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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(B)

(Second Reading 12-2-08)

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

DATE: October 7, 2008

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

SUBJECT: Ordinance amending Section 33-8; requiring Certificate of Use for single family residences and duplexes

O#08-133

Ordinance No. 08-133

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 33-8; requiring Certificate of Use for single family residences and duplexes

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The ordinance amending Section 33-8; requiring Certificate of Use for single family residences and duplexes will not have a fiscal impact to Miami-Dade County as the costs for implementing this ordinance will be offset by the fees charged for inspections.

Alex Munoz
Assistant County Manager

fis00209

MEMORANDUM

(Revised)

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

DATE: December 2, 2008

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

Amended

SUBJECT: Agenda Item No. 7(B)

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
Veto _____
Override _____

Amended
Agenda Item No. 7(B)
12-02-08

ORDINANCE NO. **08-133**

ORDINANCE AMENDING SECTION 33-8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING CERTIFICATE OF USE FOR SINGLE FAMILY RESIDENCES, CONDOMINIUM UNITS, TOWNHOUSES AND DUPLEXES, ACQUIRED THROUGH CERTIFICATE OF TITLE; REQUIRING CERTIFICATION OF COMPLIANCE WITH APPLICABLE BUILDING CODES AND ZONING CODES; 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 33-8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-8. Certificate of use.

(a) No structure, other than a single family residence or duplex, shall be used or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use (C.U.) therefor from the Department. Said certificate of use shall be required for each individual business and each multi-family building located within unincorporated Miami-Dade County.

(b) In the event there is a question as to the legality of a use, the Director may require inspections, affidavits and such other information he may deem appropriate or necessary to establish the legality of the use, before a certificate of use will be issued.

[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.

Additionally, the Department shall have the right to periodically inspect premises at any reasonable time to ensure the existence of a current and valid C.U., and to ensure compliance with the terms and conditions under which a C.U. was issued.

>>(c) The person or entity listed upon a Certificate of Title issued pursuant to Chapter 45, Florida Statutes as the purchaser of a single family residence, condominium unit, townhouse or duplex shall obtained a C.U. from the Department prior to offering said residence for sale, transfer or other alienation. The C.U. required by this subsection (c) shall be for the purpose of determining whether or not the residence in question complies with all building codes and zoning codes applicable to the residence and to provide a disclosure of those findings. The Director shall require disclosure by requiring an inspection of the property by personnel authorized to conduct such inspections by the Director and to subsequently record in the public records of Miami-Dade County the inspection report. Said report shall include a good faith estimate of the cost to repair or remedy all code violations disclosed by the inspection. The Director shall prescribe the form of the inspection report and disclosure to ensure compliance with the intent of this section. Upon the recording of the inspection report and estimate in the public records of Miami-Dade County, the Director is authorized to issue the C.U. required by this section (c). The Director shall refer any County Code violations disclosed in the report to the proper County Department for enforcement action. County Departments are authorized to collect fees for inspections and other administrative costs and/or for the issuance of the C.U., as maybe applicable, and as established in the Departments' approved schedule of fees <<

Except for C.U.'s required by code or zoning resolution to be renewed annually, and except for C.U.'s issued on a temporary basis, certificates of use shall remain valid for an unlimited time unless revoked for cause. The C.U. is only valid for the specific address, business name, corporate name and type of business for which it was issued. A new C.U. shall be required for any changes in; use, name, ownership, expansion of square footage occupied, the inclusion of additional uses, or when changes to the structure have been approved by final building inspection.

No certificate of use shall be utilized in a manner contrary to the regulations contained in this chapter.

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 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 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: **December 2, 2008**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Thomas H. Robertson

Prime Sponsor: Commissioner Natacha Seijas
Co-Sponsor : Vice-Chairwoman Barbara J. Jordan