

MEMORANDUM

Agenda Item No. 3(A)

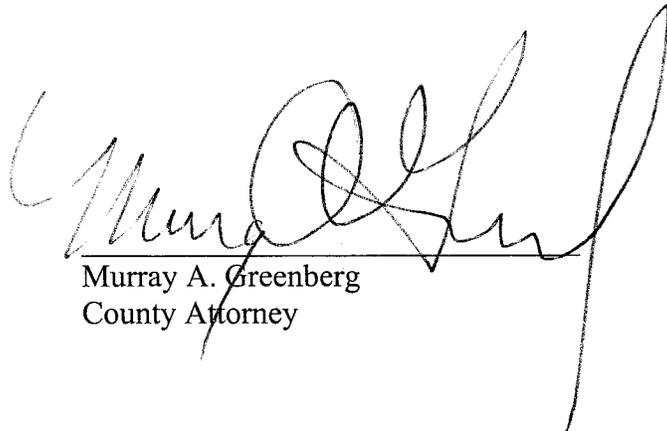
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 14, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance pertaining to
zoning; creating Article
XXXIIA providing for
IU-M, Marine Industrial
Zoning District

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Bruno A. Barreiro.

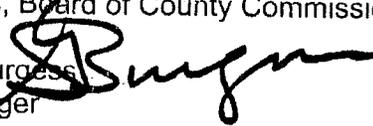


Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date:
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burgess 
County Manager
Subject: Ordinance Pertaining to Zoning; Creating Article XXXIIA

The proposed ordinance amending Sections 33-2, 33-51, 33-57, 33-58, and 33-107 of the Code of Miami-Dade County pertaining to zoning, will not have a fiscal impact to Miami-Dade County.


Assistant County Manager

Fis00106

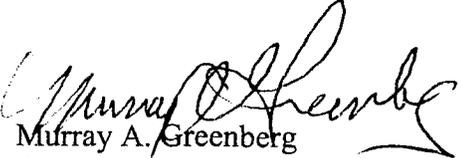


MEMORANDUM

(Revised)

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

DATE: February 21, 2006

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

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. 4(I)

Veto _____

2-21-06

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; CREATING ARTICLE XXXIIA, SECTIONS 33-278.5 THROUGH 33-278.9, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING FOR IU-M, MARINE INDUSTRIAL ZONING DISTRICT; PROVIDING INTENT, PERMITTED AND PROHIBITED USES AND OTHER REGULATIONS FOR SUCH DISTRICT; PROVIDING FOR SITE PLAN REVIEW; AMENDING SECTIONS 33-2, 33-51, 33-57, 33-58 AND 33-107 OF THE CODE PERTAINING TO SETBACK, HEIGHT AND SIGN REGULATIONS; 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. Article XXXIIA, Sections 33-278.5 through 33-278.9, of the Code of Miami-Dade County, Florida, is hereby created as follows:¹

>>ARTICLE XXXIIA. IU-M, MARINE INDUSTRIAL DISTRICT

Sec. 33-278.5. Intent and applicability.

- (a) The IU-M (Marine Industrial) district is a special district tailored for marine industrial and commercial uses on riverfront areas along the Miami River, between NW 27 Avenue and NW 36 Street and also lying on the north bank of the Tamiami Canal. As part of the Port of Miami River, this district promotes the protection and inclusion of such water-dependent uses as cargo shipping terminals and boat repair yards and such water-related uses as ship chandlers and limited sales of seafood products. It is not intended to permit business, service, office or manufacturing uses not related to water-dependent or water-related uses for which the district is reserved.

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.

Temporary lodgings for crew members and watchman's and caretaker's quarters are the only residential uses permitted.

- (b) A detailed legal description of the IU-M district boundaries follows:

Commence at the Southeast corner of Section 28-53-41. Thence North for 35 feet to a point, thence West for approx. 250 feet to the intersection of the North right-of-way line of Northwest 20 Street and the North right-of-way line of Northwest North River Drive to the point of beginning. Thence Northwest along the North right-of-way line of Northwest North River Drive to a point on the East right-of-way line of the Seaboard Airline Railroad. Thence South along the East right-of-way line of the Seaboard Airline Railroad to a point on the Municipal Boundary Line of Miami-Dade County and the City of Hialeah. Thence Northwest along said Boundary Line for a distance of approx. 1100 feet more or less to a point. Thence Southwest to a point on the South right-of-way line of Northwest South River Drive. Thence Southeast along the South right-of-way line of Northwest South River Drive to the intersection with the East right-of-way line of Northwest 32 Avenue. Thence Southwest along the East right-of-way line of Northwest 32 Avenue to the South right-of-way line of Northwest 24 Street extended. Thence Northwest along the South right-of-way line of Northwest 24 Street extended to the intersection of the East right-of-way line of Northwest 33 Avenue. Thence Southwest along the East right-of-way of Northwest 33 Avenue for a distance of approx. 411 feet more or less to a point of curvature to the right having a radius of 480.90 feet, arc distance of 218.67 feet and delta angle of 26°03'09", to a compound curve radius 480.90 feet arc distance of 104.61 feet and delta angle of 12°27'51", to a compound curve radius 480.90 feet, arc distance of 87.93 feet and delta angle of 10°28'34", to a point on the South right-of-way line of Northwest 21 Street. Thence West on the South right-of-way line of Northwest 21 Street to the intersection of the East right-of-way line of Northwest 37 Avenue. Thence South on the East right-of-way line of Northwest 37 Avenue to the North right-of-way line of Tamiami Canal. Thence East meandering along the North right-of-way of Tamiami Canal for approx. 2500 feet to a point, thence South for a distance of approximately 150 feet to a point on the North right-of-way of Northwest 20 Street, thence East along the North right-of-way line of Northwest 20 Street to the point of beginning. Less and except that portion of the Miami River and the Tamiami Canal.

- (c) No provision in this article shall be applicable to any property lying outside the boundaries of the IU-M zoning district as described herein. No property lying within the boundaries of the IU-M zoning district shall be entitled to the uses or subject to the regulations provided in this article until an

application for a district boundary change to IU-M has been heard and approved in accordance with the provisions of this Code.

Sec. 33-278.6. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter constructed, reconstructed or structurally altered, maintained or moved in any IU-M district, which is designed, arranged or intended to be used for any purpose, unless otherwise provided herein, except for one (1) or more of the following uses:

- (1) Cargo container repair and storage.
- (2) Docks, piers, wharves, and railroad service to related loading, storage or distribution facilities.
- (3) Fish market and accessory seafood restaurant.
- (4) Hiring halls for seamen and dockworkers.
- (5) Seafood products and by-products collection, cooking, processing, and wholesale distribution, including accessory eating and drinking establishments related to such operations.
- (6) Marinas, non-live aboard, commercial. No permanent occupancy of private watercraft shall be permitted, except as required for a watchman's quarters. The following accessory uses shall be permitted at a commercial marina:
 - (a) Bait and tackle shop.
 - (b) Charter boat service.
 - (c) Dock master's office.
 - (d) Dry stack boat storage facility.
 - (e) Pleasure craft fueling facility.
 - (f) Pleasure craft rentals.
 - (g) Restaurant not exceeding 2,000 square feet gross, including therein any accessory outdoor dining area(s). Only one such restaurant shall be permitted per marina.
- (7) Marine towing, dredging and salvaging services including:
 - (a) Dredging base, where dredges or machinery are repaired, rebuilt or stored and dredging supplies are kept.
 - (b) Marine construction offices and yards.
 - (c) Piloting headquarters.

- (8) Marine freight terminals, including:
- (a) Facilities for warehousing and storage, packing, packaging and crating of materials from and for marine shipments.
 - (b) Assembly and distribution facilities for marine shipments.
 - (c) Temporary lodgings for crewmembers. Such lodgings shall be permitted only as an accessory use, shall be related to the operation of the terminal and shall not be offered for general public use.
- (9) Marine passenger terminals, including related facilities for handling baggage and freight, and related ground transportation and parking facilities. Accessory uses may include:
- (a) Facilities to serve the needs of passengers and visitors, including retail shops, eating and drinking establishments, ticket agencies, currency exchanges and similar uses.
 - (b) Temporary lodgings for crewmembers. Such lodgings shall be permitted only as an accessory use, shall be related to the operation of the terminal and shall not be offered for general public use.
- (10) Vessel construction, overhauling, repair, maintenance and storage and the following related uses:
- (a) Boat building, repair and overhauling.
 - (b) Boat slips for the tying up of boats for the purpose of overhaul and repair.
 - (c) Ship chandlers.
 - (d) Shipyards, dry docks, and marine railways.
 - (e) Shops for marine woodworking; electrical, communication and instrument installation and repair; welding; sail making; engine and motor repair and maintenance.
 - (f) Supply, repair and wholesale distribution of parts, accessories and equipment for marine needs.
- (11) Vessel sales, wholesale or retail, and the following accessory uses:
- (a) Marine supplies and equipment, retail and or wholesale distribution.
 - (b) Marine sporting goods and supplies, retail and or wholesale distribution.
- (12) Guardhouses, and watchman's or caretaker's quarters for employees whose work requires such quarters, shall be permitted as an accessory use on the premises of the principal use.
- (13) Water-dependent and water-related office uses, as permitted in the RU-5 and BU-1 districts, and water-dependent and water-related IU-1 manufacturing uses, where not otherwise permitted herein, shall be permitted upon approval after public hearing, upon demonstration that such use conforms to the intent of the district.

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Sec. 33-278.7. Prohibited uses.

The sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited.

Sec. 33-278.8. Uses confined within building, walls or fences.

(a) Enclosed building, walls or fences. At all manufacturing establishments or rebuilding, storage or repair places permitted in the IU-M district, all materials and products shall be stored and all manufacturing, rebuilding, storing or renovating operations shall be carried on entirely within an enclosed building, or shall be confined and completely enclosed within masonry walls not less than six (6) feet in height, provided the water frontage may be open. A chain link, wire or metal picket fence, no more than eight (8) feet in height, may be substituted for the masonry wall, provided that (i) the storage within such fences is limited to vehicles, equipment, new materials and goods-in-transit, and provided that (ii) all required on-site parking may be located either in front of, or behind, the required enclosed buildings, walls or fences. Within this eight (8) foot height, three strands of barbed wire may be placed on top of said fence provided that the fence is at least six (6) feet in height and said barbed wire (i) is placed on an angle extension of not more than sixteen (16) inches, and (ii) does not extend over official rights-of-way or over property under different ownership.

(b) Should the provisions of this article conflict irreconcilably with applicable state or federal security regulations, such state or federal regulations shall supersede the provisions of this article, but only to the extent necessary to apply and enforce the state or federal regulation.

Sec. 33-278.9. Site plan review.

Site plan review shall be required in the same manner and pursuant to the same standards as the site plan review required for uses in the IU-1 zoning district. It is provided, however, that notwithstanding the provisions of Chapter 18A (Landscaping) of this Code, no landscaping is required within this district.<<

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

Sec. 33-2. Districts enumerated.

For the purpose of this chapter, all the unincorporated area of the County is hereby divided into the following districts:

* * *

IU-C--Industrial District, conditional
>>IU-M Marine Industrial District<<
TND--Traditional Neighborhood Development District

* * *

Section 3. Section 33-51 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-51. Setbacks in business and industrial districts.

The minimum setback distances and spacing requirements in all business districts and in IU-1, IU-2, ~~[[and]]~~ IU-3 >>, and IU-M<< districts (see Section 33-273 for IU-C setback requirements) shall be as follows:

Front --Twenty (20) feet, >>except for the IU-M district where there is an exemption for small guardhouses, no more than 64 square feet in floor area, which may setback zero (0) feet from the property line.<<

* * *

Section 4. Section 33-57 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-57. Setback when height exceeds limit.

Any portion of a building in the BU-2, BU-3, IU-1, IU-2, ~~[[and]]~~ IU-3 >>, or IU-M<< district ~~[[s-which]]~~ >>that<< is between thirty-five (35) and forty (40) feet in height shall be setback at least twenty-five (25) feet from the lot line adjacent to any street or thoroughfare. Thereafter >>one (1) additional foot of setback shall be provided for each five (5) feet of additional height.<<

Section 5. Section 33-58 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-58. Height of building limited to width of street in certain districts.

No building in >>an<< IU-C, IU-1, IU-2 >>₁<< [[~~or~~]] IU-3 >>₁ or IU-M<< district[[s]] shall be of a height greater than the width of the widest street upon which such building abuts, except after application is made and permit issued as a result of public hearing.

Section 6. Section 33-107 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-107. Class C commercial signs.

Type of signs permitted: Billboard; bulletin board; poster board.

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Detached	Maximum size of 14 feet by 48 feet (672 square feet) plus embellishment providing overall size of sign does not exceed 750 square feet	No more than 2 signs shall be placed in a group except when such signs are less than 48 feet long and form a triangle	20 feet to official r.o.w. line 5 feet to interior side property line 15 feet from any lot on which there is a residential building (regardless of the zoning classification of such lot) 30 feet to any EU or RU District boundary, except where the face of the sign fronts or orients toward the EU or RU District, then the spacing shall be 300 feet. No closer to r.o.w. than the nearest existing substantial building fronting on the same side of the street and within 100 feet of such sign. Except when flat against a legally existing building the sign shall not be placed: 1. Within 100 feet of the point of beginning of the change of direction on the side toward which the direction of a highway changes 2. In the inside of a curve. 3. No sign shall be erected closer than 100 feet to any church, school, cemetery, public park, public reservation, public playground, State or national forest 4. In the BU-1A, 2, 3, IU-1, IU-2 >> ₁ << [[and]] IU-3 >> ₁ and IU-M<< Zones, no class C sign shall be erected closer than 600 feet to another class C sign on the same side of the street measured along	No illumination shall be installed on any class C sign which may conflict with adjacent uses or be objectionable to residential areas and uses Also see general provisions on illumination	30 feet from normal or average grade to top of sign	When grouped, all signs shall be placed at an angle to form a single "V" or placed back-to-back and not be placed in a straight line Plans submitted for a permit shall show location and setback of all buildings within 100 feet of the proposed sign location

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			the center line of the same roadway or street, except that cantilever back-to-back signs shall be considered as 1 sign for the purposes of spacing and except when such signs are on opposite ends of the same building, the restriction shall not apply as between the signs on opposite ends of the same building, providing such signs otherwise conform to spacing requirements from other class C signs in the area			
Wall	Same as detached, except in BU-1A and BU-2 Districts, wall signs shall conform to class B point of sale wall signs	No more than 2 in group	Same as detached	Same as detached	Shall not extend above the roof or parapet of the building	None

Zones/districts permitting use. Class C commercial advertising signs shall be permitted in the following zones: (a) In BU-3, IU-1, IU-2 >>₁<< ~~[[and]]~~ IU-3 >>and IU-M<< Zones. (b) In BU-1A and BU-2 Zones subject to the following conditions: (1) Cantilever construction. Detached class C signs in these zones must be of cantilever type construction (double-faced sign, both faces of the same size, secured back to back on the same set of vertical supports with no supporting bracing) with a minimum of 5 feet clearance between grade and bottom of board surface. Second face of sign will not be required if the rear of sign is properly and adequately concealed or hidden. (2) Sites for signs. Sites for location of each detached class C sign in these zones must conform to the same minimum lot requirements as to size and frontage as required for erection of commercial buildings, and such sites cannot be improved with buildings or other structures.

In a BU-1A or BU-2 Zone, any class C signs erected on a site shall be immediately removed from such site at the time the first building permit is issued for permanent building to be erected thereon if the sign is within 300 feet of the proposed building.

If a building exists on property, no permits for erection of class C signs thereon shall be issued if the sign is within 300 feet of an existing building.

In addition, unless approved as result of a public hearing, no class C signs shall be erected on any property zoned BU-1A, BU-2, BU-3, IU-1, IU-2>>₁<<~~[[and]]~~ IU-3 >>or IU-M<< unless the street frontage on the opposite side of the street is zoned commercial or industrial.

Landscaping requirements. Landscaping shall be required where appropriate, as determined by the Director.

Maintenance. In addition to the general maintenance requirements for this section, the owner and/or the erector of the sign shall be responsible for maintaining the landscaping and the signs concerned in good condition and appearance and the site free from trash or debris. Failure to do so shall constitute cause for cancellation of the permit and removal of the sign, if owner and/or erector fails to correct same within 10 days after written notice of nonconformance.

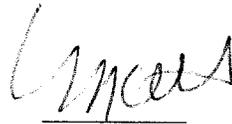
Section 7. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 8. 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 9. 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:




Prepared by:

M. Leigh Macdonald

Sponsored by Commissioner Bruno A. Barreiro