

MEMORANDUM

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(H) (Second Reading: 10-6-22) July 19, 2022
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to zoning in the unincorporated area; amending section 33-262 of the Code; expanding permitted uses for properties in the IU-2, Industrial, Heavy Manufacturing District to include day nurseries when collocated with an office building; making technical changes

Ordinance No. 22-130

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


Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: October 6, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning-Day Nurseries

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.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Date: October 6, 2022

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 Day Nurseries in the IU-2 Zoning District

The proposed ordinance amends the Code of Miami-Dade County (Code) relating to day nurseries in the IU-2, Industrial, Heavy Manufacturing District.

Currently, private schools and nonpublic educational facilities, which include day nurseries, are permitted in the IU-1 zoning district but not permitted the IU-2 zoning district. Although the IU-2 zoning district generally permits all uses that are permitted in the IU-1 district, private schools and nonpublic educational facilities (including day nurseries) are explicitly prohibited in the IU-2 because they may not be compatible with all of the more intense industrial uses permitted in that district.

The proposed ordinance would allow day nurseries in the IU-2 district, but only in office parks and where no other more intense IU-2 uses are located. Office parks are a permitted use in the IU-1 and IU-2 district; thus, the proposed ordinance would allow day nurseries to be placed in an office park regardless of whether it is in an IU-1 or IU-2 district.

Prior to the issuance of permits or certificates of use for either the day care use or other IU-2 use, zoning staff will identify, through the permitting process, whether the property has a day nursery or any of the below uses. A day care may not be placed on the same property as the enumerated IU-2 uses because they are incompatible with day nursery uses.

IU-2 uses not permitted on same lot or tract as day nursery

- Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.
- Rock and sand yards.
- Cement and clay products, such as concrete blocks, pipe, etc.
- Soap manufacturing, vegetable byproducts, only.
- Railroad shops.
- Sawmills.
- Petroleum products storage tank not exceeding 30,000-gallon capacity or a group of such tanks with an aggregate capacity not in excess of thirty thousand (30,000) gallons.
- Petroleum products storage tank with a capacity of over thirty thousand (30,000) gallons or a group of such tanks with an aggregate capacity in excess of thirty thousand (30,000) gallons if approved after public hearing or if placed below the surface of the ground or in a rockpit.
- Dynamite storage.
- Construction debris materials recovery transfer facility provided such use shall be conducted entirely within an enclosed building consisting of a minimum of 15,000

square feet. Counted toward this minimum floor area shall be areas set aside for office shop space and equipment storage associated with the construction debris materials recovery transfer facility.

Once a day nursery obtains a certificate of use to operate in an office park located in an IU-2 zoned district, the County will not issue a certificate of use to the property owner nor to a tenant to operate the more intense uses listed above. Conversely, if one of the above IU-2 uses are already operating at an IU-2 office park location, a certificate of use for a day nursery will not be issued.

Thus, the proposed ordinance provides greater flexibility in allowing day nurseries in office developments, while protecting the health, safety, and welfare of the facility by restricting incompatible uses.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: October 6, 2022

FROM: 
Gen Bonzon-Keenan
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 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(H)
10-6-22

ORDINANCE NO. 22-130

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-262 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXPANDING PERMITTED USES FOR PROPERTIES IN THE IU-2, INDUSTRIAL, HEAVY MANUFACTURING DISTRICT TO INCLUDE DAY NURSERIES WHEN COLLOCATED WITH AN OFFICE BUILDING; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the County's Industrial and Heavy Manufacturing District, referred to as the IU-2 District, currently provides for heavy industrial and manufacturing uses, such as rock and sand yards and petroleum products storage, as well as certain light industrial uses, such as office buildings, as are permitted within the IU-1, Industrial Light Manufacturing District; and

WHEREAS, however, while the IU-1 District includes day nurseries, kindergartens, schools, and after school care under certain conditions, the IU-2 District currently excludes such uses; and

WHEREAS, when collocated with office buildings, day nurseries are a necessary amenity to allow employees to provide care for young children during working hours; and

WHEREAS, this Board wishes to allow day nurseries collocated with office buildings within the IU-2 District,

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

Section 1. Section 33-262 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-262. Uses permitted.

No land, body of water>>₁<< or structure shall be used or permitted to be used>>₁<< and no structure shall be hereafter constructed, reconstructed>>₁<< or structurally altered, maintained>>₁<< or moved in any IU-2 District, which is designed, arranged>>₁<< or intended to be used for any purpose, unless otherwise provided herein, except for one ~~[[4]]~~ >>or more<< of the following uses:

- (1) Every use permitted in IU-1 District, except adult entertainment uses as defined in Section 33-259.1, and private schools and nonpublic educational facilities as defined in Section 33-151.11 are prohibited in the IU-2 District. >>Notwithstanding the foregoing prohibition, day nurseries shall be permitted pursuant to article XA within, or on the same lot or parent tract as, an office building provided that no other use pursuant to Section 33-262(3)-(12) is located on the same lot or parent tract as the office building.
- (2) Movie and television studios with indoor sound stages/studios and outdoor lots/backlots.
- (3)<< ~~[[2]]~~ Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.
- ~~[[2.5) Movie and television studios with indoor sound stages/studios and outdoor lots/backlots.]]~~

* * *

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 2. Section 33-262 of the Code shall be renumbered pursuant to the revisions in section 1 above.

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.

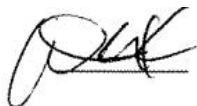
PASSED AND ADOPTED:

October 6, 2022

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:



Lauren E. Morse
Dennis A. Kerbel

Prime Sponsor: Commissioner Rebeca Sosa