

MEMORANDUM

LUDC
Agenda Item No. 1(G)2

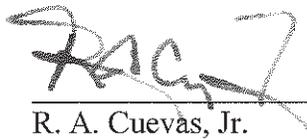
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 13, 2014

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

SUBJECT: Ordinance relating to zoning and
subdivision regulations;
providing minimum lot
requirements for lots with water
bodies; amending Sections 33-1,
33-49, and 28-1 of the Code
(Code); creating Section 33-6.1
of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: April 8, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance Relating to Zoning and Subdivision Regulations; Providing Minimum Lot Requirements for Lots with Water Bodies; Amending Sections 33-1, 33-49, and 28-1 of the Code; Creating Section 33-6.1 of the Code

The proposed ordinance relating to zoning and subdivision regulations amends Sections 33-1, 33-49, and 28-1 of the Code; creates Section 33-6.1 of the Code, and provides minimum lot requirements for lots with water bodies. Any additional activities pertaining to the implementation of this ordinance will be absorbed by the Regulatory and Economic Resources Department.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

Fis3614



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

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

SUBJECT: Agenda Item No. 4(A)

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 Mayor'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(A)
1-22-14

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND SUBDIVISION REGULATIONS; PROVIDING MINIMUM LOT REQUIREMENTS FOR LOTS WITH WATER BODIES; AMENDING SECTIONS 33-1, 33-49, AND 28-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); CREATING SECTION 33-6.1 OF THE CODE; 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 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

(61) Lot. Parcel of land >> which may include a water body as provided in Section 33-6.1 of this chapter.<< shown on a recorded plat or on the official County zoning maps or any piece of land described by a legally recorded deed.

* * *

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 33-6.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-6.1. Lot with a water body.

Lots located within the following zoning districts may include water bodies and rights-of-way to satisfy the minimum lot area requirement: AU, GU, EU-S, EU-1, EU-1C, and EU-2.

The following criteria shall apply to those lots that use the water body portion to satisfy minimum lot requirements:

1. The water body portion of the lot (up to the top of the bank) shall be maintained in a satisfactory manner, without expense to the general taxpayer of Miami-Dade County, by a Homeowners Association, Special Taxing District, or similar entity as approved by the Director.
2. Lot coverage requirements shall be based only on the land portion of the lot (as measured from the top of the bank).
3. Setbacks shall be measured from the property line.
4. The following is prohibited in the water body portion of a lot:
 - a. filling.
 - b. alteration of approved slope.
 - c. temporary or permanent structures.
 - d. swimming or the use of watercrafts or boats.
5. No variances of setbacks, lot coverage, frontage requirements or applicable depth requirements are allowed.

Section 3. Section 33-49 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-49. Table of minimum widths, area of lots; maximum lot coverage, and minimum building sizes.

The minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be in effect for the districts enumerated in the following table:

District	Families	Min. Width	Min. Lot Area (Sq. Ft.)	Max. Lot Coverage (% of Lot Area)	Min. Bldg. Size (Cu. Ft.)
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* * *

EU-S	1	125' (Min. depth 135')	25,000 (inc. r/w >>and/or water body<<)	30%	15,000
EU-1	1	Prior to 4-17-51 100'	1 ac. (inc. r/w >>and/or water body<<)	15%	15,000
		New sub.-125'	1 ac. (inc. r/w >>and/or water body<<)	15%	15,000
EU-1C	1	150'	2½ ac. (inc. r/w >>and/or water body<<)	15%	17,500
EU-2	1	200'	5 ac. (inc. r/w >>and/or water body<<)	15%	17,500
AU	1	Prior to 2-13-51 100'	10,000	25%	7,500
		New sub.-200'	5 ac. (inc. r/w >>and/or water body<<)	15%	7,500

* * *

Section 4. Section 28-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 28-1. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

* * *

- (c) "Lot" is a portion of a subdivision or other parcel of land >>, which may include a water body as provided in Section 33-6.1 of this code<<, however designated, intended as a single building site or unit for transfer of ownership or for development.

* * *

Section 5. 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 6. 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 7. 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:

Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz