

MEMORANDUM

Agenda Item No. 11(A)(24)

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


DATE: September 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging municipalities
within Miami-Dade County to
adopt as soon as possible post-
disaster temporary zoning relief
similar to that adopted by Miami-
Dade County in Ordinance Nos.
19-65 and 18-14

Resolution No. R-972-19

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor
Vice Chairwoman Rebeca Sosa.



Abigail Price-Williams
County Attorney

APW/lmp

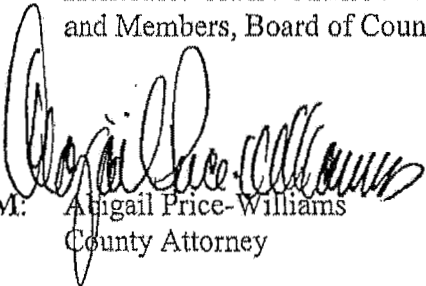


MEMORANDUM

(Revised)

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

DATE: September 4, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(24)

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. 11(A)(24)
9-4-19

RESOLUTION NO. R-972-19

RESOLUTION URGING MUNICIPALITIES WITHIN MIAMI-
DADE COUNTY TO ADOPT AS SOON AS POSSIBLE POST-
DISASTER TEMPORARY ZONING RELIEF SIMILAR TO
THAT ADOPTED BY MIAMI-DADE COUNTY IN
ORDINANCE NOS. 19-65 AND 18-14

WHEREAS, natural disasters and other emergencies may damage Miami-Dade County residents' homes, and residents may wish to repair their damaged homes as soon as possible; and

WHEREAS, because it may be burdensome for County residents to comply with certain zoning regulations in the wake of natural disasters and other emergencies, it may be advisable to provide temporary exceptions to certain zoning regulations in connection with local states of emergency so that residents can more easily repair their homes; and

WHEREAS, on July 10, 2019, this Board adopted Ordinance No. 19-65, which, among other things, provided for the following in unincorporated Miami-Dade County:

- An exception to the County's Zoning Improvement Permit requirement so that certain fences could be repaired during a local state of emergency under certain conditions;
- Allowing the temporary use of recreational vehicles for living purposes in connection with a local state of emergency under certain conditions; and
- A new section in the Code of Miami-Dade County that, for ease of reference, cross-references provisions of the Code relating to post-disaster temporary zoning relief; and

WHEREAS, Ordinance No. 19-65 is attached as Exhibit A and incorporated by reference;
and

WHEREAS, on February 6, 2018, this Board adopted Ordinance No. 18-14, which, among other things, authorized home improvement centers and home improvement warehouses in unincorporated Miami-Dade County to sell products outside of enclosed buildings during a local state of emergency under certain conditions; and

WHEREAS, Ordinance No. 18-14 is attached as Exhibit B and incorporated by reference; and

WHEREAS, these types of post-disaster temporary zoning relief help in expediting recovery from a disaster and allowing residents' lives to return to normalcy; and

WHEREAS, from the standpoint of efficiency in governmental administration, it is more prudent to develop and adopt these types of post-disaster temporary zoning relief in advance of a disaster rather than in the wake of a disaster; and

WHEREAS, this Board therefore wishes to urge municipalities within Miami-Dade County to adopt as soon as possible post-disaster temporary zoning relief similar to that adopted by Miami-Dade County in Ordinance Nos. 19-65 and 18-14,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

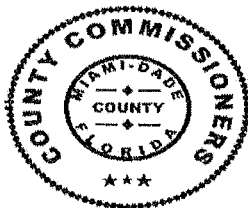
Section 1. Urges municipalities within Miami-Dade County to adopt as soon as possible post-disaster temporary zoning relief similar to that adopted by Miami-Dade County in Ordinance Nos. 19-65 and 18-14.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Mayor or Manager of each municipality within Miami-Dade County, to the members of the Commission or Council of each municipality within Miami-Dade County, and to the President and Executive Director of the Miami-Dade County League of Cities.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Rebeca Sosa. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of September, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Linda L. Cave

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: (Second Reading 7-10-19)
May 7, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning;
amending section 33-8.1 of the
Code; providing exception to
Zoning Improvement Permit
requirement to repair certain
fences during a local state of
emergency; making technical
changes; amending section 33-20
of the Code; allowing temporary
use of recreational vehicles for
living purposes in connection
with a Local State of Emergency
under certain conditions; creating
section 8B-19 of the Code;
providing cross-references
to provisions of the Zoning
Code relating to post-disaster
temporary zoning relief

Ordinance No. 19-65

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa, and Co-Sponsors Commissioner Daniella Levine Cava, Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan and Commissioner Jean Monestime.


Abigail Price-Williams
County Attorney 

APW/smm

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Memorandum



Date: July 10, 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", written over the name in the "From" field.

Subject: Ordinance Relating to Zoning- Providing Post-Disaster Temporary Zoning Relief

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance establishing certain temporary zoning relief in unincorporated Miami-Dade County in connection with the declaration of a Local State of Emergency as provided in Chapter 8B of the Code of Miami-Dade County (Code). Specifically, after a disaster for which the Local State of Emergency is declared and has ceased, the proposed ordinance provides for the following: (1) the temporary use of a recreational vehicle (RV) for living purposes on properties where the principal residence has been deemed by County staff as uninhabitable, provided certain other conditions are satisfied; and (2) the repair of non-wind resistant fences on residential properties that require a Zoning Improvement Permit (ZIP) without obtaining a new ZIP, provided certain other conditions are satisfied.

Scope

Unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact to the County, as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

Social Equity Statement

The proposed ordinance seeks to establish some temporary zoning-related relief for residential property owners in the event of a major disaster.

Track Record/Monitor

Nathan Kogon, Assistant Director of the Development Services Division of the Miami-Dade County Department of Regulatory and Economic Resources.

Background

Miami-Dade County residents' homes may be damaged by natural disasters or other emergencies, such as when Hurricane Irma caused extensive damage to South Florida in September 2017. The purpose of the proposed ordinance is thus to promote the health, safety, and welfare of the County and its residents by providing certain temporary zoning relief in connection with a Local State of Emergency, such as a natural disaster or other emergency.

Specifically, the County's Zoning Code, including section 33-20 of the Code, generally prohibits the use of RVs for living purposes. The proposed ordinance allows the temporary use of RVs for living purposes on properties where the principal residence has been deemed by County staff as uninhabitable, provided certain other conditions are satisfied. Such relief was desirable in 1992 after Hurricane Andrew, when FEMA trailers were used as temporary residences on residential, single-family lots while damaged principal structures were rebuilt.

In addition, the County's Zoning Code, including section 33-8.1 of the Code, regulates non-wind-resistant fences. The proposed ordinance allows for the repair of non-wind resistant fences on residential

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
Page 2

properties that require a ZIP without obtaining a new ZIP, when the repair consists of less than 50 percent of the linear feet of the ZIP-approved fence, provided certain other conditions are satisfied. This codifies the existing administrative policy for ZIPs for fences.

Finally, in addition to amending the Zoning Code to codify these exceptions, the proposed ordinance creates a new section in Chapter 8B of the County Code that cross-references, in one centralized provision, these and other provisions relating to post-disaster zoning relief



Jack Osterholt
Deputy Mayor

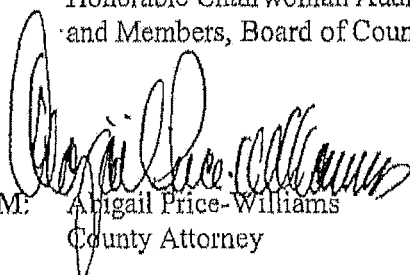


MEMORANDUM

(Revised)

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

DATE: July 10, 2019

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
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- ☐ 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)
7-10-19

ORDINANCE NO. 19-65

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING EXCEPTION TO ZONING IMPROVEMENT PERMIT REQUIREMENT TO REPAIR CERTAIN FENCES DURING A LOCAL STATE OF EMERGENCY; MAKING TECHNICAL CHANGES; AMENDING SECTION 33-20 OF THE CODE; ALLOWING TEMPORARY USE OF RECREATIONAL VEHICLES FOR LIVING PURPOSES IN CONNECTION WITH A LOCAL STATE OF EMERGENCY UNDER CERTAIN CONDITIONS; CREATING SECTION 8B-19 OF THE CODE; PROVIDING CROSS-REFERENCES TO PROVISIONS OF THE ZONING CODE RELATING TO POST-DISASTER TEMPORARY ZONING RELIEF; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 33-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-8.1. -- Zoning Improvement Permit (ZIP).

>>(a)<< Certain buildings, structures, improvements and installations are exempted by the Florida Building Code

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.

from building permit issuance, but must otherwise comply with the minimum requirements of this chapter. Therefore, such buildings, structures, improvements and installations shall be subject to review under the Zoning Improvement Permit (ZIP) standards contained in this section, as well as the regulations of the underlying zoning district.

>>(b)<< The following buildings, structures, improvements and installations shall require a ZIP from the Department of Planning and Zoning:

>>(1)<< Above ground pools that contain water over 24 inches deep;

>>(2)<< Agricultural/farm buildings and non-habitable structures on bona fide farms;

>>(3)<< Canopy carports, canopy and other fabric covered framework installed on residential properties;

>>(4)<< Chickee huts constructed by Miccosukee or Seminole Indians;

>>(5)<< Chain link fences, picket fences, ornamental iron fences and other fences installed on residential property that are deemed non-wind resistant; provided, however, any pool safety barrier fence and any fence with concrete columns shall require a building permit;

>>(6)<< Decorative reflective pools and fishponds that contain water less than 24 inches deep, that contain less than 250 square feet in area, and contain less than 2,250 gallons in volume;

>>(7)<< Decorative garden-type water fountains;

>>(8)<< Parking lot refurbishing - resurfacing, re-striping or seal coating, and paving and drainage of existing parking lots;

>>(9)<< Signs - balloon type;

>>(10)<< Signs - painted wall type;

>>(11)<< Signs - stick on letter type.

>>(c)<< The director of the Department shall have the authority to require ZIP review for other buildings, structures, improvements and installations that are newly created or come about by changes in the state or local building codes.

>>(d)<< In the event any portion of the subject property is contiguous to or across the street from a municipal boundary, applicant shall submit a boundary survey performed in accordance with Chapter 61G17-6.0031, Florida ~~[[Administration]]~~ >>Administrative<< Code.

>>(e)<< The submittal of plans shall be necessary to fully advise and acquaint the issuing Department with the location and use of the buildings, structures, improvements and installations, and such plans must accompany the application for a ZIP. The respective Directors of the Department of Public Works, Department of Environmental Resources Management, Miami-Dade County Fire Rescue Department and Department of Planning & Zoning shall review the submitted plans only to the extent of their respective jurisdiction under the Code of Miami-Dade County>>,<< In the event there is a question as to the legality of a use, the Director may require affidavits and such other information as may be deemed appropriate or necessary to establish the legality of the use, before a ZIP permit is issued.

>>(f) Notwithstanding any other limitations imposed by the Code, a ZIP shall not be required to repair a ZIP-approved fence, provided that all of the following conditions are satisfied:

- (1) A Local State of Emergency declared in accordance with section 8B-6(1) of the Code remains in effect and the disaster for which the Local State of Emergency was declared has ceased;
- (2) The repaired portion of the fence covers less than 50 percent of the linear feet of the ZIP-approved fence;
- (3) The repaired fence is in the same location as the ZIP-approved fence, is the same height as the ZIP-approved fence, and is made of the same material as the ZIP-approved fence; and

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- (4) The repaired fence complies with section 33-35 of the Code (Nonconforming Lots, Uses and Structures), if applicable.<<

Section 3. Section 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-20. – Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage; decorative elements.

* * *

>>(m) Notwithstanding any other limitations imposed by the Code, the temporary use of an RV for living purposes is allowed provided that all of the following conditions are satisfied:

- (1) A Local State of Emergency has been declared in accordance with section 8B-6(1) of the Code and the disaster for which the Local State of Emergency was declared has ceased;
- (2) The RV is placed on a property where the principal residence (including a mobile home) has been deemed by County staff as uninhabitable as a result of the disaster for which the Local State of Emergency was declared;
- (3) The RV is not parked or stored, and does not encroach, on any right-of-way;
- (4) The RV is fully licensed and ready for highway use; and
- (5) A Temporary Certificate of Use (TCU) has been obtained prior to using the RV for living purposes. Any TCU shall be valid for 120 days. The Department may reissue a TCU for an additional 120 days if there is evidence that there is progress with the repairs to the principal residence. Notwithstanding sub-section (1) of this sub-section (m), a valid TCU issued under this sub-section (m) shall be valid even if the Local State of Emergency that triggered the applicability of this section is no longer in effect.<<

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Section 4. Section 8B-19 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 8B-19. – Post-Disaster Temporary Zoning Relief.

>>For post-disaster temporary zoning relief in unincorporated Miami-Dade County in connection with a Local State of Emergency, see Code, sections 33-8.1 (repairing fences), 33-20 (use of RVs for living purposes), 33-247 (outdoor sales at home improvement centers), and 33-259 (outdoor sales at home improvouses).<<

Section 5. 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 6. 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 7. 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: July 10, 2019

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Christopher J. Wahl

GBK
CJW

14 P


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

Ordinance No. 18-14

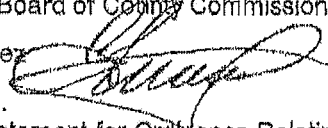
The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.


Abigail Price-Williams
County Attorney

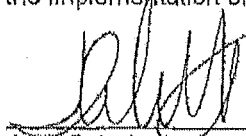
APW/smm

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

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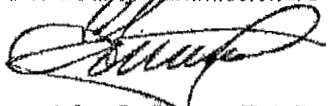
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Memorandum



Date: February 6, 2018

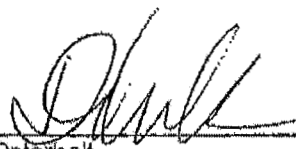
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

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.



Jack Osterholt
Deputy Mayor

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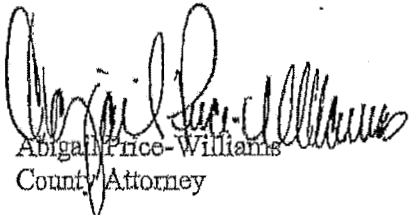


MEMORANDUM

(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
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- ☐ 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. 18-14

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,

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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.

20 to

- (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 ~~[[]]~~ 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.

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- >>(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:

* * *

(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-~~6~~]]~~ 20 ~~[[9]]~~ 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.

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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: February 6, 2018

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Joe A. Martinez

APW
Dgk

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