

MEMORANDUM

BPS
Agenda Item No. **1 (E) 2**

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: **October 12, 2010**

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

SUBJECT: Ordinance pertaining to zoning;
providing for commercial vehicle,
construction equipment and
agricultural equipment storage,
including incidental temporary
parking of passenger vehicles in the
AU (agricultural) district, under
prescribed circumstances; providing
for administrative site plan review;
amending Sections 33-1 and 33-279
of the Code; creating Section
33-283.1 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: September 21, 2010

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

SUBJECT: Agenda Item No. 4(C)

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

Agenda Item No. 4(C)

Veto _____

9-21-10

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; PROVIDING FOR COMMERCIAL VEHICLE, CONSTRUCTION EQUIPMENT AND AGRICULTURAL EQUIPMENT STORAGE, INCLUDING INCIDENTAL TEMPORARY PARKING OF PASSENGER VEHICLES IN THE AU (AGRICULTURAL) DISTRICT, UNDER PRESCRIBED CIRCUMSTANCES; PROVIDING FOR ADMINISTRATIVE SITE PLAN REVIEW; AMENDING SECTIONS 33-1 AND 33-279 OF THE CODE OF MIAMI-DADE COUNTY (CODE); CREATING SECTION 33-283.1 OF THE CODE; 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 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(30.01) Commercial Vehicle Storage shall mean the parking and storage of operable, non-disabled, licensed commercial motor vehicles as defined in section 320.01, Florida Statutes, construction equipment, agricultural equipment, and incidental temporary parking of operable, non-disabled, licensed passenger automobiles to serve such allowable uses on the same parcel (but not to include

¹Words 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.

stand-alone automobile parking and storage uses such as car rental facilities).<<

* * *

Section 2. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-279. Uses Permitted

No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or be permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in an AU District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:

* * *

>>(3.1) Commercial Vehicle Storage as defined in Section 33-1 of this code, subject to the following conditions:

- (a) Commercial vehicle storage shall be prohibited except where expressly allowed in specifically defined areas outside the Urban Development Boundary of the Comprehensive Development Master Plan.
- (b) Minimum site size shall be 20 gross acres.
- (c) The site shall be under one ownership.
- (d) An annual operating permit from the Department of Environmental Resources Management and quarterly groundwater quality monitoring shall be required.
- (e) Mechanical repair or maintenance of any kind, including truck washing, shall be prohibited.

(f) Notwithstanding any provisions of section 33-282, the following minimum setbacks shall apply to the paved area utilized for the storage and the parking area of commercial vehicles:

(1) 50 feet from front and side street property line.

(2) 25 feet from interior side and rear property line.

The setback area shall be landscaped in accordance with section 33-283.1(C)(6)

(g) A guard house and office may be permitted as an ancillary use to the commercial vehicle storage and parking facility provided that said guard house and office is setback at least 50 feet from the front property line and does not exceed 350 square feet of floor space.

(h) An annual certificate of use shall be obtained from the Department of Planning and Zoning.

(i) Notwithstanding any provisions of Chapter 33 or Chapter 18A (Landscaping Code) of the Code to the contrary, no landscaping shall be required except for street trees in compliance with section 18A-6(C) and for buffering and screening as provided by section 33-283.1.

(j) Administrative site plan review shall be required in accordance with section 33-283.1.<<

Section 3. Section 33-283.1 of the Code of Miami-Dade County, Florida, is hereby

created to read as follows:

>>**Sec. 33-283.1. Site Plan Review for Commercial Vehicle Storage.**

(A) Procedures. The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan criteria is to insure compatibility and adequate buffering of the uses with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied by the Department within fifteen (15) days from the date of submission. The applicant shall have

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the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials should be in writing and shall specifically set forth the grounds for denial.

The written decisions of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

(B) Required Exhibits. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department of Planning and Zoning and shall include, but not be limited to the following:

- (1) Schematic site plan at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
 - (a) Proposed commercial vehicle and equipment storage area.
 - (b) Location of proposed paved area and driveway connections.
 - (c) Parking and driveway layouts.
 - (d) Proposed grades.
 - (e) Existing and proposed fences, signs, architectural accents, guard house (if provided) and location of advertising or graphic features.
 - (f) Landscaping and trees.

(g) Plans showing the location, height, lights, shades, deflectors and beam directions.

(C) Criteria. The following criteria shall be considered in the review process:

(1) Parking and Storage: All vehicles and equipment shall be stored or parked only on paved impervious surfaces. The drainage system shall be approved by the Department of Environmental Resources Management.

(2) Discharge of waste: The storage, handling, use, discharge and disposal of liquid wastes or hazardous wastes shall be prohibited.

(3) Emergency access: Unobstructed access for on-site access for emergency equipment shall be considered.

(4) Site enclosure: The subject site shall be enclosed by an eight (8) foot high masonry wall or vinyl chain link fence. Said wall/fence shall be placed at the edge of the paved area along the entire perimeter of the property.

(5) Lighting: All outdoor lighting, or outdoor signs or identification features shall be designed as an integral part of the surrounding landscape. Light fixtures shall be designed with a maximum height of 35 feet. Shielding shall be provided to prevent light from projecting upward. Any overspill of lighting onto adjacent properties shall not exceed one-half (1/2) foot candle (vertical) and shall not exceed one-half (1/2) foot candle (horizontal) illumination on adjacent properties or structures.

(6) Visual screening: Buffer and visual screening shall be provided to make the use compatible and to prevent negative visual impact to surrounding areas. The following minimum landscaping shall be provided along all property lines within the required setback area:

(a) A continuous extensively landscaped buffer which must be maintained in a good healthy

condition by the property owner. The landscape buffer shall contain one (1) or more of the following planting materials:

- (1) Shrubs. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (2) Hedges. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (3) Vines. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting and shall be planted and maintained to form a continuous, unbroken solid, visual screening within in one (1) year after time of planting.
- (b) A berm, to be approved by Department of Environmental Resources Management, shall be provided along zoned or dedicated rights-of-way.
 - (c) Stormwater retention/detention facilities may be located within the required setback provided all landscaping requirements are met.<<

Section 4. 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 5. 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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. 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:



Craig H. Coller

Prime Sponsor: Jose "Pepe" Diaz, Vice-Chairman