MEMORANDUM

Agenda Item No. 7(A)

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

DATE: November 4, 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

This ordinance was amended by the Budget, Planning and Sustainability Committee. Whereas the substitute ordinance before the Committee provided that the fence surrounding a Commercial Vehicle Storage facility be set back twenty-five feet from the property line with the landscape buffer in front of the fence, the Committee approved an amendment to the item permitting the fence to be located along the property line with the landscaping placed behind the fence.

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/up

RESO\2078

Memorandum

MIAMI-DADE COUNTY

Date: November 4, 2010

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

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to zoning; providing for commercial vehicle, construction equipment and agricultural equipment storage, including incidental temporary parking in the Agricultural District

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The proposed ordinance pertaining to zoning will not have a fiscal impact to the County. The fees associated with the processing of Administrative Site Plan Review (ASPR) applications are expected to cover processing costs.

Susanne M. Torriente,
Sustainability Director

fis7810

MEMORANDUM

(Revised)

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

DATE: November 4, 2010

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

SUBJECT: 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**

_____ **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
Veto _____
Override _____

Agenda Item No. 7(A)
11-4-10

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 for a fee 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

[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.

not to include 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 specially defined areas outside the Urban Development Boundary of the Comprehensive Development Master Plan~~]] >>Commercial vehicle storage is limited to that portion of Open Land Subarea 1, as defined under the County's CDMP, that is located within the area of an arc no more than 7,000 lineal feet from the intersection of Okeechobee Road and Homestead Extension of the Florida Turnpike. Storage of agricultural equipment in connection with a bona fide agricultural use shall be permitted as provided in this Section.

(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. A ground water monitoring plan and well locations shall be approved by DERM prior to installation of the wells.

(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.~~]] >>Landscaping shall comply with Section 33-283.1(C)(6).

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

(k) Building permits shall be obtained for the construction of any structures and other improvements as required under the Florida Building Code.

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

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 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.

(h) Stormwater management improvements.

(i) Other information and plans as deemed necessary by the Director to evaluate compliance with the CDMP and Chapters 33 and 24 of the Code of Miami-Dade County.

(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 and handling of waste and hazardous material:* The storage, handling, use, discharge and disposal of liquid or hazardous wastes or hazardous materials shall be prohibited.~~]]

>>(2)<<[[~~(3)~~]] >>*Emergency access*: Unobstructed access for on-site access for emergency equipment shall be considered.<<

>>(3)<<[[~~(4)~~]] >>*Site enclosure:* The subject site shall be enclosed by an eight (8) foot high masonry wall,<<

[[~~or~~]] >>vinyl coated chain link fence, or a chain link fence with visual screening. Said wall/fence shall be<< [[~~placed at the edge of the paved area along the entire perimeter of the property.~~]] >>located<< >>on<<[2] [[~~no closer than 25 feet from~~]]>>the property line along rights-of-way.

(4)<<[[~~(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 (½) foot candle (vertical) and shall not exceed one-half (½) foot candle (horizontal) illumination on adjacent properties or structures. Lighting shall comply with the standards in Section 8C-3 of this Code.

(5)<<[[~~(6)~~]] >>*Visual screening*: Buffer and visual screening shall be provided to make the use compatible with rural and agricultural land uses 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 shall be maintained in a good healthy condition by the property owner. The required buffer shall be located on the<< [[~~exterior~~]] >>interior<< >>side of the required fence or wall along rights of way within required setback areas. The landscape buffer shall contain the following plant materials:

(1)<< [[~~Shrubs. Shrubs shall be minimum of three (3) feet in height when measured immediately after planting~~

[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

~~and shall be planted and maintained to form a continuous, unbroken solid, visual screen within one (1) year time of planting.~~]]>>*Ground Cover.* Ground cover shall consist of grass or plants. Plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after 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.~~]] >>*Continuous Hedge*. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting, shall be planted at a maximum average spacing of 48 inches on center and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting. Of the provided hedge at least:

(a) Thirty (30) percent shall be native species; and

(b) Fifty (50) percent shall be low maintenance and drought tolerant; and

(c) Eighty (80) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

(3)<< [[~~Vine. 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 on (1) year after time of planting.~~]]
>>*Trees.* Trees shall be of a species typically grown in Miami-Dade County which normally mature to a height of at least twenty (20) feet. Trees shall have a clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of two (2) inches at time of planting, and shall be provided within the buffer area along all property lines at a maximum average spacing of thirty-five (35) feet on center. Of the required trees at least:

(a) Thirty (30) percent shall be native species; and

(b) Fifty (50) percent shall be low maintenance and drought tolerant; and

(c) No more than thirty (30) percent shall be palms.

(d) Eighty (80) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

(b)<< [[~~A berm, to be approved by Department of Environmental Resources Management, shall be provided along zoned or dedicated rights-of-way.~~]] >>A stormwater management plan shall be approved by the Department of Environmental Resources Management.

(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: Vice-Chairman Jose "Pepe" Diaz