respective jurisdiction under the Code of Miami-Dade County. In the event there is a question as to the legality of a use, the Director may require affidavits and such other information as may be deemed appropriate or necessary to establish the legality of the use, before a ZIP permit is issued.<<

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

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

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

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

ATC

Prepared by:

CAC

Craig H. Coller

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