

# MEMORANDUM

Agenda Item No. 7(I)

---

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** (Second Reading 9-7-16)  
June 7, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to zoning;  
amending regulations governing  
nonconforming uses, structures,  
and lots for the North Central  
Urban Area District and the  
Standard Urban Center District  
regulations; amending sections  
33-284.99.54 and 33-284.89.2  
of the Code

---

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

*JM*

APW/smm

# Memorandum



**Date:** September 7, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Fiscal Impact Statement for Zoning Ordinance Amending Regulations Governing Non-Conforming Uses, Structures, and Lots

---

The proposed ordinance relating to zoning amends Sections 33-284.99.54 and 33-284.89.2 of the Code of Miami-Dade County amending the nonconforming section of the North Central Urban Area District in order to cross-reference the nonconforming section of the Standards Urban Center District Regulations. In addition, the proposed ordinance amends the nonconforming section of the Standard Urban Center Districts Regulations in the Code (that applies all urban centers and urban area districts) to allow legally existing single-family, duplexes and mobile home parks to remain without having to conform to the Standard Urban Center Regulations under certain conditions.

There is no anticipated fiscal impact to the County with the implementation of this proposed ordinance as additional staffing resources are not required.

A handwritten signature in cursive script, appearing to read "Jack Osterholt".

---

Jack Osterholt  
Deputy Mayor

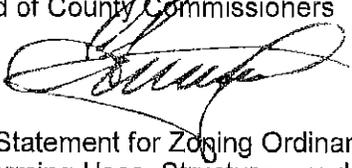
Fis06916 161269

# Memorandum



**Date:** September 7, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Social Equity Impact Statement for Zoning Ordinance Amending Regulations  
Governing Non-Conforming Uses, Structures, and Lots

---

The proposed ordinance removes the existing language related to nonconforming structures, uses and occupancies for the North Central Urban Area District and cross-references it with the nonconforming section of the Standards Urban Center District Regulations (Section 33-284.89.2 of the Code), which applies to all urban centers and urban area districts. In addition, the proposed ordinance amends the nonconforming section of the Standard Urban Center Districts Regulations in the Code to allow legally existing single-family, duplexes and mobile home parks to remain without having to conform to the Standard Urban Center Regulations under certain conditions.

There is no specific social equity benefit or burden anticipated with the enactment of this proposed ordinance. The proposed ordinance creates consistency and standardizes existing non-conforming regulations across all urban centers. Additionally, owners of single-family homes, duplexes and mobile home parks within the urban centers may now repair their properties as they were legally established (under the respective zoning categories) even if not in use for an undetermined period of time or after significant damage without having to conform to current regulations.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

161269



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** September 7, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(L)

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
- Statement of social equity 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. 7(I)  
9-7-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING; AMENDING REGULATIONS GOVERNING NONCONFORMING USES, STRUCTURES, AND LOTS FOR THE NORTH CENTRAL URBAN AREA DISTRICT AND THE STANDARD URBAN CENTER DISTRICT REGULATIONS; AMENDING SECTIONS 33-284.99.54 AND 33-284.89.2 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 33-284.99.54 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-284.99.54. - Non-conforming Structures, Uses, and Occupancies.**

>>Non-conforming structures, uses, and occupancies shall be governed by the provisions of Section 33-284.89.2 of this chapter.<< [[Nothing contained in this article shall be deemed or construed to prohibit a continuation of a legal noneconforming structure, use, or occupancy in the NCUAD that either (1) was existing as of the date of the district boundary change on the property to NCUAD 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. However, any structure, use, or occupancy in the NCUAD that is discontinued for a period of at least six months, or is superseded by a lawful structure, use, or occupancy permitted under this chapter, or that incurs damage to an extent of 50 percent or more of its market value, shall be subject to Section 33-35(c) of this code. It is further provided, however, that no lawfully existing

<sup>1</sup> 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.

~~single-family home use or mobile-home park use shall be subject to Section 33-35(e) of this code, even if it is discontinued for a period of six months or more or incurs damage to the roof or structure to an extent of 50 percent or more of its market value.]]~~

**Section 2.** Section 33-284.89.2 of the Code of Miami-Dade County, Florida,

is hereby amended to read as follows:

**Sec. 33-284.89.2. - Nonconforming Lots, Uses and Structures.**

\* \* \*

**B. Nonconforming Lots, Uses and Structures.**

\* \* \*

**2. Nonconforming Uses.**

- a. A legally established nonconforming use may continue. Expansions to a structure containing a nonconforming use shall require Administrative Site Plan Review [see Subsection (C)] below.
- b. If a nonconforming use is discontinued for a period of more than one year, the use may not be reestablished. A use shall be considered discontinued once the activities or commerce, essential to the continuation of the use are abandoned. Discontinuance due to acts of force majeure shall not constitute abandonment, provided that a good faith effort is made to reestablish the use.
- c. Expansions of nonconforming single-family and two-family residences shall be permitted and shall not require Administrative Site Plan approval, provided that the project complies with the Building Placement Standards for single-family detached or duplex lots set forth in Section 33-284.85 of this article.

3. Nonconforming Structures.
  - a. To prevent changes in regulation from unduly burdening property owners, legally established, nonconforming structures may continue to be used and maintained. Expansions, repairs, alterations, and improvements to nonconforming structures shall be permitted only in accordance with the following provisions:
    - i. Internal and external repairs, alterations, and improvements that do not increase the square footage of the nonconforming structure shall be permitted and shall not be subject to the requirements of this article.
    - ii. Expansions to a nonconforming structure shall be permitted as follows:
      - (a) If the total square footage of the proposed improvement is less than fifty (50) percent of the structure's net square footage at the time it became nonconforming, the improvement shall require Administrative Site Plan Review [see Subsection (C) below].
      - (b) If the total square footage of the proposed improvement is equal to or exceeds fifty (50) percent of the structure's net square footage at the time it became nonconforming, the entire structure and site improvements shall be brought into compliance with current regulations.
      - (c) Once the cumulative total of additional square footage of improvements equals to fifty (50) percent of the structure's net square footage at the time it became nonconforming, no additional expansions shall

be permitted and the entire structure and site improvements shall be brought into compliance with current regulations.

- (d) For the purposes of this article, net square footage shall refer to the square footage indicated on the building permit or determined through equivalent evidence.
- b. If a nonconforming structure is damaged by fire, flood, explosion, wind, war, riot or any other act of force majeure, repairs shall be subject to the following provisions:
  - i. If the repair/replacement cost is less than fifty (50) percent of the value of the structure based upon the average of two (2) independent appraisals, the structure may be reconstructed up to the same building height and within the same building footprint existing prior to the damage, provided that an application for final building permit has been submitted within twelve (12) months of the date of such damage unless extended by the Board of County Commissioners.
  - ii. If the repair/replacement cost is equal to or exceeds fifty (50) percent of the building's value based upon the average of two (2) independent appraisals, the building and site improvements shall be brought into compliance with current regulations.
  - iii. Routine internal and external maintenance, repairs and material replacement such as re-roofing, painting, window or door replacement, mechanical equipment repair and replacement, plumbing and electrical maintenance, and similar repair, maintenance and

replacements shall be permitted and shall not be subject to the requirements of this Article.

- c. If a nonconforming building is deemed to be unsafe pursuant to Chapter 8 of this Code, and demolition is required, the building shall be rebuilt in accordance with current regulations.
- d. In addition to the requirements of this section, all repairs, improvements and expansions to a nonconforming building shall comply with the Florida Building Code.

>>4. Notwithstanding any other provision to the contrary, a lawfully existing single-family or two-family home use or mobile home park use may be repaired without being brought into compliance with current regulations, even if it is discontinued for a period of six months or more or incurs damage to the roof or structure to an extent of 50 percent or more of its market value.<<

\* \* \*

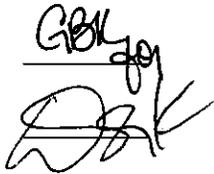
**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**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:

Handwritten signature of Dennis A. Kerbel, consisting of the letters 'GBL' above a horizontal line, followed by a stylized signature.

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Chairman Jean Monestime