

# MEMORANDUM

Agenda Item No. 7(B)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

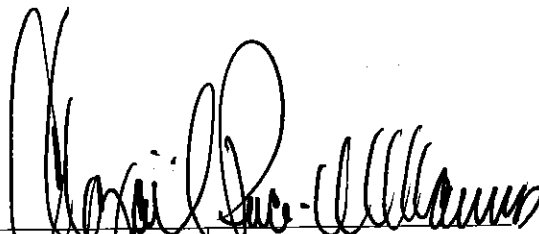
**DATE:** (Second Reading 2-17-16)  
December 1, 2015

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to zoning;  
revising regulations pertaining to  
setbacks and open or enclosed  
building requirements for  
automotive repair businesses;  
amending sections 33-51, 33-  
251.2, 33-253.6, 33-256.5, and  
33-260 of the Code

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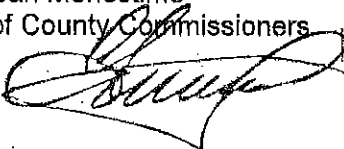
The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

  
Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** February 17, 2016  
**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Fiscal Impact for Ordinance Related to Zoning that Revises Regulations Pertaining to  
Setbacks and Open or Enclosed Building Requirements for Automotive Repair  
Businesses

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The proposed ordinance amends Section 33-51, 33-251.2, 33-253.6, 33-256.5, and 33-260 of the Code of Miami-Dade County pertaining to zoning, specifically revising regulations pertaining to setbacks and open or enclosed building requirements for automotive repair businesses.

The proposed ordinance amends the setback requirements in industrial zoning districts to allow buildings or structures in connection with automotive repair businesses to be closer to each other or to the rear or side property line. In addition, the proposed ordinance will exempt buildings or structures including accessory buildings in connection with automotive repair businesses from certain enclosed building requirements. This is an enabling legislative change that will allow the correction of existing violations without the need for a zoning variance hearing. Adoption of the proposed ordinance will not have a fiscal impact to Miami-Dade County.

  
\_\_\_\_\_  
Jack Osterhoit  
Deputy Mayor

fis02016 152655

# Memorandum



**Date:** February 17, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

**Subject:** Social Equity Statement for Ordinance Related to Zoning that Revises Regulations Pertaining to Setbacks and Open or Enclosed Building Requirements for Automotive Repair Businesses

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The proposed ordinance amends Section 33-51, 33-251.2, 33-253.6, 33-256.5, and 33-260 of the Code of Miami Dade County pertaining to zoning, specifically revising regulations pertaining to setbacks and open or enclosed building requirements for automotive repair businesses.

The proposed ordinance provides a specific benefit to auto repair shop businesses by allowing them to conduct business under an open roof structure to the side or rear of the main building, subject to certain set back, which reflects the existing conditions of many auto repair facilities and helps alleviate many code enforcement issues.

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Jack Osterholt  
Deputy Mayor

152655

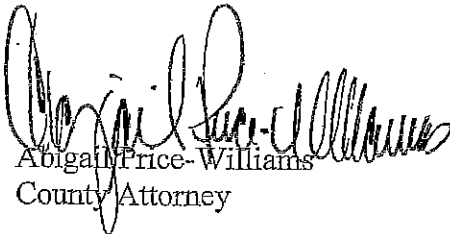


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 17, 2016

**FROM:**   
Abigail Price-Williams  
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 \_\_\_\_, 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(B)  
2-17-16

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

ORDINANCE RELATING TO ZONING; REVISING REGULATIONS PERTAINING TO SETBACKS AND OPEN OR ENCLOSED BUILDING REQUIREMENTS FOR AUTOMOTIVE REPAIR BUSINESSES; AMENDING SECTIONS 33-51, 33-251.2, 33-253.6, 33-256.5, AND 33-260 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

**Section 1.** Section 33-51 of the Code of Miami-Dade County is hereby amended to read as follows:<sup>1</sup>

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

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

>>(a)<< *Front*~~[[—]]~~>><sub>2</sub><< Twenty (20) feet.

>>(b)<< *Side street*~~[[—]]~~>><sub>2</sub><< Fifteen (15) feet, except where an RU, EU or GU lot abuts a business or industrial lot, then the side street setback shall be twenty-five (25) feet on any part of the commercial structure located within twenty-five (25) feet of the residential district boundary provided, however, if an abutting GU lot is depicted as "Industrial & Office" on the adopted Land Use Plan map of the Comprehensive Development Master Plan and no building permit has been issued for a residence at the time of the

<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.

approval of the building permit for the business or industrial use, the setback shall be fifteen (15) feet from the side street property line.

>>(c)<< *Interior side* [[—]]>>:<<

>>(1)<< Zero (0) feet where the adjacent property is BU or IU Districts and where the use of the building is limited exclusively to business or industrial use. The wall along the side property line shall be constructed in accordance with the Florida Building Code.

>>(2)<< Five (5) feet where any openings are provided in the wall of the proposed structure, adjacent to the interior side property lot line.

>>(3)<< Ten (10) feet for such portions of the business structure as are devoted to residential use.

>>(4)<< Fifteen (15) feet where the adjacent property is zoned RU or EU or GU. It is provided, however, that where an abutting GU lot is depicted as "Industrial & Office" on the adopted Land Use Plan map of the Comprehensive Development Master Plan and no building permit has been issued for a residence at the time of the approval of the building permit for the business or industrial use, in such instances the setback shall be:

>>(5)<< Zero (0) feet where the wall along the interior side property line is unpierced and constructed in accordance with the Florida Building Code; or

>>(6)<< Five (5) feet where any openings are provided in the wall of the proposed structure, adjacent to the interior side property lot line.

>>(d)<< *Rear* [[—]]>>:<<

- >>(1)<< Twenty (20) feet from residential district boundary, except that credit shall be given for full width of dedicated alleys in computing this setback.
- >>(2)<< Five (5) feet from business or industrial district boundary, where any openings are provided in wall of proposed structure, adjacent to rear lot line.
- >>(3)<< Zero (0) feet from business or industrial district boundary where no openings are proposed in wall of proposed structure, adjacent to rear lot line.
- >>(4)<< Same setbacks shall apply for accessory buildings as apply to principal structures.
- >>(e)<< Between buildings[[-]]>>:<<Twenty (20) feet.
- >>(f)<< Structures containing residential uses or mixed residential-business uses shall comply with residential setbacks (for the entire building) as may be required for the residential use in the residential district.
- >>(g) Buildings or structures, including accessory buildings, in connection with automotive repair businesses shall be exempt from the requirements in Sections 33-51 (c)(2), (d)(2), and (e) above.<<

**Section 2.** Section 33-251.2 (BU-1A, Limited Business District) of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 33-251.2. Enclosed uses.**

- >>(a)<< All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein.
- >>(b)<< All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

>>(c) Where automotive repair business is allowed, such use may also be conducted under a roof located to the rear or side of the principal building and within the principal building setbacks, provided that the area is screened and buffered by a wall, fence, or hedge at least six (6) feet in height. This screen and buffer requirement shall not apply to buildings/structures enclosed on three sides.<<

**Section 3.** Section 33-253.6 (BU-2, Special Business District) of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 33-253.6. Enclosed uses.**

>>(a)<< All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein.

>>(b)<< All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

>>(c) Where automotive repair business is allowed, such use may also be conducted under a roof located to the rear or side of the principal building and within the principal building setbacks, provided that the area is screened and buffered by a wall, fence, or hedge at least six (6) feet in height. This screen and buffer requirement shall not apply to buildings/structures enclosed on three sides.<<

**Section 4.** Section 33-256.5 (BU-3, Liberal Business District) of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 33-256.5. Enclosed uses.**

>>(a)<< All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein.



- >>(b)<< All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.
- >>(c) Where automotive repair business is allowed, such use may also be conducted under a roof located to the rear or side of the principal building and within the principal building setbacks, provided that the area is screened and buffered by a wall, fence, or hedge at least six (6) feet in height. This screen and buffer requirement shall not apply to buildings/structures enclosed on three sides.<<

**Section 5.** Section 33-260 (IU-1, Industrial, Light Manufacturing District) of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 33-260. Uses confined to building.**

- >>(a)<< At all manufacturing establishments or rebuilding, storage or repair places permitted in an IU-1 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 confined and completely enclosed within masonry walls not less than six (6) feet in height; provided the water frontage of shipyards, dry docks, boat slips, and like uses may be open.
- >>(b) Where automotive repair business is allowed, such use may also be conducted under a roof located to the rear or side of the principal building and within the principal building setbacks, provided that the area is screened and buffered by a wall, fence, or hedge at least six (6) feet in height. This screen and buffer requirement shall not apply to buildings/structures enclosed on three sides.<<

**Section 6.** Existing automotive repair businesses shall comply with the provisions of this ordinance within 18 months of its effective date.

**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 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:

James Eddie Kirtley

Prime Sponsor: Commissioner Rebeca Sosa

Handwritten signature in black ink, appearing to be 'APW' with a stylized flourish below it.