MEMORANDUM

Agenda Item No. 5(B)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	(Public Hearing 06-06-06) May 23, 2006
FROM:	Murray A. Greenberg County Attorney	**SUBJECT:**	Ordinance pertaining to zoning regulation of permanently installed generators

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

Murray A. Greenberg
County Attorney

MAG/bw

Memorandum

MIAMI-DADE COUNTY

Date:

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

From: George M. Burgess
County Manager

Subject: Ordinance Amending Section 33-20.1 of the Code of Miami-Dade County Pertaining to Zoning Regulation of Permanently Installed Generators

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The proposed ordinance amending Section 33-20.1 of the Code of Miami-Dade County pertaining to zoning regulation of permanently installed generators will have no fiscal impact to Miami-Dade County.

Assistant County Manager

Fiscal00106

MEMORANDUM
(Revised)

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

DATE: June 6, 2006

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 5(B)

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. 5(B)
06-06-06

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING REGULATION OF PERMANENTLY INSTALLED GENERATORS; AMENDING SECTION 33-20.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-20.1 of the Code of Miami-Dade County is hereby amended as follows:[1]

Section 33-20.1. >>Permanently installed generators.

A permanent generator installation shall be permitted as an ancillary use in all zoning districts, subject to the following conditions:

(a) *Setbacks for permanent generators.* In those zoning districts permitting accessory buildings, compliance with accessory building rear, interior side and side street setbacks shall be required for a permanent generator. The front setback shall be behind the front building line of the principal building. There shall be no spacing requirements from the principal building to the generator.

In those zoning districts not permitting accessory buildings, the permanent generator shall comply with principal building setbacks, except that there shall be no spacing requirement from the principal building to the generator.

(b) *Setback exception for certain residential districts.* Permanently installed generators fueled by propane gas or natural gas not exceeding five (5) feet in height from finished grade to the top of the generator shall be permitted as an accessory use in conjunction with a permitted residential use in accordance with the following setback requirements:

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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.

(1) Front – behind the front building line
(2) Rear – five (5) feet
(3) Interior side – three (3) feet in RU districts; five (5) feet in EU, AU and GU districts
(4) Side street – behind the side street building line, unless completely screened from view by a wall or hedge. In no event shall a permanently installed generator be placed closer than ten (10) feet to the side street property line.
(5) Spacing – there shall be no spacing requirement between the principal building and the permanently installed generator.

(c) *Number permitted in residential districts.* A maximum of one permanent generator shall be permitted as an ancillary use to a single family residence, duplex unit or townhouse unit. A maximum of one generator per structure shall be permitted for multi-family developments, with the exception of condominium units, which shall be permitted one permanent generator per condominium unit.

(d) A permanent generator installation shall not be counted as part of maximum lot coverage, maximum floor area ratio, or parking requirement calculations. Permanent generator installations on improved properties may encroach into the required landscaped open areas.<<

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.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

M. Leigh Macdonald

Sponsored by Senator Javier D. Souto
and Chairman Joe A. Martinez