

# MEMORANDUM

ICI  
Agenda Item No. 1G1

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**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

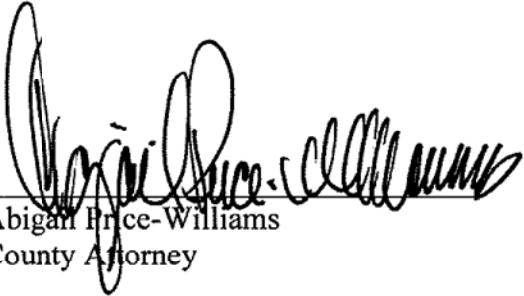
**DATE:** March 12, 2019

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

**SUBJECT:** Ordinance relating to zoning;  
amending sections 8CC-10  
and 33-5 of the Code; revising  
architectural style and color  
regulations; deleting requirement  
that architectural style and color  
questions be referred to zoning  
boards for recommendation;  
creating standards for exterior  
paint colors for self-service mini-  
warehouse storage facilities;  
providing certain period of time  
for facilities not in conformance  
to be brought into compliance;  
providing for enforcement by  
civil penalties

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



Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** April 9, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
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:** Fiscal Impact Statement for Ordinance Relating to Zoning; Revising Architectural Style and Color

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The revisions to the Code of Miami-Dade County associated with the proposed ordinance will be absorbed as part of ongoing Departmental activities. The amended standards and requirements set forth delete the current requirement in the code for Zoning Board approval on questions related to architectural style and color. Although there will be fewer items that come before the Zoning Board, the reduction is not significant enough to reduce costs. Therefore, implementation of the ordinance will not have a fiscal impact to Miami-Dade County.

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


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Jack Osterholt  
Deputy Mayor

FIS02119 190048

# Memorandum



**Date:** April 9, 2019  
**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Social Equity Statement for Ordinance Relating Architectural Style and Color Regulations

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The proposed ordinance relating to zoning, amends Sections 8CC-10 and 33-5 of the Code of Miami-Dade County (Code), revising architectural style and color regulations. Specifically, the proposed ordinance establishes paint color and fenestration (window) requirements for self-storage mini-warehousing facilities.

A "self-service mini-warehouse storage facility" is a fully enclosed space used for warehousing that contains individual storage units not exceeding a certain size, and where business activity within individual storage units is prohibited and such facilities tend to be large-scale, passive commercial uses that do not include a retail sales component and do not generate commercial activity in a particular area.

Some existing self-service mini-warehouse facilities have been painted bright colors that make them a visual focal point to active commercial corridors, thereby detracting from the aesthetics of the areas in which they are located and due to their size, scale, and location in active commercial corridors. There is a need to ensure that self-service mini-warehouse storage facilities utilize a more neutral and uniform paint palate to preserve community aesthetics.

The proposed ordinance seeks to improve the appearance of self-storage mini-warehousing facilities in unincorporated Miami-Dade County. Existing self-service mini-warehouse storage facilities not in conformance, with the proposed new paint requirements, will have 24 months upon the effective date of the proposed ordinance to come into compliance. Violations for failure to comply with the new requirements shall be subject to penalties.



Jack Osterholt  
Deputy Mayor

190048

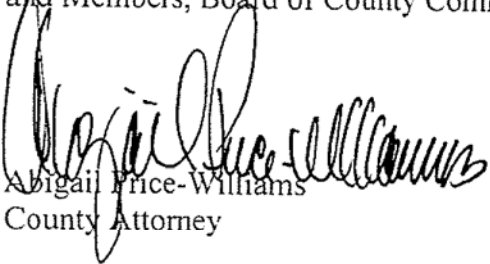


# MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

DATE: April 9, 2019

FROM:   
Abigail Price-Williams  
County Attorney

SUBJECT: Agenda Item No.

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 \_\_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_\_) 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. 4(G)

1-23-19

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

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 8CC-10 AND 33-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING ARCHITECTURAL STYLE AND COLOR REGULATIONS; DELETING REQUIREMENT THAT ARCHITECTURAL STYLE AND COLOR QUESTIONS BE REFERRED TO ZONING BOARDS FOR RECOMMENDATION; CREATING STANDARDS FOR EXTERIOR PAINT COLORS FOR SELF-SERVICE MINI-WAREHOUSE STORAGE FACILITIES; PROVIDING CERTAIN PERIOD OF TIME FOR FACILITIES NOT IN CONFORMANCE TO BE BROUGHT INTO COMPLIANCE; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, section 33-5 of the Code of Miami-Dade County currently provides that “[a]ll buildings constructed shall be of an architectural style and color which will harmonize with the premises and with other buildings in the same neighborhood”; and

**WHEREAS**, a “self-service mini-warehouse storage facility” is a fully enclosed space used for warehousing that contains individual storage units not exceeding a certain size, and where business activity within individual storage units is prohibited; and

**WHEREAS**, such facilities tend to be large-scale, passive commercial uses that do not include a retail sales component and do not generate commercial activity in a particular area; and

**WHEREAS**, accordingly, this Board recently adopted Ordinance No. 18-136, which requires self-service mini-warehouse storage facilities to be appropriately spaced from one another in certain areas and only permitted in Urban Center Zoning Districts when integrated with, screened by, or located to the rear of other more active commercial uses that involve regular human presence and that do not include areas devoted solely to parking, storage, or warehousing; and

**WHEREAS**, in addition, Ordinance No. 18-136 requires such passive facilities in the BU-1A and Urban Center Districts to be approved at public hearing by this Board; and

**WHEREAS**, some existing self-service mini-warehouse facilities have been painted bright, jarring colors that make them a visual focal point and eye sore to active commercial corridors, thereby detracting from the aesthetics of the areas in which they are located; and

**WHEREAS**, due to their size, scale, and location in active commercial corridors, there is a need to ensure that self-service mini-warehouse storage facilities utilize a more neutral and uniform paint palate to preserve community aesthetics; and

**WHEREAS**, it is also appropriate to delete the current requirement in the code that architectural style and color questions relating to all building types and uses be referred to a zoning board for recommendation, so that interpretations are instead made by the department director and subject to appeal to this Board, consistent with the process for other zoning code interpretations,

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

**Section 1.** Section 33-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-5. Architectural style and color.**

>>(a) General requirements.<< All buildings constructed shall be of an architectural style and color which will harmonize with the premises and with other buildings in the same neighborhood. ~~[[All questions raised on this subject shall be referred to the appropriate zoning board for recommendation.]]~~

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<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.

>>(b) Self-service mini warehouse storage facilities.

- (1) Paint color and fenestration. The following architectural style and color requirements shall apply to self-service mini-warehouse storage facilities:
  - (i) The exterior wall base and trim colors of such facilities shall be subtle, earth-toned, neutral, or historical colors from a major paint manufacturer's historical palette. Bright high-intensity colors, bright metallic colors, or fluorescent colors shall not be used.
  - (ii) All paint colors must have a light reflectance value (LRV) of 35 or greater. For purposes of this requirement, LRV refers to the total quantity of useable and visible light reflected by a surface in all directions and at all wavelengths when illuminated by a light source. Upon request, the property owner or other responsible party shall demonstrate compliance with this LRV requirement by identifying the brand, color name, and LRV for the chosen paint color, or by other means acceptable to the Department.
  - (iii) Trim on doors, door frames, windows and window/screen frames, sills, lintels, shutters, fascias, soffits, trellises, and any other surface area constituting less than 20 percent of the total exterior surface area of the facility may be painted a different color than the exterior walls, provided that each aforementioned element, if painted, is painted in a single uniform color and otherwise complies with all other requirements of this section.
  - (iv) A minimum of 30 percent of all exterior building walls that front a street shall be fenestrated with windows. Mirror type glass shall be prohibited, and all glazing shall be of a type that permits view of human activities and spaces within the building.

- (2) Non-conforming uses. Notwithstanding any other provision of the code pertaining to non-conforming uses, existing self-service mini-warehouse storage facilities not in conformance with the paint requirements above shall comply with subparagraphs (i), (ii) and (iii) of paragraph (b)(1) above by the earlier of 24 months after [insert effective date] or when the facility is first repainted after [insert effective date].
- (3) Enforcement and penalties. Violations of any requirement of this section shall be subject to the penalties set forth in section 8CC-10 and section 1-5, or both, of this code and to all other enforcement measures authorized in this code or by other applicable law.<<

**Section 2.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 8CC-10. Schedule of civil penalties.**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

\* \* \*

Code Section	Description of Violation	Civil Penalty
	* * *	
33-4.2(d)	Failure to maintain a non-dwelling structure protected from the elements with paint or other protective coating	200.00
>>33-5	<u>Failure to comply with architectural style and color regulations for self-service mini-warehouse storage facilities</u>	<u>500.00</u> <<



33-8	Failure to obtain certificate of use and occupancy	500.00
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**Section 3.** 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 4.** 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 5.** 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:

James Eddie Kirtley

Prime Sponsor: Commissioner Jean Monestime

