# MEMORANDUM

GO
Agenda Item No. 1(E)1

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

**DATE:** February 9, 2010

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

**SUBJECT:** Ordinance amending Section 8-10 of the Code regarding permits; requiring proof of notice to a Homeowners' Association; and amending Section 33-8.1 requiring proof of notice for zoning improvements

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro and Co-Sponsor Commissioner Rebeca Sosa.

for R. A. Cuevas, Jr.
County Attorney

RAC/up

# 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 8-10 of the Code; requiring proof of notice to Homeowner Associations

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The proposed ordinance amending Section 8-10 of the Miami-Dade County Code requiring proof of notice to a homeowner association for certain exterior building permits, will have no fiscal impact on Miami-Dade County.

Assistant County Manager

fls01410

# MEMORANDUM

(Revised)

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

DATE: September 15, 2009

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

SUBJECT: Agenda Item No. 4(G)

Please note any items checked.

| | |
|---|---|
| | "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 |
| _____ | Ordinance creating a new board requires detailed County Manager's report for public hearing |
| _____ | No committee review |
| _____ | Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____ ) to approve |
| _____ | Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required |

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(G)
9-15-09

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 8-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING PERMITS; REQUIRING PROOF OF NOTICE TO A HOMEOWNERS' ASSOCIATION FOR CERTAIN PERMITS; AND AMENDING SECTION 33-8.1 REQUIRING PROOF OF NOTICE TO A HOMEOWNERS ASSOCIATION FOR ZONING IMPROVEMENT PERMITS; 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 8-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

**Sec. 8-10. Permits.**

(a) In addition to the requirements of Section 104 (Permits) of the Florida Building Code the following shall be required:

* * *

>>(vii) Applications for building permits for all residential units that are governed or otherwise controlled by a Homeowners' Association shall require proof, in a form acceptable to the Building Official, that notice has been sent to the Homeowners' Association of the application for permit and the nature and extent of the work requested. This proof shall only be required for work that affects elements that are exterior to the unit.<<

[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.

* * *

**Section 2.** Section 33-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**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;

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.

>>Any application for ZIP for a residential unit that is governed or otherwise controlled by a Homeowners' Association shall require proof, in a form acceptable to the director, that notice has been sent to the Homeowners' Association of the application for permit and the nature and extent of the work requested.<<

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 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: GHS for RAC

Prepared by:

Thomas H. Robertson

Prime Sponsor: Commissioner Bruno A. Barreiro

Co-Sponsor: Commissioner Rebeca Sosa