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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 8-31-20)

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

DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning and off-street parking regulations of industrially zoned properties in the unincorporated area of the County; amending section 33-124 of the code of Miami-Dade County, Florida; providing for reduction in industrial parking requirement for joint uses within new developments under certain conditions; deleting parking area ownership requirement for industrial uses; making technical and conforming changes

Ordinance No. 20-85

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/lmp

Memorandum

Date: August 31, 2020

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

From: Carlos A. Gimenez
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning and Off-Street Parking Regulations of the Industrially Zoned Properties in the Unincorporated Area of the County

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the proposed regulations would mostly follow zoning processes already in place.

Jack Osterholt
Deputy Mayor

FIS05720 201110

Memorandum

Date: August 31, 2020

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

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning and Off-Street Parking Regulations of Industrially Zoned Properties in the Unincorporated Area of the County

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The proposed ordinance relating to zoning amends Section 33-124 of the Code of Miami-Dade County to provide for reductions in parking requirements pertaining to the industrial zoning districts, under certain conditions, for joint uses within industrial developments in the unincorporated area of the County.

The implementation of the proposed ordinance would provide more efficient use of valuable industrial land by allowing flexibility in the development and redevelopment of industrially zoned areas by authorizing administrative adjustments to parking requirements, on a case-by-case basis.

Jack Osterholt
Deputy Mayor

201110

MEMORANDUM
(Revised)

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

DATE: August 31, 2020

FROM: Abigail Price-Williams
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**

_____ **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 present ____, 2/3 membership ____, 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. 7(A)
8-31-20

ORDINANCE NO. 20-85

ORDINANCE RELATING TO ZONING AND OFF-STREET PARKING REGULATIONS OF INDUSTRIALLY ZONED PROPERTIES IN THE UNINCORPORATED AREA OF THE COUNTY; AMENDING SECTION 33-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR REDUCTION IN INDUSTRIAL PARKING REQUIREMENT FOR JOINT USES WITHIN NEW DEVELOPMENTS UNDER CERTAIN CONDITIONS; DELETING PARKING AREA OWNERSHIP REQUIREMENT FOR INDUSTRIAL USES; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, consistent with local government code modernization efforts across the country, the Board in recent years has expanded the types of uses authorized in industrially zoned areas; and

WHEREAS, in expanding the list of authorized uses, the County has been able to revitalize industrial areas by activating them in different ways at various times throughout the day and evening, and better integrating them into the urban fabric; and

WHEREAS, in doing so, the County Code authorizes uses that may occur jointly within the same site, but that effectively follow different schedules; and

WHEREAS, when such joint uses operate on different schedules with different peak hours, the parking demand for such uses tends not to overlap; and

WHEREAS, while it is imperative that uses provide adequate parking to accommodate demand, it is equally important to ensure that valuable industrial land in the County is utilized to its fullest extent and not devoted to parking in excess of what is needed; and

WHEREAS, the schedule differential inherent in joint, but non-overlapping, uses presents the opportunity to effectively, on a case-by-cases basis, reduce the amount of required parking spaces for such uses; and

WHEREAS, to allow more flexibility in development and redevelopment of industrially zoned areas and to maximize efficiency in the use of land in such areas, this Board wishes to amend the County Code to authorize administrative adjustments to parking requirements, on a case-by-case basis, when joint uses occur under certain circumstances and conditions in such areas,

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

Section 1. Section 33-124 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-124. Standards.

Off-street parking shall be provided in accordance with the following minimum standards:

* * *

(n) *Industrial.*

(1) >>*Requirements for warehouses.*<< For a warehouse building, one [[~~(1)~~]] parking space shall be provided for each >>1,000<< [[~~one thousand (1,000)~~]] square feet of gross floor area in the building up to >>10,000<< [[~~ten thousand (10,000)~~]] square feet and then one [[~~(1)~~]] space for each >>2,000<< [[~~two thousand (2,000)~~]] square feet of gross warehouse floor area thereafter.

[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.

Office, retail and wholesale showroom areas provided in conjunction with the industrial use shall have parking spaces provided for such areas as otherwise contained in this article. Regardless of the intended mix of use, a minimum of two [[~~(2)~~]] parking spaces shall be provided for each bay in the building. In determining the number of bays, the Director shall take into account the possibility of partitioning the building into multiple units, the number and location of bathrooms, the number and location of overhead or other door openings, the layout of electrical circuits and air conditioning units, etc. In determining the number of spaces to be provided, the formula requiring the greatest number of parking spaces shall be applied.

(2) >>*Requirements for open lot and walled-in uses.*<< Where open lot or walled-in uses only are involved, such as salvage yards, batching plants, precast or prestressed concrete products, or the like, two [[~~(2)~~]] parking spaces for each >>5,000<< [[~~five thousand (5,000)~~]] square feet of lot area shall be provided, or one [[~~(1)~~]] space for each two [[~~(2)~~]] employees shall be provided, whichever requires the greater number of parking spaces. Such parking spaces shall be located no farther than >>1,500<< [[~~one thousand five hundred (1,500)~~]] feet from the industrial use in question. Such noncontiguous property to be used for parking must be located in BU-1A, BU-2, BU-3 or an industrial district.

(3) >>*Requirements for telecommunications hubs.*<< For a telecommunications hub, one [[~~(1)~~]] parking space for each >>2,000<< [[~~two thousand (2,000)~~]] square feet of gross floor area shall be provided. Office areas provided in conjunction with the industrial use shall have parking spaces provided for such areas as otherwise contained in this article. In the event of a subsequent change in use from a telecommunications hub to a permitted, alternative use, the alternative use shall conform to the parking standards otherwise contained in this article. A variance to reduce the number of required parking spaces shall not be granted solely on the basis of a

proposed change in use from an existing telecommunications hub to an alternative use.

>>(4) *Reduction for joint use of parking spaces.* The Director may authorize a reduction in the total number of required parking spaces for two or more uses within a single development jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be reviewed in accordance with the following:

(i) The applicant must submit to the Department a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition), or equivalent analysis, to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.

a. The study may be approved by the Department prior to the issuance of a Certificate of Use for the proposed use, provided that no reconstruction of the site is required.

b. Where the proposed parking reductions necessitate reconstruction of the site, the applicant may submit the study as part of an administrative site plan review substantial compliance, administrative modification, or site plan submitted with a public hearing application.

(ii) The applicant must submit an agreement, acceptable to the Director and approved for legal sufficiency, providing that the joint use of off-street parking spaces shall remain in effect for as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this chapter.

(iii) If the structures and facilities within a single development are under separate ownership and control, the applicant shall submit an agreement, acceptable to the Director and approved for legal sufficiency, specifying the conditions of such joint use, such as

hours of operation, maximum square footage, and nature of the use.<<

[[~~The ownership of the parking area shall be the same as that of the individual site which it is to serve. Before any permit for industrial use may be obtained, which under this chapter requires additional and separate parking areas, the owner of the industrial site shall cause to be recorded an agreement to the effect that the ownership of the industrial site and of the separate parking area shall remain the same until the regulations are amended eliminating the need for such separate parking area.~~]]

>>(5) *Required form.*<< Prior to the issuance of a building permit for the erection of a new structure or building, or for an addition thereto, either of which is to be used for industrial purposes, or prior to the issuance of a certificate of use [[~~and occupancy~~]] for a different use of an existing industrial structure or building, the applicant shall complete and execute a form prescribed by the Director which shall, among other things, provide the necessary information upon which the required off-street parking may be determined; and the applicant shall therein acknowledge that such information is submitted for such determination; and in the event of a change in use or additional use is contemplated, such additional off-street parking as may be required by this chapter, if any, must be furnished prior to such use change or additional use.

* * *

Section 2. 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 3. 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 4. 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: August 31, 2020

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley

Prime Sponsor: Commission Joe A. Martinez