MEMORANDUM

Agenda Item No. 7(E)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	November 1, 2005
FROM:	Murray A. Greenberg County Attorney	**SUBJECT:**	Ordinance pertaining to zoning; permitting portable mini-storage units

The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.

Murray A. Greenberg
County Attorney

MAG/bw

Memorandum

MIAMI-DADE COUNTY

Date: November 1, 2005

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

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to zoning; amending section 33-8.1 and section 33-20 of the Code of Miami-Dade County, Florida; permitting portable mini-storage units

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This ordinance pertaining to zoning amending Section 33-8.1 and Section 33-20 permitting portable mini-storage units will not have a fiscal impact on Miami-Dade County.

The ordinance, once implemented, will exempt mini-storage units from the Florida Building Code building permit issuance but will require review under the zoning improvement permit standards and the standards of the underlying zoning district.

Bill Johnson

Assistant County Manager

fiscal08005

MEMORANDUM
(Revised)

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

DATE: November 1, 2005

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 7(E)

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

Veto _____

Override _____

Agenda Item No. 7(E)

11-1-05

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-8.1 AND 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERMITTING PORTABLE MINI-STORAGE UNITS; 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 amended to read 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;

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[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.

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

Chickee huts constructed by Miccosukee or Seminole Indians;

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;

>>Portable mini-storage unit, subject to the conditions and limitations of Section 33-20(i);<<

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 Resources Management, 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. Section 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-20. Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage.

(a) *Temporary.* Temporary accessory buildings, tents, out-buildings, and other similar structures are prohibited for residential use whether on a temporary or permanent basis. Permanent accessory buildings, at the discretion of the Director, may be constructed and used as a temporary residence prior to erection of permanent or main residence under conditions herein specified and a portion of a main residence, at the discretion of the Director, may be used and occupied as a temporary residence under the same and following conditions:

* * *

>>(i) *Portable mini-storage unit.* For the purpose of this section, the term portable mini-storage unit shall mean a portable container designed for the storage of personal property that is placed on a homeowner's lot, parcel or tract and is designed to be delivered to and/or removed from the homeowner's site by a truck or other street-legal vehicle.

One temporary portable mini-storage unit may be placed on a fee simple lot, parcel or tract containing a single family residence, subject to the following conditions and limitations:

(1) The homeowner has a valid building permit: (i) for the major remodeling of, or (ii) for a significant addition to, or (iii) for damage repair to the single family residence on the lot, parcel or tract whereon the portable mini-storage unit is requested to be placed; and

(2) The portable mini-storage unit, shall not exceed 8 feet in

width, 16 feet in length, and 8 feet in height; and

(3) The portable mini-storage unit shall be placed at ground level, shall be setback a minimum of ten (10) feet from the front property line and a minimum of five (5) feet from all other property lines, and shall comply with the safe sight distance triangle regulations; and

(4) In no instance shall hazardous material be placed in the portable mini-storage unit; and

(5) Prior to placement of the portable mini-storage unit on the lot, the property owner shall apply for and obtain a Zoning Improvement Permit (ZIP) pursuant to Section 33-8.1 for the portable mini-storage unit.

(6) The ZIP for the portable mini-storage unit shall be a conditional permit and shall be issued for a period not to exceed 30 days. Upon showing of just cause by the homeowner, the Director may approve the homeowner's written request to renew the ZIP for additional 30 day periods, not to exceed a total of 90 days overall; provided, however, the portable mini-storage unit shall be removed from the premises when a hurricane watch is issued for Miami-Dade County.

(7) No mechanical, plumbing or electrical installations or connections are made to the portable mini-storage unit.

(8) The portable mini-storage unit shall have clearly posted on the exterior of the unit, the name, current phone number and address of the company providing the portable mini-storage unit, a copy of the current ZIP permit issued for the mini-storage unit, and the date the portable mini-storage unit was placed at the site.

(9) The conditional ZIP approval may be revoked by the Director at any time should the homeowner's utilization of such temporary portable mini-storage unit result in unsafe or unsanitary conditions on the site or upon violation of any of the conditions or limitations stated herein.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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

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

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jay Williams

Sponsored by Senator Javier D. Souto