

MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning and environmental regulation; amending sections 33-1 and 33-279 of the Code; revising definition of commercial vehicle storage; expanding allowable areas and revising regulations for commercial vehicle storage in the Agricultural (AU) Zoning district; amending section 24-5; defining commercial vehicle storage facility; amending section 24-18; revising operating permit to include commercial vehicle storage facility; amending sections 24-43.1 and 24-48; addressing commercial vehicle storage facilities in permit requirements related to liquid waste disposal and potable water supply systems, and work in canal rights-of-way, reservations, or easements; making technical amendments

Ordinance No. 21-42

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz and Co-Sponsor Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: June 2, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning and Environmental Regulation

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, as the proposed changes will not require additional staffing resources nor generate additional operational expenses.



Jimmy Morales
Chief Operations Officer

FIS02621 210856

Date: June 2, 2021

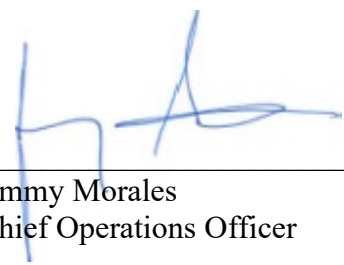
To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Relating to Zoning and Environmental Regulation

The proposed ordinance relating to zoning and environmental regulation amends Chapters 24 and 33 of the Code of Miami-Dade County (Code) expanding allowable areas and revising regulations for commercial vehicle storage (aka truck parking) in the Agricultural (AU) Zoning District in two specifically designated areas outside the Urban Development Boundary (UDB). The proposed ordinance seeks to codify recent Comprehensive Development Master Plan (CDMP) amendments adopted by the Board of County Commissioners expanding the areas where commercial vehicle storage is allowed. Additionally, the proposed ordinance revises and supplements the regulatory framework for said activity in order to safeguard its establishment and operation.

Implementation of the proposed ordinance will improve the availability of commercial truck parking spaces in Miami-Dade County. The shortage of parking spaces for large trucks and other commercial vehicles has primarily resulted in illegal parking conditions that tend to deteriorate the quality of life around them, including the balance of the Agriculturally designated areas outside the Urban Development Boundary where illegal truck parking operations have proliferated. The expansion of the supply of legally permissible truck parking options should help to provide affordable parking with appropriate environmental controls.



Jimmy Morales
Chief Operations Officer

210856



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
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 _____

Amended
Agenda Item No. 7(A)
6-2-21

ORDINANCE NO. O-21-42

ORDINANCE RELATING TO ZONING AND ENVIRONMENTAL REGULATION; AMENDING SECTIONS 33-1 AND 33-279 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITION OF COMMERCIAL VEHICLE STORAGE; EXPANDING ALLOWABLE AREAS AND REVISING REGULATIONS FOR COMMERCIAL VEHICLE STORAGE IN THE AGRICULTURAL (AU) ZONING DISTRICT; AMENDING SECTION 24-5; DEFINING COMMERCIAL VEHICLE STORAGE FACILITY; AMENDING SECTION 24-18; REVISING OPERATING PERMIT TO INCLUDE COMMERCIAL VEHICLE STORAGE FACILITY; AMENDING SECTIONS 24-43.1 AND 24-48; ADDRESSING COMMERCIAL VEHICLE STORAGE FACILITIES IN PERMIT REQUIREMENTS RELATED TO LIQUID WASTE DISPOSAL AND POTABLE WATER SUPPLY SYSTEMS, AND WORK IN CANAL RIGHTS-OF-WAY, RESERVATIONS, OR EASEMENTS; MAKING TECHNICAL AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, the County’s Transportation Planning Organization has documented a severe shortage of parking spaces and other storage locations for large trucks and other commercial vehicles (“commercial vehicle storage”) in Miami-Dade County, identifying a demand for at least an additional 12,000 parking spaces for such vehicles; and

WHEREAS, on October 21, 2020, this Board adopted Ordinance No. 20-76, which approved amendments to the County’s Comprehensive Development Master Plan (CDMP) provided in Evaluation and Appraisal Report-based Application No. 4 from the May 2019 Cycle (the “Plan Amendment”); and

WHEREAS, among other provisions, the Plan Amendment allows commercial vehicle storage in portions of the areas designated as Open Land Subarea 1 and as Agriculture on the CDMP's Land Use Plan map; and

WHEREAS, the Plan Amendment was intended to address the demand for commercial vehicle storage in a responsible and environmentally conscious manner; and

WHEREAS, the relevant areas are zoned Agricultural (AU) District on the County's official zoning map; and

WHEREAS, section 33-279 of the County's zoning code only permits commercial vehicle storage in the AU District in a more limited area and under a more restrictive set of conditions than what the Plan Amendment allows; and

WHEREAS, among those additional restrictions that exceed the CDMP requirements is that: (1) the zoning code definition of "commercial vehicle storage" requires that a fee be paid to store the vehicle, which does not address whether property owners who wish to park their own commercial vehicles on their own property may do so in the area that the CDMP has designated as appropriate for commercial vehicle storage, (2) the minimum site size is 20 acres, and (3) truck washing is not permitted; and

WHEREAS, this ordinance implements the objectives of the commercial vehicle storage provisions of the Plan Amendment to provide more locations for this necessary use; and

WHEREAS, the County's environmental permitting regulations, codified in chapter 24 of the Code of Miami-Dade County (the "Code"), must also be amended to provide a process by which to obtain operating permits for commercial vehicle storage operations; and

WHEREAS, it is also appropriate to reorganize the relevant Code sections, delete redundancies, such as providing in both the definition of “commercial vehicle parking” and in a separate provision that agricultural equipment may be stored, and make other technical revisions,

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

Section 1. The above recitals are incorporated in this ordinance and are approved.

Section 2. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1.- Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

(30.01) *Commercial vehicle storage.* The parking and storage ~~[[for a fee]]~~ of operable, non-disabled, licensed commercial motor vehicles as defined in section 320.01, Florida Statutes, construction equipment, agricultural equipment, and incidental temporary parking of operable, non-disabled, licensed passenger automobiles to serve such allowable uses on the same parcel (but not to include >> << stand-alone automobile parking and storage uses such as car rental facilities >> or storage of vehicles and equipment associated with agricultural production, as expressly provided in section 33-279<<.

* * *

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.

Section 3. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-279.- Uses permitted.

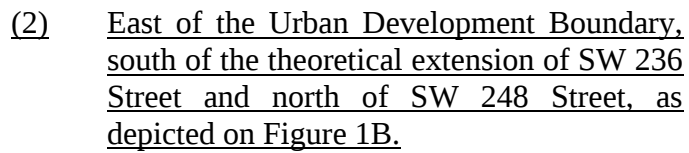
No land, body of water >>, or<< ~~[[and/or]]~~ structure shall be maintained, used >>, << or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed >>, << ~~[[or]]~~ structurally altered >>, << or be permitted to be erected, constructed, moved, reconstructed >>, << or structurally altered ~~[[for any purpose]]~~ in an AU District >>, << which is designed, arranged, or intended to be used or occupied for any purpose >>, except for one or more of the following uses<< ~~[[other than the following]]~~:

* * *

(3.1) *Commercial Vehicle Storage* as defined in >>section<< ~~[[Section]]~~ 33-1 ~~[[of this Code]]~~, subject to the following conditions:

(a) Commercial vehicle storage is limited to >>the following areas:

(1)<< ~~[[that portion of]]~~ Open Land Subarea 1, as defined under the County's CDMP, >>and depicted on Figure 1A. For purposes of this section, the allowed truck parking area is generally located east of<< ~~[[that is located within the area of an arc no more than 7,000 lineal feet from the intersection of]]~~ Okeechobee Road and >>west of the<< Homestead Extension of the Florida Turnpike>>, excluding the former Opa Locka West airport.<< ~~[[Storage of agricultural equipment in connection with a bona fide agricultural use shall be permitted as provided in this Section.]]~~



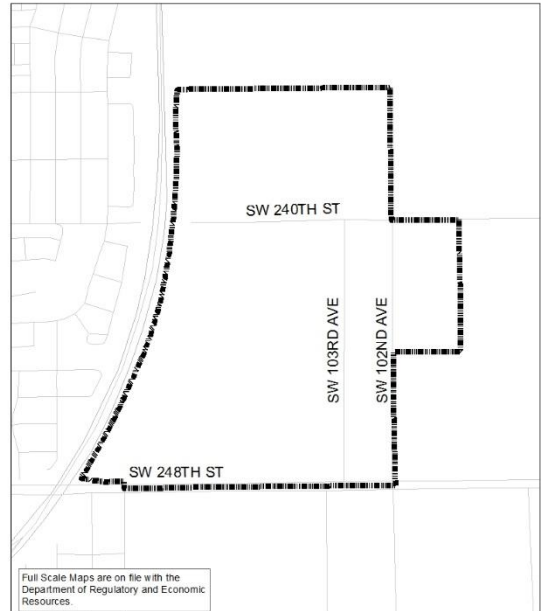


FIGURE 1B
Commercial Vehicle Storage Area
DEPARTMENT OF REGULATORY
AND ECONOMIC RESOURCES

<<

- (b) Minimum site size shall be ~~[[20]]~~>>10<< gross acres>>. The site<< ~~[[, which]]~~ >>may consist of:
- (1) a single parcel; or
 - (2) separate parcels that are:
 - i. adjoining, adjacent, or within 660 feet of each other; and
 - ii. subject to:
 - a. a unity of title; or
 - b. an equivalent instrument, as determined by the Director, that requires the separate parcels to be treated as a single unit for purposes of this section, including providing for joint and several liability, and the ability to lien any or all such parcels, for violations of this section<<.
- (c) The ~~[[land constituting the minimum]]~~ site ~~[[size shall be under one ownership or]]~~ >>shall be managed by a single entity that holds the required operating permit<<.
- (d) An annual operating permit >>shall be obtained pursuant to section 24-18 prior to operating the

~~commercial vehicle storage use~~<< ~~[[from the Department of Environmental Resources Management and quarterly groundwater quality monitoring shall be required. A ground water monitoring plan and well locations shall be approved by DERM prior to installation of the wells]].~~

- (e) Mechanical repair or maintenance of any kind, including truck washing, shall be prohibited >>, except that truck washing shall be allowed in the Open Land Subarea 1 under all of the following conditions:

- (1) Truck washing is incidental to a lawfully established commercial vehicle storage use.
- (2) Only trucks that are stored at the facility for at least four hours may be washed.
- (3) The use complies with all applicable requirements of chapter 24, as determined by the Department's Division of Environmental Resources Management or successor department ("DERM").
- (4) Washing is conducted within an enclosed building that is permitted for the truck washing use.
- (5) Washing is conducted with a water system that is 100-percent recyclable, as approved by DERM.
- (6) Secondary containment surrounding all storage tanks shall be installed prior to operating the truck washing use, as approved by DERM.
- (7) Facilities shall install groundwater monitoring devices approved by DERM prior to operating, and shall conduct regular groundwater monitoring on a schedule determined by DERM.
- (8) The Department shall be permitted to inspect the facilities at any time during operating hours.<<

- (f) Notwithstanding any provisions of section 33-282, the following minimum setbacks shall apply to the paved area utilized for the storage and the parking area of commercial vehicles:

~~[[1-]]>>(1) 25~~<< ~~[[50]]~~ feet from front and side street property line >>, except that only a 5-

foot setback shall be required from a private roadway<<.

[[2-]]>>(2)<< 25 feet from interior side and rear property line.

>>(3) 100 feet from a body of water, canal, or lake, as measured from the top of the bank.

(4) 25 feet from a wetland that has not been otherwise mitigated or will not otherwise be mitigated pursuant to chapter 24.

(5)<< The setback area shall be landscaped in accordance with section 33-283.1[[~~(C)~~(6)]].

(g) A guard house and office may be permitted as an ancillary use to the commercial vehicle storage and parking facility provided that said guard house and office is set back at least 50 feet from the front property line and does not exceed >>600<< [[350]] square feet of floor space.

(h) An >>annually-renewable<< [[annual]] certificate of use shall be obtained from the Department [[of Planning and Zoning]].

(i) Landscaping shall comply with >>section<< [[Section]] 33-283.1[[~~(C)~~(6)]].

(j) Administrative site plan review shall be required in accordance with section 33-283.1.

(k) Building permits shall be obtained for the construction of any structures and other improvements as required under the Florida Building Code.

(l) Discharge and handling of waste and hazardous material: The storage, handling, use, discharge>>,<< and disposal of liquid or hazardous wastes or hazardous materials shall be prohibited.

>>(m) Enforcement.

(1) In addition to any other enforcement measures authorized pursuant to this code, if the named violator has admitted to or been adjudicated guilty of three violations of this subsection or the terms of the required operating permit having been committed within a three-year period, truck washing shall not be permitted on the subject property, subject to the provisions of subparagraph (2) below.

(2) After two years from the cessation of truck washing pursuant to subparagraph (1), the owner may apply to reestablish the use. The

Director may impose additional conditions on the certificate of use for truck washing, considering the nature of the violations, the potential harm to be avoided, and any change in ownership of the property.<<

* * *

Section 4. Section 24-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-5.- Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in Chapter 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

>>(1)<< *Abandonment in place of an underground storage facility* shall mean:

* * *

>>(2)<< *Aboveground storage facility* shall mean a tank, pipe, vessel or other container, or any combination of the foregoing, used or designed to be used for the aboveground storage or aboveground transmission of hazardous materials including but not limited to line leak detectors, monitoring wells and secondary containment systems associated therewith.

* * *

>>(3)<< *Accelerated FOG maintenance* shall mean cleaning performed by utilities to prevent sanitary sewer overflows caused by FOG blockages in sanitary sewer systems, including but not limited to laterals, gravity mains, pump stations, and air release valves.

* * *

>>(58)<< *Commercial boat docking facility* shall mean a boat docking facility which has boat slips, moorings, davit spaces, or vessel tieup spaces of which more than fifty (50) percent are designated for or contain commercial vessels.

>>(59) *Commercial vehicle storage facility* shall mean a storage facility for: the parking and storage of operable, non-disabled, licensed commercial motor vehicles (as defined in section 320.01, Florida Statutes), construction equipment, or agricultural equipment; and incidental temporary parking of operable, non-disabled, licensed passenger automobiles to serve such allowable uses on the same parcel. For purposes of this chapter, this classification does not include: standalone automobile parking and storage uses, such as car rental facilities; or storage of vehicles and equipment associated with agricultural, aquacultural, or horticultural production, as allowed pursuant to section 33-279.

(60)<< *Commercial vessel* shall mean any vessel engaged in any activity wherein a consideration is paid by the user either directly or indirectly to the owner, operator or custodian of the vessel; or any vessel engaged in the taking of saltwater fish or saltwater products for sale either to the consumer, retail dealer or wholesale dealer.

* * *

Section 5. Section 24-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-18.- Operating permits.

(A) *Permit Required.* No person shall operate, maintain>>,<< [[~~or~~]] permit, cause, allow, let>>,<< or suffer the operation or maintenance of a public water system, public sewerage system, a location where a site rehabilitation action has been completed in accordance with the provisions set forth in >>section<< [[~~Section~~]] 24-44(2)(k)(ii), or any of the following facilities, all of which will reasonably be expected to be a source of air pollution, ground pollution>>,<< or water pollution, without a valid operating permit issued by the Director or the Director's designee or in violation of any condition, limitation>>,<< or restriction which is part of an operating permit:

* * *

(23) FOG Control Device Operator[[:]]>>:

(24) Commercial vehicle storage facility.<<

* * *

Section 6. Section 24-43.1 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 24-43.1.- Liquid waste disposal and potable water supply systems.

* * *

- (6) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee, or Board shall approve, grant or issue any building permit, certificate of use>>_2, certificate of<< [[and]] occupancy, municipal occupational license, platting action (final plat, waiver of plat or equivalent municipal platting action)>>_1<< or zoning action (district boundary change, unusual use, use variance>>_1<< or equivalent municipal zoning action) for any nonresidential land use served or to be served by any liquid waste storage, disposal>>_1<< or treatment method other than utility sanitary sewers>>_1<< or >>by<< any source of potable water supply other than a utility water main>>_1<< without obtaining the prior written approval of the Director or the Director's designee.

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy>>_1<< or cause, allow, let, permit>>_1<< or suffer to be constructed, utilized, operated>>_1<< or occupied any nonresidential land use served by any liquid waste storage, disposal or treatment

method other than public sanitary sewers or any source of potable water supply other than a public water main without obtaining the prior written approval of the Director or the Director's designee.

The Director or the Director's designee shall issue his written approval only if:

- (a) The Director or the Director's designee determines that the existing nonresidential land use for the property or the nonresidential land use for the property is a nonresidential land use served or to be served by a public water main and is not one ~~[[4]]~~ or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

* * *

- (iv) IU-1 >>(excluding commercial vehicle storage facilities with approved groundwater monitoring)<<,
- (v) IU-2 >>(excluding commercial vehicle storage facilities with approved groundwater monitoring)<<,
- (vi) IU-3 >>(excluding commercial vehicle storage facilities with approved groundwater monitoring)<<,
- (vii) IU-C >>(excluding commercial vehicle storage facilities with approved groundwater monitoring)<<, or

- (b) The Director or the Director's designee determines that the existing nonresidential land use for the property or the nonresidential land use requested for the property is a nonresidential land use served or to be served by an on site domestic well system and is not an establishment primarily engaged in the handling of food and drink (except factory prepackaged products and food preparation facilities on agricultural properties which serve prepared food and drink on site), educational institutions, intermediate care facilities and health care facilities and is not one ~~[[4]]~~ or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

* * *

- (iv) IU-1 >>(excluding commercial vehicle storage facilities with approved groundwater monitoring)<<,

- (v) IU-2 >> (excluding commercial vehicle storage facilities with approved groundwater monitoring)<<,
- (vi) IU-3 >> (excluding commercial vehicle storage facilities with approved groundwater monitoring)<<,
- (vii) IU-C >> (excluding commercial vehicle storage facilities with approved groundwater monitoring)<<,

* * *

Section 7. Section 24-48 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-48.- Permit required; expedited administrative authorizations; exceptions; work standards; compliance with work standards, suspension of permit.

- (1) It shall be unlawful for any person >>to do any of the following without first having obtained a permit from the Department:
 - (a)<< to perform work or authorize, allow, suffer or permit work to be performed in County canal rights-of-way, reservations>>₁<< or easements anywhere in Miami-Dade County[[~~;~~]] >>₁;
 - (b)<< to trim, cut>>₁<< or alter a mangrove tree anywhere in Miami-Dade County[[~~;~~]] >>₁;
 - (c)<< to authorize, allow, suffer>>₁<< or permit the trimming, cutting>>₁<< or alteration of a mangrove tree anywhere in Miami-Dade County[[~~;~~]] >>₁;
 - (d)<< to fill, dredge>>₁<< or authorize, allow, suffer>>₁<< or permit any type of work in, on, over, or upon tidal waters, submerged bay bottom lands, or wetlands anywhere in Miami-Dade County[[~~;~~]] >>₁;
 - (e)<< to perform or authorize, allow, suffer>>₁<< or permit any work which results in harmful obstruction or alteration of the natural flow of surface waters or substantial reduction in recharge of water to the Biscayne Aquifer[[~~;~~]] >>₁;
 - (f) to<< authorize, cause, permit, allow, let>>₁<< or suffer the dewatering of groundwater into any

groundwater, surface water~~[[or]]~~ >>, or<< drainage structure anywhere in Miami-Dade County~~[[,or]]~~ >>:

- (g) to perform or authorize, allow, suffer, or permit<< the construction of a drainage system for any project anywhere in Miami-Dade County~~[[, without first having obtained a permit for approval from the Department]]~~.

>>(2)<< All said work shall conform to minimum standards set forth in >>this code<< ~~[[the Code of Miami-Dade County, Florida,]]~~ and the "Permit Information Manual IV" of the South Florida Water Management District, dated September 11, 2008, as same may be amended from time to time.

>>(3)<< This section shall not apply to (i) work in treatment facilities or their ancillary facilities such as, but not limited to, cooling canals or polishing ponds or (ii) the following projects provided that unencapsulated polystyrene shall not be used or installed:

* * *

- (r) The installation of a drainage system for any project which does not use, generate, handle, dispose of, discharge or store hazardous materials and not otherwise requiring a class II permit. This exemption, however, shall not apply to an airport facility, >>a commercial vehicle storage facility,<< a resource recovery and management facility, a sewage treatment facility, or any property that has known soil or groundwater contamination.

* * *

Section 8. Section 24-5 of the Code shall be renumbered pursuant to the revisions in section 4 above.

Section 9. Section 24-48 of the Code shall be renumbered pursuant to the revisions in section 7 above.

Section 10. 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 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:

June 2, 2021

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

Prime Sponsor: Chairman Jose "Pepe" Diaz
Co-Sponsor: Senator Javier D. Souto