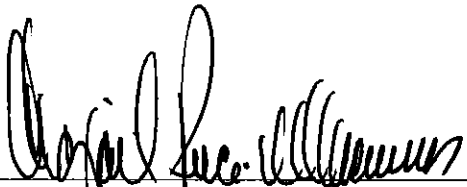


MEMORANDUM

Agenda Item No. 7(H)

TO:	Honorable Chairman Esteban L. Bovo, Jr. and Members, Board of County Commissioners	DATE:	(Second Reading 2-6-18) December 19, 2017
FROM:	Abigail Price-Williams County Attorney	SUBJECT:	Ordinance relating to zoning; amending sections 33-247 and 33-259 of the Code; authorizing home improvement centers and home improvement warehouses to establish additional outdoor display areas; authorizing home improvement centers and home improvement warehouses to sell products outside of enclosed buildings during a declared state of emergency

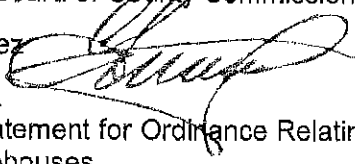
The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.


Abigail Price-Williams
County Attorney

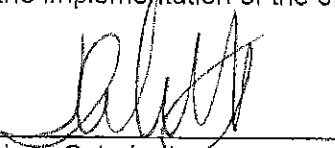
APW/smm

Memorandum



Date: February 6, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact Statement for Ordinance Relating to Zoning – Home Improvement
Center and Warehouses

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs. Any enforcement relating to the implementation of the ordinance would be absorbed as part of ongoing monitoring.



Jack Osterholt
Deputy Mayor

FIS02718 172812

Memorandum



Date: February 6, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Social Equity Statement for Ordinance Relating to Zoning; Amending Sections 33-247 and 33-259 of the Code of Miami-Dade County, Florida; Authorizing Home Improvement Centers and Home Improvement Warehouses to Establish Additional Outdoor Display Areas During a Declared State of Emergency

The proposed ordinance seeks to allow home improvement centers/warehouses to set up outdoor displays and sales of hardware and supplies during a declared state of emergency. The existing zoning Code restricts such activities to an enclosed building.

The intent of the proposed ordinance is to ensure adequate availability of construction supplies during the pre and post recovery stages of disasters or other types of emergencies. By allowing outdoor sales, the home improvement centers have greater flexibility in serving the public during times of disasters.

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

Jack Osterholt
Deputy Mayor

172812

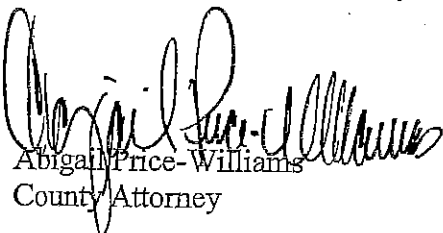


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 6, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(H)

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(H)

2-6-18

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-247 AND 33-259 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING HOME IMPROVEMENT CENTERS AND HOME IMPROVEMENT WAREHOUSES TO ESTABLISH ADDITIONAL OUTDOOR DISPLAY AREAS; AUTHORIZING HOME IMPROVEMENT CENTERS AND HOME IMPROVEMENT WAREHOUSES TO SELL PRODUCTS OUTSIDE OF ENCLOSED BUILDINGS DURING A DECLARED STATE OF EMERGENCY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, ensuring adequate availability of hardware and other supplies in preparation for and recovery from natural disasters or other emergencies, such as occurred when Hurricane Irma hit South Florida in September 2017, is important to the public health, safety, and welfare of Miami-Dade County and its residents; and

WHEREAS, the County's Zoning Code generally requires that goods be sold from within enclosed buildings; and

WHEREAS, Chapter 8B of the County Code provides for the declaration of a Local State of Emergency; and

WHEREAS, this Board wishes to create a limited exception for home improvement centers and home improvement warehouses, which tend to be large facilities with ample parking lots, to sell supplies outside of enclosed buildings during Local States of Emergency; and

WHEREAS, this Board also wishes to provide for greater flexibility in outdoor display areas for such facilities generally,

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

Section 1. Section 33-247 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-247. - Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one (1) or more of the following uses:

* * *

(24.1) Home improvement centers, subject to the conditions enumerated below. As used herein, a home improvement center is a facility engaged in the retail sale of a variety of home improvement products, including hardware, appliances, cleaning supplies, construction supplies, electrical and plumbing fixtures and supplies, paint and wall coverings, lumber, pool supplies, and tools as well as lawn and ~~[[garden]]~~ >>garden<< supplies. As an accessory use, a home improvement center may offer the short-term rental of tools, compressors, chain saws, ladders, post-hole diggers, hand trucks and similar light equipment as well as trucks (subject to the limitations set forth below). Additionally, a home improvement center may perform customer-requested cutting of pre-cut wood products and other products offered for sale, provided such cutting is done within the roofed area of the principal building.

(a) Lawn, garden and pool supplies may also be stored, displayed and sold from attached areas with or without a solid roof, subject to the following limitations:

(1) such storage, display and sales areas does not exceed ~~[[thirty-five percent-{}]]~~ 35 >>percent<< ~~[[%]]~~ of the home improvement center's gross building floor area; and

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.

- (2) all such storage, display and sales areas must be enclosed by a solid masonry wall or ornamental metal picket fence or combination thereof, a minimum of eight ~~[[8]]~~ feet in height. The items stored within these areas shall not exceed the height of the wall or metal picket fence. Openings for ingress and egress purposes, restricted to the narrowest width necessary, are permitted, subject to >>administrative<< site plan review; and
 - (3) setbacks as required for the principal building shall apply to all storage, display and sales areas; and
 - (4) parking for the home improvement center, including such storage, display and sales areas, shall be provided in accordance with Section 33-124(h)(3.1) herein.
- (b) >>Notwithstanding paragraph (a) above, a display area may be established outside of an enclosure, after administrative site plan review, where:
- (1) the display area abuts one of the building's walls;
 - (2) the display area is limited to no greater than 40 percent of the lineal building's frontage where the display area is located;
 - (3) displayed items are within 10 feet of the building; and
 - (4) all accessible pedestrian circulation is maintained.
- (c)<< The rental of trucks for the convenience of customers purchasing items only shall be permitted at home improvement centers with greater than ~~[[one hundred thousand-]]~~ 100,000 ~~[[9]]~~ square feet of gross floor area, subject to the following limitations:
- (1) The total number of trucks available for rental shall not exceed five ~~[[5]]~~;
 - (2) The location of storage areas for rental trucks shall be subject to site plan review;
 - (3) Storage areas for rental trucks shall not utilize any of the facility's minimum required parking spaces; and
 - (4) No repairs or maintenance of rental trucks shall take place on the premises.

- >>(d)<< Loading dock facilities for the purpose of supplying the home improvement center shall be oriented away from adjacent residential zoning districts unless screened from view by a masonry wall of not less than six ~~[[6]]~~ feet in height but not more than eight ~~[[8]]~~ feet in height.
- >>(e) Notwithstanding any other provision of this chapter to the contrary, during the time that a Local State of Emergency has been declared pursuant to chapter 8B and is in effect, products may be sold outside of enclosed buildings, provided that all of the following conditions are satisfied:
- (1) Vehicular circulation is not interrupted.
 - (2) Accessibility parking spaces are not reduced.
 - (3) Outdoor sales are only conducted in the interior of the site and are oriented away from public rights-of-way.
 - (4) Outdoor sales areas do not encroach in any minimum setback areas.
 - (5) Tents or other membrane structures that are greater than 10' x 12' in size shall obtain a building permit.
 - (6) The outdoor sales end when the Local State of Emergency is terminated.
- (f) Variances to these requirements are subject to section 33-311(A)(4)(b) for non-use variances.<<

* * *

Section 2. Section 33-259 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-259. - Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved or reconstructed, structurally altered, or maintained, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, in IU-1 District, excepting for one (1) or more of the following:

* * *

8

(87.1) Home Improvement Warehouses—the sale of a variety of home improvement products, including hardware, construction supplies, electrical and plumbing fixtures, lumber, tools, and lawn and garden supplies to contractors, developers, and wholesale and retail consumers, subject to the following conditions:

- (a) The subject use shall be located on a site having access on a major access road, including major roadways (three ~~[[3]]~~ or more lanes) and frontage roadways serving limited access highways and expressways, or on a minor roadway as depicted on the adopted Comprehensive Development Master Plan, Land Use Plan map, within one-quarter (¼) mile of that roadway's intersection with a major roadway;
- (b) The short term rental of tools, compressors, chainsaws, ladders, post hole diggers, hand trucks and similar equipment and trucks (for the convenience of customers purchasing items) may only be provided as an accessory use;
- (c) The subject use is permitted only as a freestanding structure on a site of ~~[[twenty- (1) 20 (1)]]~~ acres or less and containing no less than 100,000 square feet of gross building floor area;
- (d) Setbacks as required for the principal building shall apply to all storage, display, and sales areas;
- (e) Parking shall be provided in accordance with Section 33-124(h)(3.1) of this chapter;
- (f) Site plan review shall meet the criteria set forth in Section 33-261.1 of this article.

>>(g) Notwithstanding any other provision of this chapter to the contrary, a display area may be established outside of an enclosure, after administrative site plan review, where:

- (1) the display area abuts one of the building's walls;
- (2) the display area is limited to no greater than 40 percent of the lineal building's frontage where the display area is located;
- (3) displayed items are within 10 feet of the building; and
- (4) all accessible pedestrian circulation is maintained.

- (h) Notwithstanding any other provision of this chapter to the contrary, when a Local State of Emergency has been declared pursuant to chapter 8B, products may be sold outside of enclosed buildings, provided that all of the following conditions are satisfied:
 - (1) Vehicular circulation is not interrupted.
 - (2) Accessibility parking spaces are not reduced.
 - (3) Outdoor sales are only conducted in the interior of the site and are oriented away from public rights-of-way.
 - (4) Outdoor sales areas do not encroach in any minimum setback areas.
 - (5) Tents or other membrane structures that are greater than 10' x 12' in size obtain a building permit, unless a state of emergency has also been declared pursuant to chapter 252, Florida Statutes.
 - (6) The outdoor sales end when the Local State of Emergency is terminated.
- (i) Variances to these requirements are subject to section 33-311(A)(4)(b) for non-use variances.<<

* * *

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 this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made part of the Code of Miami-Dade County, Florida. The section 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:

Dennis A. Kerbel

Prime Sponsor: Commissioner Joe A. Martinez

Two handwritten signatures are present. The first signature, 'APW', is written in a bold, blocky style. The second signature, 'Dgk', is written in a cursive, flowing style.