MEMORANDUM

BPS --- November 9, 2009
Agenda Item No. 2A

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE:

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Section 33-20(E) of the Code to exempt personal watercraft from the requirement of being stored behind the front lateral line of homes in some zoning districts

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This substitute differs from the original in that it requires that any personal watercraft that is exempt from the requirement to be behind the front building line of a residence shall be secured to a trailer(s) in the front and the back of craft; that no more than two watercrafts shall be allowed forward of the front building line of any residence, that the watercraft and trailer(s) shall be maintained in good condition so as not to be an eyesore; and that the watercraft and its trailer(s) shall be no closer than ten (10) feet from any sidewalk or public right of way.

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Section 33-20(E) of the Code to Exempt Personal Watercraft from the Requirement of Being Stored Behind the Front Lateral Line of Homes in Some Zoning Districts

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The ordinance amending Section 33-20(E) of the Code to exempt personal watercraft from the requirement of being stored behind the front lateral line of homes in some zoning districts will not have a fiscal impact on Miami-Dade County.

Alex Munoz
Assistant County Manager

fis04609

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 1, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No.

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 Mayor'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.

9-1-09

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 33-20(E) OF THE CODE OF MIAMI-DADE COUNTY TO EXEMPT PERSONAL WATERCRAFT FROM THE REQUIREMENT OF BEING STORED BEHIND THE FRONT LATERAL LINE OF HOMES IN SOME ZONING DISTRICTS; 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 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

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

* * *

(e) *Boat storage.* Boats of less than thirty (30) feet in length, not more than one hundred and two (102) inches in width and thirteen (13) feet six (6) inches in height, may be stored or temporarily parked in the RU, EU, AU and GU Zoning Districts subject to the following conditions:

(1) The place of storage shall be to the rear of the front building line. Where the boat storage area is located between the residence and a side street property line, the boat shall be visually buffered by a six-foot

[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.

wood privacy fence, masonry wall, trees or shrubs maintained to a height of six feet. The front building line referred to shall be that portion furthest from the street. >>This section (1) shall not apply to any personal watercraft<<[[;]][2]>>, provided that the personal watercraft shall be secured to a trailer in the front and the back of craft; that no more than two watercrafts shall be allowed forward of the front building line of any residence, that the watercraft and trailer(s) shall be maintained in good condition so as not to be an eyesore; and that the watercraft and its trailer(s) shall be no closer than ten (10) feet from any sidewalk or public right of way.<<

(2) No more than one (1) boat may be stored or parked on any one (1) premise.

(3) Boats and place of storage or temporary parking shall be kept in a clean, neat and presentable condition.

(4) No major repairs or overhaul work shall be made or performed on the premises.

(5) The boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.

(6) The temporary parking of a boat in front of the front building line or in front of the side street building line for no more than 2 hours in any 24-hour period, while the boat is hitched to an operable motor vehicle with a valid permanent license tag, for the purposes of loading and unloading equipment and supplies shall be permitted, but under no circumstances shall a boat be parked in the public right-of-way, including the swale area of a right-of-way.

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[2] The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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 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 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: RAC

Prepared by: MD for

Thomas H. Robertson, Assistant County Attorney

Prime Sponsor: Senator Javier D. Souto