

Date: December 19, 2006

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Barreiro
County Manager

Subject: Ordinance Pertaining to Zoning and Infill Housing; Amending Section 33-36.1
Pertaining to Administrative Adjustment Procedure for Infill Housing

Agenda Item No. 7(T)

0#07-34

RECOMMENDATION

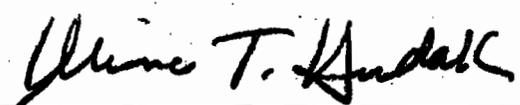
It is recommended that the Board adopt the attached ordinance pertaining to zoning amending administrative adjustment procedure for single-family and duplex units intended to be sold under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this code.

BACKGROUND

The proposed ordinance will make it possible for developers of infill housing involving single-family and duplex residences under "The Infill Housing Initiative" program to seek administrative adjustment approval of minor deviations from the zoning regulations. This ordinance will allow for a more expeditious processing of zoning applications for minor adjustments (building setbacks, building lot coverage, lot frontage and area) from the zoning regulations needed in order to allow the construction, or repair, of single family and duplex infill housing units.

Currently, the administrative adjustment procedure in the Code is only available to persons either residing or intending to reside on the premises. If approved, this ordinance will authorize the Director of the Department of Planning and Zoning to accept, review and decide on applications filed by developers seeking development of single-family or duplex residences under "The Infill Housing Initiative" program. The Director shall be governed by the administrative adjustment procedure contained in Section 33-36.1 of the Code in considering such applications. The Director's decision is published in a paper of general circulation and is appealable to the Community Zoning Appeals Board having jurisdiction.

The proposed ordinance creates no fiscal impact on Miami-Dade County.



Alina T. Hudak, Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(T)

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 Manager'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

Agenda Item No. 7(T)

Veto _____

02-06-07

Override _____

ORDINANCE NO. 07-34

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-36.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERTAINING TO ADMINISTRATIVE ADJUSTMENT PROCEDURE; 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 33-36.1 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Sec. 33-36.1 Administrative adjustment procedure.

* * *

- (d) *Application.* The application for administrative adjustment shall be made by the owner of the property on a form prescribed by the Department. For the purposes of this section the term "owner" shall mean the person who owns and resides at, or owns and intends to reside at, the subject premises. >>The term "owner" shall also include qualified developers participating in "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this code. A declaration of restrictive covenants in recordable form and approved by the Director shall be submitted by such qualified developer, together with the application for administrative adjustment. Such declaration of restrictive covenants shall certify that the subject property shall be sold in accordance with "The Infill Housing Initiative."<< The application shall include (i) a certified land survey, performed in accordance with Florida Administrative Code, dated within one year proceeding the filing date of the administrative adjustment application, providing such survey reflects all current conditions of the subject

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.

property; (ii) accurately dimensioned plans showing the location of the proposed construction in relation to the existing structure(s) and the general location and use of existing structures on property adjacent to the subject property; (iii) additional plans as may be required by the Director; and (iv) a letter of intent explaining the reason and justification for the proposed administrative adjustment. It is provided however, that such survey shall not be required to depict municipal boundaries as required by Section 33-304(a).

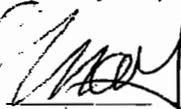
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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 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: February 6, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



John McInnis