

MEMORANDUM

Amended
Agenda Item No. 7(A)

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

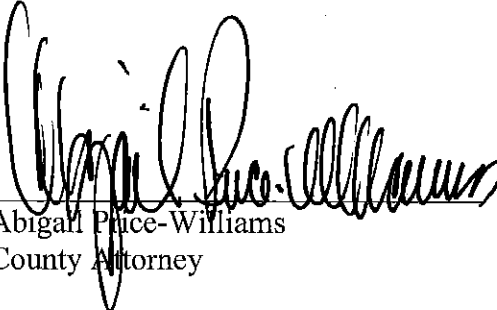
DATE: November 15, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning; amending section 33-20 of the Code of Miami-Dade County, Florida; amending portable mini-storage units requirements; requiring a certificate of use for units rather than a zoning improvement permit; shortening time allowed for placement of units; requiring units to be secured; adding standards for maintenance of units; amending section 33-8.1; removing zoning improvement permit requirement for portable mini-storage units; amending section 8CC-10; revising civil penalties relating to all portable mini-storage unit violations; reducing civil penalty for first offenses; providing for delayed enforcement

Ordinance No. 16-129

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

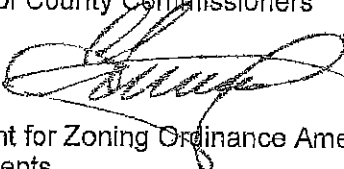


Abigail Price-Williams
County Attorney

APW/smm

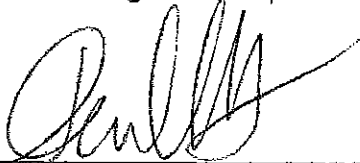
Memorandum



Date: November 15, 2016
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
From: Carlos A. Gímenez
Mayor 
Subject: Fiscal Impact Statement for Zoning Ordinance Amending Code Related to Portable Mini-Storage Unit Requirements

The proposed ordinance relating to zoning amends Section 33-20 of the Code of Miami-Dade County requiring a certificate of use, as opposed to the existing requirement of a zoning improvement permit, prior to the placement of a portable mini-storage unit. The proposed ordinance also limits the number of days for which a portable mini-storage unit is authorized on the property, sets certain standards, establishes a courtesy warning period prior to commencing any enforcement action, and also specifies a specific fine for first-time and subsequent offenses.

There is no anticipated fiscal impact to the County with the enactment of this ordinance amending the Code as additional staffing resources will not be required to issue the certificate of use, inspect, or issue notices of violation, if necessary. The implementation of a one-time courtesy warning will not have a significant impact on enforcement revenues.



Jack Osterholt
Deputy Mayor

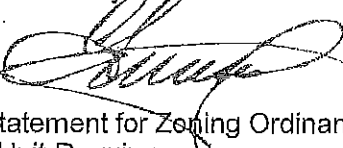
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Memorandum



Date: November 15, 2016

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

From: Carlos A. Gimenez
Mayor 

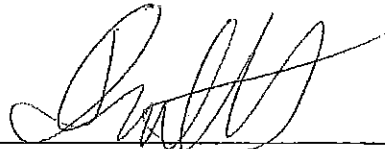
Subject: Social Equity Impact Statement for Zoning Ordinance Amending Code Related to Portable Mini-Storage Unit Requirements

The proposed ordinance amends the existing Code related to the placement of a portable mini-storage unit on a single-family lot, which is currently allowed under certain conditions pursuant to Section 33-20 of the Code. The Code currently requires a property owner to first obtain a zoning improvement permit, if the portable mini-storage unit will be on the property for more than 15 days, and that said permit may be issued for a period not to exceed 90 days.

The proposed ordinance will require a certificate of use instead of a zoning improvement permit for a period not to exceed 30 consecutive days in all instances. The proposed ordinance also specifies that: (a) the certificate of use shall be placed in a conspicuous place visible to law/code enforcement officers, (b) only two (2) certificates of use may be issued for a site during a 12-month period, (c) the property cannot have a portable mini-storage unit for more than 60 days total in a calendar year, (d) mini-portable storage units must be removed immediately upon issuance of a hurricane watch, among others. The proposed ordinance includes language regarding violations and amends the schedule of civil penalties to establish a \$250.00 penalty for first offense and a \$500.00 penalty for subsequent offenses. Currently, the Code does not specify a penalty for violating the mini-storage unit regulations; however, owners found to be in violation are subject to the default penalty under Chapter 33, which is \$500.00. The proposed ordinance would reduce the penalty fees for first time violators.

A specific social equity benefit or burden cannot be determined at this time. Property owners wishing to place a portable mini-storage unit on their property are currently asked to obtain a permit, which is good for a period of time longer than what is proposed in the ordinance for consideration. Under the proposed ordinance, property owners would be required to obtain a certificate of use valid only for 30 days and to re-apply for a second permit should it be needed for an additional 30 days. The cost of seeking a permit, as required in the existing Code, versus the cost of obtaining a certificate of use in the proposed ordinance will be borne by the property owner. Any enforcement activity as a result of non-compliance is also borne by the property owner; however, the proposed ordinance does afford a one-time courtesy warning that does not exist in the current Code.

The Department of Regulatory and Economic Resources (Department) anticipates the issuance fee for the certificate of use to be \$123.47, which includes the requisite fee for an inspection. The current fee for a zoning improvement permit is approximately \$184.00. Additionally, the Department will implement an online registration system to facilitate the issuance of the certificate of use.



Jack Osterholt
Deputy Mayor

161510



MEMORANDUM

(Revised)

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

DATE: November 15, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Amended
Agenda Item No. 7(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
- _____ 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 _____

Amended
Agenda Item No. 7(A)
11-15-16

ORDINANCE NO. 16-129

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PORTABLE MINI-STORAGE UNITS REQUIREMENTS; REQUIRING A CERTIFICATE OF USE FOR UNITS RATHER THAN A ZONING IMPROVEMENT PERMIT; SHORTENING TIME ALLOWED FOR PLACEMENT OF UNITS; REQUIRING UNITS TO BE SECURED; ADDING STANDARDS FOR MAINTENANCE OF UNITS; AMENDING SECTION 33-8.1; REMOVING ZONING IMPROVEMENT PERMIT REQUIREMENT FOR PORTABLE MINI-STORAGE UNITS; AMENDING SECTION 8CC-10; REVISING CIVIL PENALTIES RELATING TO ALL PORTABLE MINI-STORAGE UNIT VIOLATIONS; REDUCING CIVIL PENALTY FOR FIRST OFFENSES; PROVIDING FOR DELAYED ENFORCEMENT; 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 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-20. Accessory buildings; utility sheds and pergolas; swimming pools; fallout shelters; boat storage; portable mini-storage units; cargo container storage units.

* * *

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.

(i) *Portable mini-storage unit.* For the purpose of this section, the term portable mini-storage unit shall mean a portable container designed for the storage of personal property that is placed on a homeowner's lot, parcel or tract and is designed to be delivered to and/or removed from the homeowner's site by a truck or other street-legal vehicle.

One temporary portable mini-storage unit may be placed on a fee simple lot, parcel or tract containing a single-family residence, subject to the following conditions and limitations:

- (1) The homeowner:
 - (a) Has a valid building permit for the major remodeling of, or for a significant addition to, or for damage repair to the single-family residence on the lot, parcel, or tract whereon the portable mini-storage unit is requested to be placed; or
 - (b) Is conducting work involving interior improvements that do not require a building permit; or
 - (c) Is using the portable mini-storage unit to move personal items or furnishings to another location; and
- (2) The portable mini-storage unit, shall not exceed 8 feet in width, 16 feet in length, and 8 feet in height; and
- (3) The portable mini-storage unit shall be placed at ground level, shall be setback a minimum of ten (10) feet from the front property line and a minimum of five (5) feet from all other property lines, and shall comply with the safe sight distance triangle regulations; and

- (4) In no instance shall hazardous material be placed in the portable mini-storage unit; and
- (5) The property owner shall apply for and obtain a ~~[[Zoning Improvement Permit (ZIP) pursuant to Section 33-8.1]]~~ >>Certificate of Use (C.U.) pursuant to Section 33-8<< for a portable mini-storage unit that will be kept on the lot/parcel ~~[[for more than 15 days.]]~~ >>; and<<
- ~~[[~~(6) ~~The ZIP for the portable mini-storage unit shall be a conditional permit and shall be issued for a period not to exceed 90 days.]]~~
- >> (6) The C.U. shall be placed in a conspicuous place on the portable mini-storage unit so as to be easily readable by law enforcement and code enforcement officials; and
- (7) No homeowner may have a portable mini-storage unit for more than 90 days total in a calendar year. The Director may approve additional time if the Director determines that additional time is necessary because of construction delays.
- (8)<< ~~[[~~(7)~~]]~~ No mechanical, plumbing or electrical installations or connections are made to the portable mini-storage unit. >>All portable mini-storage units must be kept in good, clean, and finished condition, with no visible signs of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks; and
- (9) The portable mini-storage unit shall be locked at all times when it is not being loaded or unloaded.

(10)<< [[(8)]] The portable mini-storage unit shall have clearly posted on the exterior of the unit, the name, current phone number and address of the company providing the portable mini-storage unit, a copy of the current >>C.U.<< [[ZIP]] permit issued for the mini-storage unit, and the date the portable mini-storage unit was placed at the site.

[[9)] >>(11)<< The conditional [[ZIP]] >>C.U.<< approval may be revoked by the Director at any time should the homeowner's utilization of such temporary portable mini-storage unit result in unsafe or unsanitary conditions on the site or upon violation of any of the conditions or limitations stated herein. >>All portable mini-storage units shall be removed or secured to withstand winds in excess of 100 mph immediately upon the issuance of a hurricane watch by a federal agency. Any property owner placing a portable mini-storage unit on their property must attest that they have property insurance for damages caused by windstorms.

(12) Enforcement. A courtesy warning shall be issued prior to commencing any enforcement action, and the responsible party shall have five calendar days within which to correct the violation. Thereafter, the County may commence appropriate enforcement action.<<

Section 2. Section 33-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-8.1. Zoning Improvement Permit (ZIP).

Certain buildings, structures, improvements and installations are exempted by the Florida Building Code from building permit issuance, but must otherwise comply with the minimum requirements of this chapter. Therefore, such buildings, structures, improvements and installations shall be subject to review under the Zoning Improvement Permit (ZIP) standards contained in this section, as well as the regulations of the underlying zoning district.

The following buildings, structures, improvements and installations shall require a ZIP from the Department of Planning and Zoning:

* * *

~~[[Portable mini storage unit, subject to the conditions and limitations of Section 33-20(i);]]~~

* * *

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
	* * *	
>>33-20(i)	<u>Failure to comply with regulations relating to portable mini-storage units</u> <u>First offense</u> <u>Second or subsequent offense</u>	<u>250.00</u> <u>500.00</u> <<
	* * *	

Section 4. The provisions of sections 1, 2, and 3 shall not take effect until three months from the effective date of this ordinance.

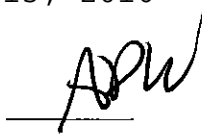
Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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.

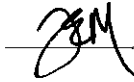
Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: November 15, 2016

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Lauren E. Morse

Prime Sponsor: Senator Javier D. Souto