



MEMORANDUM

Agenda Item No. 7(H)

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

DATE:

(Second Reading 12-6-11)
October 4, 2011

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

SUBJECT:

Ordinance amending Section
19-2 and 19-13(A)(2) of the
Code to exempt natural lands
and to require the same level
of maintenance of residential
lots whether improved or
unimproved

Ordinance 11-100

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and Co-Sponsor Commissioner Jean Monestime.

Handwritten signature of R. A. Cuevas, Jr. in black ink, written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



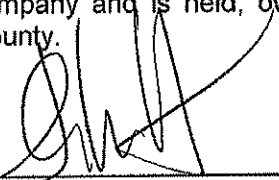
Date: December 6, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance amending Section 19-2 and 19-13 (A)(2) of the Code

The proposed ordinance to require the same level of maintenance of residential lots whether improved or unimproved, but exempting natural lands or land owned by a governmental agency or not-for-profit company and is held, owned or maintained as a natural area, will not have a fiscal impact to the County.



Office of the Mayor

Fis0312



MEMORANDUM

(Revised)

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

DATE: December 6, 2011

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

SUBJECT: Agenda Item No. 7(H)

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. 7(H)
12-6-11

ORDINANCE NO. 11-100

ORDINANCE AMENDING SECTION 19-2 AND 19-13(A)(2) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO EXEMPT NATURAL LANDS AND TO REQUIRE THE SAME LEVEL OF MAINTENANCE OF RESIDENTIAL LOTS WHETHER IMPROVED OR UNIMPROVED; 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 19-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 19-2. Declaration of legislative intent.

* * *

That portion of any lot or parcel is exempt from the vegetative provisions of this chapter where that lot, or parcel is designated as a Natural Forest Community, Environmental Endangered Land, Native Plant Community, Native Habitat, or a wetland as defined and described in Section 24-3(151) of the Code of Miami-Dade County >>or is owned by a governmental agency or not for profit company and is held, owned or maintained as a natural area<<.

* * *

Section 2. Section 19-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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.

Sec. 19-13. Maintenance of Lots in Residential-Zoned Districts.

(A) In accordance with Section 19-14, it shall be the responsibility of the responsible party for any lot in a residential-zoned district >>that is within 330 feet of a residential structure<< to regularly maintain their property to prevent the following:

- (1) Storage or maintenance of junk, trash, abandoned property or solid waste on any lot;
- (2) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life[[:

[[~~(a) on improved lots,~~] that exceeds the height of twelve (12) inches from the ground for more than ten (10) percent of the area to be maintained[[:]]>>.<<

[[~~(b) on unimproved lots, that exceeds the height of eighteen (18) inches from the ground that occurs within one hundred (100) feet from the boundary line of any property with a building or structure or within one hundred (100) feet from the boundary line of any improved road. In the event that the remaining area constitutes less than twenty five (25) percent of the total square footage of the lot then the entire lot shall require maintenance action.~~]]

* * *

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: December 6, 2011

Approved by County Attorney as
to form and legal sufficiency:



A handwritten signature in black ink, appearing to be 'JAC', is written above a horizontal line. Below this line, another handwritten signature, appearing to be 'TR', is written above a second horizontal line.

Prepared by:

Thomas H. Robertson

Prime Sponsor: Senator Javier D. Souto
Co-Sponsor: Commissioner Jean Monestime