

MEMORANDUM

Agenda Item No. 4(C)

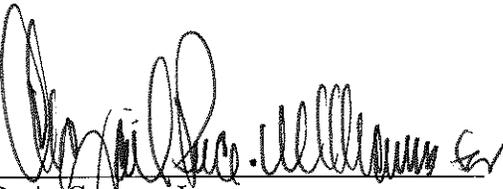
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 21, 2012

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

SUBJECT: Ordinance relating to Zoning;
amending Section 33-52 of the
Code; pertaining to scale and
size of buildings

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/jls



MEMORANDUM

(Revised)

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

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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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(C)
2-21-12

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-52, 33-229, AND 33-232 OF THE CODE OF MIAMI-DADE COUNTY (CODE); REQUIRING REDUCTION IN SCALE AND SIZE OF BUILDINGS TO BE DEVELOPED IN EU, RU-1, AND RU-2 RESIDENTIAL 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 33-52 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-52. Maximum height in all districts; exceptions.

>>(a)<< Except where a greater height may be approved as a result of a public hearing, the maximum height of a building shall be thirty-five (35) feet, two (2) stories, ~~[[except as specified in]]~~ >>unless a different maximum height is specified: (i) in this section, (ii) in<< each district >>; or (iii)<< ~~[[and as specified]]~~ elsewhere in the Code.

>>(b)<< No accessory building, garage or servants' quarter in RU and EU-M Districts shall exceed one (1) story in height unless the principal residence on the lot is two (2) stories in height and there are two (2) or more two-story residences on other lots in the block.

>>(c) In the RU-1 and RU-2 zoning districts, the maximum building height shall be twenty-five (25) feet. If a greater maximum height is approved as a result of a public hearing, each one (1) foot increase in building height above twenty-five (25) feet

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.

shall be accompanied by an additional one and one-half (1.5) linear feet of side and rear setbacks beyond the required minimum setbacks provided in Section 33-50 of this chapter.

(d) In the EU zoning districts, the maximum building height shall be 35 feet, except that a building shall be permitted to exceed twenty-five (25) feet in height only if each one (1) foot increase in building height above twenty-five (25) feet is accompanied by an additional one and one-half (1.5) linear feet of side and rear setbacks beyond the required minimum setbacks provided in Section 33-50 of this chapter.

(e) Nothing contained in this section shall be deemed or construed to prohibit a continuation of a legal nonconforming structure, use, or occupancy that either: (1) was existing as of the effective date of this ordinance; or (2) on or before said date, had received final site plan approval through a public hearing pursuant to this chapter or through administrative site plan review or had a valid building permit; or (3) on or before said date, had a pending application for site plan approval or building permit. Notwithstanding the provisions in this section, a lawfully existing single-family home use that is discontinued for a period of six months or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall not be subject to Section 33-35(c) of this code. <<

Section 2. Section 33-229 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-229. - Height of buildings.

The principal residence and/or accessory buildings in EU-1 Districts may be two (2) stories or thirty-five (35) feet in height >>, except that a building shall be permitted to exceed twenty-five (25) feet in height only if each one (1) foot increase in building height above twenty-five (25) feet is accompanied by an additional one and one-half (1.5) linear feet of side and rear setbacks beyond the required minimum setbacks provided in Section 33-50 of this chapter<<.

Section 3. Section 33-232 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-232. - Height of buildings.

The principal residence and/or accessory buildings in EU-1C Districts may be two (2) stories or thirty-five (35) feet in height >>, except that a building shall be permitted to exceed twenty-five (25) feet in height only if each one (1) foot increase in building height above twenty-five (25) feet is accompanied by an additional one and one-half (1.5) linear feet of side and rear setbacks beyond the required minimum setbacks provided in Section 33-50 of this chapter<<.

Section 4. 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 5. 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 6. 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:

APW

Prepared by:

ASR

Abbie Schwaderer Raurell

Prime Sponsor: Sen. Javier D. Souto