

# MEMORANDUM

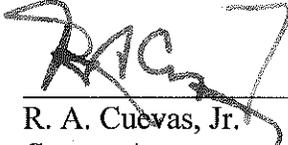
Agenda Item No. 7(D)

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<b>TO:</b>	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	<b>DATE:</b>	(Second Reading 1-22-14) November 19, 2013
<b>FROM:</b>	R. A. Cuevas, Jr. County Attorney	<b>SUBJECT:</b>	Ordinance relating to zoning; establishing the PortMiami Zoning District; amending Sections 33-111 and 33-314 of the Code; creating Sections 33- 426 through 33-432 of the Code; providing for maritime, commercial, and other uses; providing for signage

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsor Vice Chair Lynda Bell.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/smm

# Memorandum



**Date:** January 22, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

**Subject:** Ordinance relating to zoning; establishing the PortMiami zoning district; amending Sections 33-111 and 33-314 of the Code; creating Sections 33-426 through 33-432 of the Code

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The proposed ordinance amends Sections 33-111 and 33-314 of the Code and creates Sections 33-426 through 33-432, to establish the PortMiami zoning district for the purpose of promoting and expanding port operations; providing for maritime, commercial, and other uses; and providing for signage. If successful business initiatives are developed as a result of the implementations of this ordinance, Port Miami may benefit from the generation of new revenues.

However, at this time it is difficult to determine any fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor

Fis2014



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** January 22, 2014

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

**SUBJECT:** Agenda Item No. 7(D)

**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 Mayor'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(D)  
 1-22-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING; ESTABLISHING THE PORTMIAMI ZONING DISTRICT; AMENDING SECTIONS 33-111 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY (CODE); CREATING SECTIONS 33-426 THROUGH 33-432 OF THE CODE; PROVIDING FOR MARITIME, COMMERCIAL, AND OTHER USES; PROVIDING FOR SIGNAGE; 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 33-111 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-111. – Directional signs.**

Permitted only in connection with the specified uses. Limited directional signs are also permitted in all districts for any use.\*

Use	Type of Sign	Sign Size	Number	Setbacks	Locations	Maximum Illumination	Special Conditions		
							Minimum Site Height	Other Requirements	Conditions
Airport >>and Seaport<<	Detached only	Maximum 30 square feet	<del>[[Depends on site plan approval.]]</del> The number of signs shall be determined for each facility by site plan review by the Department and of the	Signs shall be located on private property and no sign shall be closer than 75 feet to a public r.o.w. Other sign setbacks and spacing	Directional signs shall be located at points of entry to the facility from the public road(s) provided that signs may be located elsewhere	No neon lighting permitted; also see other requirements under general provisions for illumination>>;<< Lighting should be in character with overall	The maximum height of a directional sign shall be 10 feet to top of sign with a minimum clearance of 4 feet from the bottom of sign to grade; provided,	Directional signs are permitted only at airports >>and seaport<< having a minimum site of 80 acres net land area	At least 2 buildings on the site

<sup>1</sup> 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.

			facility, the type and number of structures to be identified, and the need for the sign at the given location >>. Except that the Seaport Director shall review and approve directional signs within the PortMiami.<<	will be determined as part of the site plan review process	and/or in addition to entries based on need as determined by the site plan review process	design of the project as determined by site plan review	however, that signs that are affixed to the ground need not provide the 4-foot clearance		
Colleges	Same as airport	Maximum 18 square feet	Same as airport	Same as airport	Same as airport	Same as airport	Same as airport	Minimum 30 acres net	Same as airport
Hospitals	Same as airport	Same as colleges	Same as airport	Same as airport	Same as airport	Same as airport	Same as airport	Minimum 10 acres net	Same as airport
Housing development	Same as airport	Same as colleges	Same as airport	Same as airport	Same as airport	Same as airport	Same as airport	Minimum 10 acres net	Same as airport
Industrial parks	Same as airport	Same as colleges	Same as airport	Same as airport	Same as airport	Same as airport	Same as airport	Minimum 10 acres net	Same as airport
Office parks	Same as airport	Same as colleges	Same as airport	Same as airport	Same as airport	Same as airport	Same as airport	Minimum 10 acres net	Same as airport
Shopping centers	Same as airport	Same as colleges	Same as airport	Same as airport	Same as airport	Same as airport	Same as airport	Minimum 30 acres net Minimum of 400,000 square feet of gross leasable floor area and at least 2 full line department stores as lead tenants. Sign permits shall be issued only to the owner of a shopping center. Only major tenants with a minimum of 75,000 square feet gross leasable floor area may be identified on said sign	

*\*Note:* Directional signs, to direct traffic flow and locate entrances and exits, shall be permitted in all zoning districts in connection with any permitted use provided they do not exceed 3 square feet in area and do not exceed 4 feet in height above grade; and providing they are shown and approved on site plans which indicate sign size, location, copy, etc. Logos, names, and advertising are not permitted on such signs.

**Section 2.** Section 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-314. Direct applications and appeals to the County Commission.**

\* \* \*

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

\* \* \*

>>(18) Hear application for and grant or deny Director's applications for property located within the PortMiami boundary pursuant to Article XLII (PortMiami Zoning District) of this code.<<

\* \* \*

**Section 3.** Article XLII, Section 33-426 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Article XLII

PORTMIAMI ZONING (PMZD)

**Sec. 33-426. Short title.**

This article shall be known and may be cited as the "PortMiami Zoning District (PMZD)". <<

**Section 4.** Section 33-427 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**Sec. 33-427. Purpose, intent and applicability.**

There is hereby created and established the PortMiami Zoning District (PMZD) for the Dante B. Fascell Port of Miami-Dade (PortMiami) and it is hereby ordained that such area shall include, and that the provisions of this article shall be applicable to and embrace all of the unincorporated and the incorporated land and

water area lying, situated and being in those certain portions of Miami-Dade County, Florida, designated as PortMiami.

It is the intent of these regulations to create a PortMiami Zoning District (PMZD) that is responsive to the operating needs of PortMiami. The regulations allow the setting aside of Port property for the expansion and enhancement of cruise and cargo operations; guide Port development in a manner that is consistent with the goals and objectives of the adopted Comprehensive Development Master Plan (CDMP) and the Port Master Plan; provide site plan review standards for third party development in the Port; allow multiple land uses which support maritime port operations; and provide for non-maritime land uses including commercial, hospitality, and recreational facilities on-site, that cater to the maritime and tourism industries and the Miami-Dade County community. The zoning district shall further the following objectives of the PortMiami:

- (A) Promote PortMiami as a community landmark;
- (B) Expand Port operations catering to the maritime industry and promote and attract local and international tourism;
- (C) Continue to be the County's second largest economic engine, generating billions of dollars and thousands of jobs for the community;
- (D) Allow commercial development to support PortMiami, which is recognized as being the Cruise Capital of the World and the Cargo Gateway of the Americas;
- (E) Operate as an efficient self-contained facility within the boundaries of Dodge/Lummas Island;
- (F) Provide flexibility in planning, design and development for an efficient use of land;
- (G) Provide diversification of land uses to support maritime operations

These regulations also acknowledge the location of PortMiami within the CDMP-designated Miami Regional Urban Center as well as the Port's contributions to the intensity and dynamics of this Regional Urban Center.<<

**Section 5.** Section 33-428 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**Sec. 33-428. Definitions.**

In construing the provisions hereof and each and every word, term, phrase or part thereof, where the context will permit, the definitions provided in Section 33-1 of the Code of Miami-Dade County, Florida, and the following definitions shall apply:

- (A) Department means the Miami-Dade County Department of Regulatory and Economic Resources or its successor, unless otherwise specified.
- (B) Director means the Director of the Miami-Dade Department of Regulatory and Economic Resources or its successor, unless otherwise specified.
- (C) Marina means a facility for storage, servicing, fueling, berthing, or securing of boats.
- (D) Maritime Use means any use directly associated with cargo and cruise operations.
- (E) Maritime-Related Use means any auxiliary use needed to fulfill cargo and cruise operations.
- (F) Non-Maritime Use means any use not associated with cargo or cruise operations.
- (G) PortMiami shall mean the geographic area commencing at the northeast intersection of Biscayne Boulevard and Port Boulevard, thence east along the north side of Port Boulevard to the perimeter of the Port of Miami, thence north/northeasterly, south/southeasterly, south/southeasterly, west/northwesterly, and northeast along said perimeter to Port Boulevard (encompassing the entirety of the Port of Miami lands, formerly Dodge, Lummus and Sam's Islands), thence west along the south side of Port Boulevard to the eastern side of Biscayne Boulevard, thence north along the eastern side of Biscayne Boulevard to the point of beginning. A full legal description is on file in the offices of PortMiami and the Department Regulatory and Economic Resources, or successor agencies.

- (H) Terminal means any cruise, cargo, ferry, transportation or similar facility used for port operations
  
- (I) Third Party Developer means any non-County entity, person, individual, firm, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, administrator, executor, guardian or other similar representative thereof, who funds, erects, builds, constructs, a structure on PortMiami land.<<

**Section 6.** Section 33-429 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

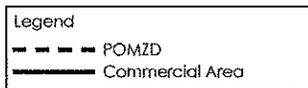
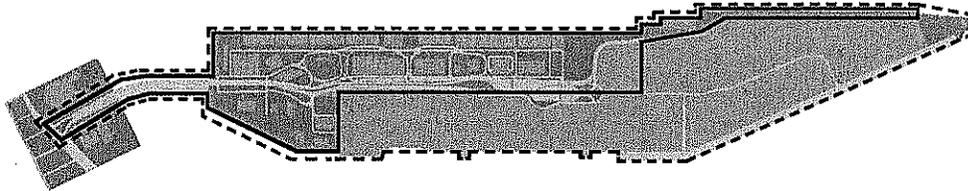
>>**Sec. 33-429. Permitted uses.**

- (A) The following uses shall be permitted in the PMZD:
  - (1) Maritime
  - (2) Maritime Related
  - (3) Terminals and supporting facilities and activities such as but not limited to ground transportation, retail, office, government facilities, personal services, restaurants, auto rental businesses, lodging establishments, warehouse and storage, fuel farm, pilot station, fumigation yard, and ferry services
  - (4) Maritime-related educational uses
  - (5) Marina
  - (6) Maritime-related retail uses such as general vessel sales, electronic and instrument sales and pilot stores
  - (7) General maritime vessels, such as private and corporate boat, berthing, storage, maintenance, repair and parts manufacturing
  - (8) Utilities

- (9) Uses provided in the PortMiami Master Plan Subelement of the CDMP.
- (B) In addition, the following uses are permitted in the area designated as “Commercial Area” in Figure 1, provided that such uses, comply with Section 33-431 of this Code, comply with the requirements of the CDMP’s PortMiami Master Plan Subelement and the Port Master Plan, are compatible with and not disruptive of port operations occurring on such lands, and, comply with all applicable regulations.:
- (1) All uses permitted in BU-2
  - (2) Civic
  - (3) Residential, multi-family
  - (4) Convention halls and showrooms
  - (5) Mixed uses, the vertical or horizontal integration of uses shall be permitted as provided herein. Vertical integration allows any combination of primary uses, with business uses typically located on the ground floor and office and/or residential/hospitality uses on the upper floors. Horizontal integration allows any combination of parcels with different primary uses within the same development

**Figure 1**

Figure 1: Port of Miami Boundary Map



\* Boundary areas are general locations, exact location to be determined by Port of Miami Director  
Miami-Dade County Port of Miami Zoning District Ordinance

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**Section 7.** Section 33-430 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**Sec. 33-430.** **Signs.**

Signs are authorized in the PMZD to the extent that such signs would be permitted in the BU and IU zoning districts as outlined in Section 33-96.1 and Sections 33-99 through 33-111 of this code. Entrance features within PMZD shall comply with the criteria in Section 33-112(c) through 33-112(f) of this code.<<

**Section 8.** Section 33-431 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 33-431. Site plan development parameters and review criteria.

- (A) Miami-Dade County and its agencies and authorities shall not be bound by the site plan development parameters and review criteria herein contained in the construction, erection and operation of any maritime or non-maritime PortMiami development.
- (B) For all non-maritime development in the Commercial Area, performed by a third party developer, the Department of Regulatory and Economic Resources or its successor shall review plans for completeness and compliance with the site plan development parameter provisions and for compliance with the site plan review criteria provided herein. Development undertaken pursuant to the following provisions shall be subject exclusively to those provisions and not to any other provisions or requirements of Chapter 33. The Director shall issue a final decision within 15 days of the date of submission.
- (1) Setbacks, cubic content, yard area and lot size requirements. There shall be no setback requirements, minimum cubic content requirements, yard area requirements, or minimum lot size requirements.
  - (2) Building height and number of stories. Building height shall be limited by FAA criteria.
  - (3) Floor area and lot coverage. The floor area ratio and lot coverage are not limited.
  - (4) Parking. No parking spaces are required, but if parking spaces are provided, such spaces shall comply with sections 33-122, 33-122.2, and 33-122.3 of this Code, and the Americans with Disabilities Act.
  - (5) Landscaped open space. A minimum percentage of the net lot area reserved for open space is not required, but open space is encouraged to, provide good urban design and at a minimum accommodate the requirements of Chapter 18A (Landscape Code).

- (6) Plan review standards. The purpose of the site development parameters and review criteria is to encourage logic, imagination and variety in the design process in an attempt to insure the congruity of the proposed development with existing and projected maritime and non-maritime Port development. The following provisions shall be utilized by the Department of Regulatory and Economic Resources or its successor as a site plan review guide along with the PortMiami Commercial Development Guidelines (when established):
- (a) A mix of uses should be incorporated into the design of development projects. Mixed-use buildings which include, but not limited to, residential, office, hotel, clubs, restaurants, theatres, retail, and similar uses, are encouraged.
  - (b) Proposed building scale and their locations on the site shall be: compatible with existing development at PortMiami; in conjunction with open space, create a pedestrian-friendly environment and contribute to PortMiami's urban context; and not cause visual or other safety hazards in connection with existing, proposed, and anticipated pedestrian and vehicular circulation systems. The proposed architecture should incorporate, when feasible, maritime-related and/or themed elements which are aesthetically compatible with existing development at PortMiami.
  - (c) Open space, in the form of plazas, arcades, courtyards, and landscaped areas, should be incorporated into the design of all development projects at grade or on above-grade surfaces, but particularly at the ground level. Convenient pedestrian and vehicular connections between the development site and other buildings and uses in PortMiami are encouraged.
  - (d) Landscaping shall be in accordance with Chapter 18A. Consideration should be given to providing landscaping in a manner that reduces the heat island effect and enhances the

pedestrian environment through a combination of landscaping, hardscaping, art installations and/or water features.

- (e) Developments should be designed with a coordinated outdoor lighting and signage system that is adequate for and an integral part of the project and compatible and harmonious with existing and proposed development at PortMiami.
- (f) All new development shall meet certification standards from Florida Green Building Coalition or a similar organization.
- (g) All new development and expansions to existing development along the shoreline must provide public access through a minimum eight (8) foot wide promenade. Promenades shall be reviewed and coordinated with the Port Miami Commercial Development Guidelines to ensure color, texture and product consistency between all existing and proposed shoreline promenades.
- (h) Surface parking and parking structures should be screened, when possible, with landscape hedges landscaping, walls, liner buildings or fences to mitigate visual impacts generated by parking fields and structures on the street and/or pedestrian/ vehicular circulation systems and the shoreline.

(C) Exhibits which the applicant shall submit to the Department for site plan review shall include, without limitation, the following:

- (1) Fully dimensioned site plan including the following information:
  - (a) Lot lines and setbacks.
  - (b) Location, shape, size, height and use of all existing and proposed buildings.
  - (c) Location of decorative walls, entrance features, and signage.

- (d) Location of landscaping.
  - (e) Location of off-street parking, if any, and parking layout.
  - (f) Location of outdoor lighting.
  - (g) Location of loading facilities, waste collection areas, and other service areas.
  - (h) Location of internal drives, including ingress and egress drives to existing or proposed roadway and sidewalk systems.
  - (i) Location of pedestrian access points, including connections to existing or proposed bridges, roadways, or sidewalk areas.
  - (j) Percentage of land dedicated to open space.
- (2) Floor plans and elevations of all structures, including total gross square footage of each floor, the floor area ratio of each building and the total floor area ratio.
- (3) Figures indicating the following:
- (a) Gross and net acreage.
  - (b) Amount of building coverage at ground level in square feet.
  - (c) Total trees and shrubs, type of plant material and percentage of landscaping as provided in the Landscape Legend of the adopted Miami-Dade County Landscape Manual.
  - (d) Location and number of parking spaces, if any, parking layout and total amount of paved areas in square feet.
  - (e) Such other design data as may be needed to evaluate the project.<<

**Section 9.** Section 33-432 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**Sec. 33-432. Conflicting regulations.**

This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this code.<<

**Section 10.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall be affected by such invalidity.

**Section 11.** 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 12.** 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:

Abbie Schwaderer-Raurell  
Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz  
Co-Sponsor: Vice Chair Lynda Bell