

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading: 4-2-24)
November 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning;
amending section 33-11 of the
Code; requiring review of plans
for developments abutting single-
family residential properties with
lower elevations with respect to
stormwater runoff; providing that
measures may be required to
prevent stormwater runoff onto
abutting single-family property
under certain circumstances;
making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera and Co-Sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: April 2, 2024

To: Honorable Chairman Oliver G. Gilbert III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Stormwater Runoff Single-Family Residential Properties


The implementation of this Ordinance will not have a fiscal impact to the County.

A handwritten signature in blue ink, appearing to be "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Date: April 2, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning - Revising Regulations to Prevent Stormwater Runoff from New Development onto Abutting Single-Family Properties

The proposed ordinance amends Section 33-11 of the Code of Miami-Dade County (Code) to add language to the zoning code requiring a review for the purpose of preventing stormwater runoff from new development onto abutting single-family development.

The Florida Building Code standards require new structures to be built on higher base flood elevations, particularly in flood hazard areas. In addition, in 2022 the Board of County Commissioners adopted Ordinance Nos. 22-141 and 22-142, which comprehensively revised the County's flood protection and floodplain regulations in Chapter 11C and adopted a new Flood Criteria Map. The resulting base flood elevations may result in newly constructed buildings being built to a higher elevation than neighboring single-family properties. Revisions to Chapter 11C, in addition to existing language in Chapter 24, already require that adjacent properties not be negatively impacted by such redevelopment and provide that stormwater runoff onto adjacent properties shall not be permitted. The proposed amendment codifies this requirement in the zoning code. Section 33-11 applies where the County exercises zoning jurisdiction. A forthcoming amendment to Chapters 24 and 33 of the Code of Miami-Dade County will similarly clarify that these standards apply countywide, which is expected to result in increased resilience, improved water quality, and a reduction in flood impacts and risks.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(B)
4-2-24

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING REVIEW OF PLANS FOR DEVELOPMENTS ABUTTING SINGLE-FAMILY RESIDENTIAL PROPERTIES WITH LOWER ELEVATIONS WITH RESPECT TO STORMWATER RUNOFF; PROVIDING THAT MEASURES MAY BE REQUIRED TO PREVENT STORMWATER RUNOFF ONTO ABUTTING SINGLE-FAMILY PROPERTY UNDER CERTAIN CIRCUMSTANCES; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, current Florida Building Code standards require new structures to be built on higher base flood elevations, particularly in flood hazard areas, than had previously been required; and

WHEREAS, in Ordinance Nos. 22-141 and 22-142, this Board, among other changes, comprehensively revised the County’s flood protection and floodplain regulations and adopted a new Flood Criteria Map to improve the County’s rating under the Federal Emergency Management Agency’s Community Rating System Program, increase resilience, and reduce future risks to the built environment from projected increases in sea level rise; and

WHEREAS, the resulting new base flood elevations may result in newly constructed buildings being built to a higher elevation than neighboring single-family homes that were built under older standards; and

WHEREAS, the discrepancy between the elevations on the neighboring properties may result in the lower-elevated home retaining more water than it had when the properties were at the same elevation; and

WHEREAS, this Board wishes to reduce burdens on single-family homes resulting from this discrepancy; and

WHEREAS, accordingly, this Board wishes to amend its zoning regulations to specify that new developments or redevelopments that abut existing single-family properties must be reviewed to ensure that stormwater from such newly developed or redeveloped properties does not run off on the abutting single-family properties,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated in this ordinance and are approved.

Section 2. Section 33-11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**Sec. 33-11. - Fences, walls, bus shelters>>,<< ~~[[and]]~~ hedges>>,
and stormwater runoff prevention<<.**

- (a) *Permits; conformance to requirements; erection on property lines; chain link fences restricted.* Permits shall be required for all walls and fences, and except as may be approved as a result of public hearings, walls, fences, which obscure or obstruct vision, and hedges shall be restricted to the height, location and type as indicated hereinafter, and except when a higher wall, fence or hedge is required as a visual screening buffer at the rear of double frontage lots under >>chapter<< ~~[[Chapter]]~~ 28 ~~[[of this Code]]~~.
- (1) Except as hereinafter restricted, all walls, fences and hedges may be placed on the property lines. This section, however, shall not be construed to permit such walls, fences and hedges to extend beyond the official right-of-way lines or property lines.
- (2) Notwithstanding anything in this >>code<< ~~[[Code]]~~ to the contrary, chain link fences shall be permitted

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.

only behind the front building line in all districts, except that chain link fences are permitted in the front building line in AU districts, EU-1 and EU-2 districts, IU districts, and GU districts zoned agricultural, EU-1, or EU-2, and for construction fences governed by the Florida Building Code and fences used to temporarily secure unsafe structures in accordance with the provisions of this ~~code~~ code. Chain link fences lawfully existing prior to November 13, 2015 may remain, subject to the nonconforming use provisions of ~~section~~ section 33-35 ~~of this chapter~~.

(b) *Exterior finish of walls and fences.*

~~(1)~~ (1) All walls and fences shall be maintained in good, clean and finished condition.

~~(2)~~ (2) A fence with a finished and unfinished side shall ~~be~~:

~~(i)~~ (i) be erected so that the unfinished side and supporting members face inward toward the interior of the property ~~and~~ ~~Furthermore, all fences shall~~ ; ~~and~~

~~(ii)~~ (ii) have the finished side facing the neighboring property or street (outward).

~~(3)~~ (3) A continuous wall or fence that is owned by multiple property owners or held in common ownership shall be of uniform construction and materials and its exterior shall also be maintained in good, clean and finished condition for the entire length of said wall or fence.

~~(4)~~ (4) Each side of a CBS wall shall be completely finished with stucco and paint.

~~(5)~~ (5) Each side of a decorative masonry wall shall be completely painted; however, walls comprised of decorative brick and natural stone may be left unpainted provided the cement and grout are finished on both sides.

~~(6)~~ (6) If a wall is to be placed on a shared property line, consent for access must be obtained from the adjoining property owner(s) prior to finishing the opposite side of the wall.

~~(i)~~ (i) If such consent cannot be obtained, the property owner erecting the wall must present proof that a request for access approval was mailed to every adjacent

property owner, by certified mail, return receipt requested, to the mailing address(es) as listed in the most current Miami-Dade County tax roll, and the mailing was returned undeliverable or the adjacent property owner(s) failed to respond to the request within >>30<< [~~thirty (30)~~] days after receipt.

>>(ii)<< Upon such a showing, the property owner erecting the wall shall not be required to finish the opposite side of the wall.

>>(7)<< Cloth, fabric, canvass, silt screens, mesh, or other such material shall not be utilized as a fence unless otherwise required by law or unless being utilized in IU (Industrial), BU (Business), OPD (Office Park), RU-4A (Hotel Apartment House), RU-5 (Residential-Semi-Professional Office), and RU-5A (Semi-Professional Office) zoning districts, or pursuant to >>subsection (f) below<< [~~Section 33-11(f) above~~].

* * *

(1) >>Requirements to prevent stormwater runoff from development abutting single-family homes at lower elevation.

(1) Where plans show a property being developed or redeveloped to a higher elevation standard than an abutting property that is either zoned RU-1 or developed with a single-family home, such plans shall be reviewed by the DERM Director, as defined in section 24-5, with respect to stormwater runoff, in addition to other applicable provisions of chapters 11C and 24, to prevent stormwater runoff onto the abutting single-family property.

(2) The Director shall not approve such plans until the DERM Director has issued a written approval that the plans comply with the requirements related to stormwater runoff. Any wall on the newly developed or redeveloped property shall meet all applicable requirements of this section and chapter and chapters 11C and 24.

(3) This subsection shall not be construed to obviate any other reviews that may be necessary pursuant to this chapter or chapters 11C or 24.<<

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:

GKS For GBK

Prepared by:



Dennis A. Kerbel
Abbie Schwaderer Raurell

Prime Sponsor: Commissioner Kevin Marino Cabrera
Co-Sponsor: Senator René García