

RESOLUTION NO. 07-5472

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING REQUESTED SITE PLAN APPROVAL FILED IN ACCORDANCE WITH THE TOWN DEVELOPMENT CODE TO PERMIT A PROPOSED OFFICE BUILDING DEVELOPMENT IN THE IU-C (INDUSTRIAL DISTRICT CONDITIONAL) FOR A +/- 0.91 ACRE SITE LOCATED IN THE IU-C (INDUSTRIAL DISTRICT CONDITIONAL); LEGALLY DESCRIBED AS (MIAMI LAKES IND PARK SEC 10 PB 118-33 LOT 19 BLK 1 LOT SIZE 39600 SQ FT F/A/U 30-2022-006-0190 OR 21048-2270 0203 1); PROVIDING FOR FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.4 of the Town's Land Development Code, Oaks Plaza, Ltd. (the "Applicant"), has applied for approval of a site plan for Office Building for Oaks Plaza, LTD., a copy of the site plan is attached as Exhibit "1" (the "Site Plan") and incorporated into this Resolution by reference; and

WHEREAS, the Town Planner has determined that the Applicant has met the conditions imposed in Division 3.4 of the Town's Land Development Code; and

WHEREAS, Division 3.4 of the LDC sets forth the authority of the Town Council to consider and act upon an application for a site plan; and

WHEREAS, in accordance with Division 3.9 of the LDC proper notice has been mailed to the appropriate property owners of record; the public hearing on the Site Plan has been noticed for Tuesday, June 19, 2007, at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014; and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town Staff has reviewed the application and recommends approval of the Site Plan, as set forth in the Staff Analysis and Recommendation dated June 19, 2007 (the “Staff Analysis”), attached as Exhibit “A,” and incorporated into this Resolution by this reference; and

WHEREAS, the Town Council has determined that the Application satisfies the Code’s requirements for Site Plan approval as set forth in Division 3.4 of the Town’s LDC; and

WHEREAS, the Town Council finds that the Application is consistent with the Town’s Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this resolution by this reference.

Section 2. Findings. In accordance with Division 3.4 of the LDC, the Town Council finds that the Applicant meets the criteria in Division 3.4(i), which are as follows:

- (a) The Site Plan is consistent with the Comprehensive Plan and the purpose of the zoning district in which it is located.
- (b) The Site Plan is in conformance with all applicable regulations of the zoning district in which it is located.
- (c) The Site Plan is in conformance with the Town requirements including the design and construction of streets utility facilities and other essential services.
- (d) The Site Plan is consistent with good design standards in respect to all external relationships, including, but not limited to:
 - 1. Relationship to adjoining properties.
 - 2. Internal circulation, both vehicular and pedestrian.
 - 3. Disposition of open space, use of screening or buffering and preservation of existing natural features, including trees.
 - 4. Building arrangements both between buildings in the proposed development and those adjoining the site.

- (e) The Site Plan is in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

Section 3. Approval. The Town Council subject to the conditions set forth in Section 4 below, approves the Site Plan consisting a proposed Office Building Development in the IU-C (Industrial District Conditional) zoning district. The site is a vacant parcel fronting the N.W 80th Avenue. The property is located in the West Miami Lakes Community, south Commerce Way, north of N.W. 77th Court, and east of N.W. 80th Avenue. This area is characterized by large office buildings with commercial uses which serve not only the workers in the area, but the residential developments to the west as well. There is an existing Office / Warehouse directly to the north of the subject site. The Miami Dade County Property Appraiser records indicate that the site encompasses approximately .91 acres.

Section 4. Conditions of Approval.

- (a) That the site plan be submitted to and meet the approval of the Building Department Director, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy; said plan to include among other things but not limited thereto, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping, etc.
- (b) That in the approval of the site plan, the same be in accordance with the Site Plan Submittal package that was submitted for the hearing entitled "Proposed Office Bldg. for Oaks Plaza LTD; prepared by Alberto O. Gonzalez, Architect, Inc. dated signed and sealed 3-12-07 for the Plot Plan, second, third, and fourth floor plans, the roof plan; and the rear, left, right and front side elevations; and dated signed and sealed on 5-30-07 for Sheets A-1, A-2, and A-3; the Sketch of Survey prepared by Peninsula Land Surveyors, Inc., dated 12-15-06; the Paving and Drainage Plan, the Signing & Pavement Markings Plan, and the Water and Sewer Plans by Aylward Engineering & Surveying, Inc., signed and sealed dated 5-29/30-07, and signed and sealed by Sharon Aylward Cox, P.E., Professional Engineer, State of Florida No. 43906; Except as herein modified to include a 5 foot ADA compliant pedestrian sidewalk perpendicular to the west property line connecting to the building entry subject to the Town Engineer review and approval.
- (c) That the use be established and maintained in accordance with the approved plan.
- (d) That the applicants comply with all requirements and obtain approval from the Miami-Dade County Department of

Environmental Resource Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASA); to include but not be limited to, that approval for drainage, water and sewer plans must be provided as part of final permitting of the project.

- (e) That the following conditions shall be addressed as part of the final permitting of the project to meet with the approval of the Town Engineer in keeping with all applicable regulations:
1. Confirm Handicap Ramps do not exceed 2% cross slope as well as entrance driveway to lobby is not excessive.
 2. Indicate the location of the required eight bicycle parking spaces on site.
- (f) That the Applicants shall provide as part of final permitting of the project details for demolition of existing facilities, remove any non-conforming structures, and shall continuously maintain all landscaping material on the site in compliance with Chapter 18-A Landscaping Requirements.; including the following conditions:
1. In accordance with Sec. 18A-4(B) (2) All Other Development, provide Landscaping Plans, Details and Notes as prepared by, and bear the seal of a Landscape Architect licensed to practice in the State of Florida.
 2. Provide a survey of all existing vegetation on site and a corresponding aerial photograph at the same scale. Indicate the location, size, and species of all existing trees with a D.B.H. of (2") two inches or greater. Indicate on the landscape plan which existing trees are to be removed, relocated or preserved on site in the landscape plant list. For those trees that are to remain on site, graphically show the estimated size of the canopy.
 3. Show the location of all existing to remain and all proposed lights and light poles as well as all overhead utility lines on site or located within (15') fifteen feet of the site, on the landscape plan.
 4. Show the location of all proposed surface utility, landscape and irrigation equipment or features on the landscape plan including any surface access panels or plates for underground vaults.
 5. Indicate any proposed roof overhangs or building projections on the landscape plan.
 6. Indicate the location of the irrigation system backflow preventer, controller and rain sensor device on the landscape and the irrigation

plans. Identify the proposed irrigation water source and gpm capacity and also provide the gpm requirements for each irrigation zone.

7. Indicate graphically the water coverage area for each proposed irrigation head to show how all landscaped areas are to be covered.
 8. Include the proposed type of grass species to be used and how it is to be established (sod, sprigged or seeded) on the plant list.
 9. The live oaks proposed as street trees on NW 80th Ave. are to have a minimum height of (12') twelve feet with a minimum (2") cal. Diameter at chest height.
 10. Provide planting spacing dimensions for all shrubs listed on the plant list. Provide the required continuous shrub hedge to screen the parking areas which face NW 80th Ave.
- (g) That the Applicants shall obtain a Certificate of Use and Occupancy and promptly renew the same annually, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
- (h) The Applicants shall obtain a building permit within 12 months of this approval. If a permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.
- (i) The Applicants shall record at their expense the Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original order to the Town Clerk before a permit is issued for the Industrial Office Center.

Section 5. Appeal.

In accordance with Division 3.10 of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of the approval granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town before they may commence construction or operation, and that the foregoing approvals in this Resolution may be revoked by the Town Council at any time upon a determination that the Applicant is in non-compliance with the Town Code.

Section 7. Effective Date.

This Resolution shall take effect thirty (30) days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Land Development Code and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Resolution until said appeal is resolved by a court of competent

PASSED AND ADOPTED this 19 day of June, 2007.

Motion to adopt by R. Pulido, second by R. Meador.

FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Mary Collins	<u>absent</u>
Councilmember Roberto Alonso	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>

Mary Collins
Wayne Slaton
MAYOR

ATTEST:

Debra Eastman
Debra Eastman, MMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:

Weiss, Serota, Helfman, Pastoriza,
Cole & Boniske, P.L.
TOWN ATTORNEY



EXHIBIT A

TOWN OF MIAMI LAKES MEMORANDUM

To: Honorable Mayor and Town Council
From: Alex Rey, Town Manager 
Subject: SP 07-04 Public Hearing for Site Plan Approval
Oaks Plaza, LTD.
For Property located South of Commerce way & East of N.W. 80th Ave.
Miami Lakes, FL 33016
Date: June 19, 2007

Request:

The applicant, Oaks Plaza, LTD., has applied for the following request to obtain Site Plan Approval filed in accordance with the Town Development Code pursuant to Division 3.4 of the Town Code which provides site plan review to ensure that development of individual sites is consistent with all applicable land use regulations and all other applicable standards and requirements of the Town Code, prior to issuance of development permits:

1. The request for Site Plan Approval is for a +/- 0.91 acre site located in the IU-C (Industrial District Conditional); legally described as (MIAMI LAKES IND PARK SEC 10 PB 118-33 LOT 19 BLK 1 LOT SIZE 39600 SQ FT F/A/U 30-2022-006-0190 OR 21048-2270 0203 1).

Applicable Code Section:

DIVISION 3.4 SITE PLAN APPROVALS

(a) Purpose. The purpose of site plan review is to ensure that:

1. Development of individual sites is consistent with all applicable land use regulations and all other applicable standards and requirements of the Town Code, prior to issuance of development permits;
2. Development approvals are based upon the provision and availability of adequate public facilities and services coincident with the impact of the development;

3. Development and supportive facilities and services further the public health, safety, comfort, order, appearance, convenience, morale and general welfare; and
4. Development is compatible and coordinated with existing and anticipated development within the immediate area surrounding the site.

(b) **Development and Uses Requiring Site Plan Review.** All permitted and conditional uses shall require site plan approval unless otherwise exempted from such approval by this Land Development Code, or unless waived by the Town Council pursuant to this Land Development Code. No structure or parking area, or part thereof, shall be erected or used, or any change of use consummated, nor shall any building permit be issued therefore unless a site plan for such structure or use shall have been submitted, reviewed and approved pursuant to the provisions of this Land Development Code. All buildings, or structural alterations or remodeling of buildings, where said alterations or remodeling affects fifty (50) percent or more of the floor area of the principal building or use, or the cost of said alterations or remodeling exceeds fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements, shall require site plan approval. All land improvements and site alterations of any nature whatsoever shall comply with these site plan regulations.
 (See Attachment A – Town Development Code Division 3.4)

Background:

Folio No. 32-2022-006-0190

Legal Description: MIAMI LAKES IND PARK SEC 10 PB 118-33 LOT 19 BLK 1 LOT SIZE 39600 SQ FT F/A/U 30-2022-006-0190 OR 21048-2270 0203 1

Zoning of Property: IU-C – Industrial District Conditional
 (See Attachment B – IU-C Industrial District Conditional)

Future Land Use Designation: I/O – Industrial / Office

Industrial and Office (IO) - Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are allowable within the Industrial and Office designation. Also included are construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Limited commercial uses to serve the firms and workers in IO areas are encouraged, dispersed as small business districts and centers throughout the industrial areas.
 (See Attachment C – Comprehensive Plan Future Land Use Designation – IO / Industrial and Office)

Subject Property:

The subject property is a vacant parcel fronting the N.W 80th Avenue. The property is located in the West Miami Lakes Community, south Commerce Way, north of N.W. 77th Court, and east of N.W. 80th Avenue. This area is characterized by large office buildings with commercial uses which serve not only the workers in the area, but the residential developments to the west as well. There is an existing Office / Warehouse directly to the north of the subject site. The Miami Dade County Property Appraiser records indicate that the site encompasses approximately .91 acres.

Subject Property Location Map:



Open Permits / Violations & Zoning History:

There are no open permits or violations on the subject property.

In 1971, the Miami Dade County Board of County Commissioners granted a rezoning request from GU to RU-1, BU-2, RU-TH, RU-4M, RU-4L, RU-4, IU-C, and U.U to permit a Lake Excavation (Resolution Z-281-71) which included the subject property.

Proposal:

The applicant seeks Site Plan approval to permit a proposed freestanding Office Building development in the IU-C (Industrial District Conditional) zoning district. The site is a vacant .91 acre parcel with access from N.W 80th Avenue. The proposed 24,340 square foot office building is anticipated to include approximately 18 individual bays for office use.

The proposed site plan provides direct access to N.W. 80th Avenue via a circular driveway entry as well as access from N.W. 78th Avenue. The four storey office building is proposed to be faced with a smooth stucco finish and measures approximately 61'-0" in height. The first floor will be comprised of a lobby and covered parking, and each of the three subsequent floors are comprised of six individual office bays, each of the individual office bays range in size from 1,070 to 1,220 square feet.

Compliance with Town Development Regulations

Section 3.4 Site Plan Approvals / Public Hearing Criteria:

(b) Development and Uses Requiring Site Plan Review. All permitted and conditional uses shall require site plan approval unless otherwise exempted from such approval by this Land Development Code, or unless waived by the Town Council pursuant to this Land Development Code.

(See Attachment A: Site Plan Review Criteria)

(i) Findings.

- (1) The granting or granting with conditions or changes of approval by written resolution shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes or special conditions. The resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following:

(a) In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.

The future land use designation in the Town's Comprehensive Plan for the property is IO – Industrial and Office and the property is zoned IU-C.

Subject property: IO – Industrial / Office and the property is zoned (IU-C – Special Business District)

Surrounding Property Designation and Existing Uses:

North: Industrial and Office; (IU-C) - Offices, and warehouses

East: Industrial and Office; (IU-C) - Offices, and warehouses

South: Industrial and Office; (IU-C) - Offices, and warehouses

West: Industrial and Office; (IU-C) - Offices, and warehouses

The Industrial and Office land use designation accommodates Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are allowable within the Industrial and Office designation. Also included are construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings.

The Town of Miami Lakes Comprehensive Plan provides that "Through the assignment of zoning districts and special conditions, the specific range and intensity of uses appropriate for a particular site will be determined. This category requires a minimum of 10% landscaped open space (15% when abutting a residential site), and a minimum lot area of 5,000 square feet. The maximum height permitted in this category is seven (7) stories."

- The subject site plan application for the proposed 0.91 acre office building development is permitted in this land use category and is consistent with the Town's Comprehensive Development Master Plan. Staff notes that the site will locate offices centrally to nearby retail and industrial uses, with access available directly from N.W. 80th Avenue.
- The proposed Site Plan Approval request meets the minimum parameters of the purpose and intent of the IU-C zoning district. The proposed development will provide for office facilities, so as not to permit industrial use which might be offensive or obnoxious by reason of the emanation of odors, gases, dust, noise or vibration, pollution of air or water, or otherwise detrimental to the general welfare of this community; but that it shall be restricted and confined to only those large industrial uses and industrial park type developments which produce a net gain to the community.

- Additionally, staff notes that the subject site currently proposed to be developed with a freestanding office building development comprised of 24,340 square feet will be required unless variances are requested to meet all IU-C Land Development Code regulations.

(b) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

- Staff notes that the submitted site plan meets the minimum parameters including size and frontage for IU-C development, please see the analysis table below:

DEVELOPMENT CODE IU-C PARAMETER ANALYSIS		
	Parcel Folio#: 32-2022-006-0190	
USE:	Free Standing Office Center	
IU-C Criteria	Required	Provided
Minimum Lot Size	5,000 square feet	39,060 square feet
Minimum Site Width & Depth	125' (frontage) x 150' (depth)	180.00' (frontage) x 220.00' (depth)
Minimum Front Setback	25 Feet	25 Feet
Minimum Rear Setback	5 Feet	5 Feet
Minimum Interior Side Setback	5 Feet	5 Feet
Minimum Side Street Setback	15 Feet	35.5 Feet
Maximum Lot Coverage	N/A	N/A
Minimum Open Space	10%	22.4%
Maximum Height	7 Stories Max.	4 Stories
Maximum Floor Area Ratio (FAR)	N/A	N/A
Minimum Parking Spaces	1/300 sq. ft. Office (24,340/300) = 81	82 Spaces
Provided Parameters Meet or Exceed Minimum Development Requirements:	Yes	

(c) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.

The subject Site Plan is in conformance pursuant to consistency with the adopted infrastructure minimum levels of service standards and the concurrency management program. The subject application proposes an Office development consisting of one building totaling 24,340 square feet. The office building is comprised of four stories and includes 18 individual office bays.

- Staff notes that the subject site located at Miami Lakes West Commercial Park, is situated at the intersection of arterial roads, and has well located access points available from both thoroughfares at N.W. 80th Avenue and N.W. 78th Avenue. The proposed office development is anticipated to generate approximately 275 net new vehicle trips, approximately 39 trips during the AM peak hour, and approximately 37 trips during the typical afternoon peak hour. The analysis presented and reviewed shows that acceptable level of service can be expected at each intersection and along each roadway segment analyzed at build-out of the approximately 25,000 square foot office project.
- The subject application satisfies Town requirements subject to conditions with respect to the design and construction of streets, utilities, and other essential services including but not limited to review of the of Public Right-of-Way Dedications, Utility Easements, and Parking Standards, etc., as per staff Site Plan Review and Traffic / Concurrency Memorandum (Exhibit 2 & 3). Staff has determined that the subject application meets the provisions of Ordinance 05-79 "Transportation Concurrency Program" and may be recommended for Site Plan approval subject to conditions to address existing pedestrian access deficiencies, and contingent upon compliance with the requirements delineated below:
 - a. Staff has completed a review as per Staff Memorandum dated April 23, 2007 (exhibit 3) of the revised traffic impact analysis dated December 15, 2006 by RGA, Richard Garcia and Associates, Inc. for the proposed Site Plan approval request of approximately 24,340 square feet of offices uses, and concluded the project meets the provisions of Ordinance 05-79 "Transportation Concurrency Program".
 - b. Additionally as per Staff Memorandum dated June 7, 2007 (exhibit 2), the Site Plan approval shall be subject to conditions that must be addressed as part of the final permitting process of the project, including that the Miami-Dade County Department of Environmental Resource Management (DERM) approval must be provided, and DERM and Miami-Dade County Water and Sewer Department (MDWASD) approval for water and sewer plans must be provided as part of final permitting of the project.

(d) **In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:**

1. **Relationship to adjoining properties.**
2. **Internal circulation, both vehicular and pedestrian.**
3. **Disposition of open space, use of screening or buffering and preservation of existing natural features including trees.**
4. **Building arrangements both between buildings in the proposed development and those adjoining the site.**

The proposed Office Center situated within the 0.91 acre site is buffered from the Town's residential development to the west by industrial and commercial uses. To the north and east of the subject site are offices, warehouses, and commercial uses, to the south and west are office/ warehouse developments. Additionally, the Regatta Point Residential development which is located to the west along Commerce Way is buffered from the subject property by BU-2 Business and Office designated land.

- Considering the type of surrounding uses which are commercial, other office uses and warehouses the subject office development will provide a positive relationship to adjoining properties. The proposed office uses will provide needed employment opportunities and services to the area developments, providing a beneficial impact on the adjacent or neighboring properties. In fact, staff notes that the property had been in use as an overflow parking lot, and that the proposed site plan integrates uses more in keeping with the surrounding area existing land use pattern.
- The proposed Site Plan incorporates a well defined circular drive main entry highlighted with pavers, and several well distributed entry points for both the vehicular and pedestrian traffic. The site is well-connected with entry drives from N.W 80th Avenue and N.W 78th Avenue and is provided with evenly distributed vehicular parking areas. The development is easily accessed from the Commerce Way corridor and provides a centrally located entry point that is architecturally defined with smooth stucco finished concrete panels and the front elevation is provided a decorative aluminum grill that accepts ivy to shield the parking areas from view.
- The proposed IU-C uses are provided with setbacks and buffers more in keeping with the existing office / warehouse development pattern for the area. The open space is provided effectively with pedestrian access points and well placed landscaped areas. The landscaped areas reintroduce greens and trees into a previously barren vacant parcel.

- Additionally, the proposed office building development centrally locates employment opportunities, and needed services for the workers and firms of the surrounding area. However, externally staff does note that the proposed development lacks proper pedestrian connections and would significantly benefit from the provision of a central sidewalk connection to the main entry from N.W 80th Avenue in order to improve pedestrian connectivity to other existing commercial developments.

(e) **In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.**

The proposed Office Business Center has complied with Opinion of Title requirements and Concurrency Review subject to conditions and to bond requirements as per staff Site Plan Review and Traffic / Concurrency Memorandum (Exhibit 2 & 3).

Analysis:

The subject vacant property is comprised of approximately 0.91 acres, located north of N.W 78th Avenue, east of N.W. 80th Avenue, and is zoned IU-C Industrial District Conditional. The Town Comprehensive Development Master Plan designates the subject property for Industrial and Office use. The Site Plan Approval request for the approximately 0.91 acre free standing office building development if approved is consistent with the Comprehensive Development Plan and will meet acceptable levels of service (LOS) standards for the Town Concurrency Management Plan.

In this area the Town's Comprehensive Development Plan (CDP) permits development of office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses which are allowable within the Industrial and Office designation. Also included are limited, under 10 acre commercial uses to serve the firms and workers of the area, which are encouraged dispersed as small business districts and centers throughout the industrial areas.

The subject application has been reviewed by staff pursuant to consistency with the adopted infrastructure minimum levels of service standards and the concurrency management program as per the submitted site plan. (See Site Plan - Exhibit 1, and Staff Review Memorandum Exhibit 2 and 3). The Site Plan Approval request proposes development of a small free standing office building comprised of 18 individual office bays totaling approximately 24,340 square feet. Staff has determined that the subject application may be recommended for approval subject to conditions and contingent upon compliance with improved pedestrian connections, and the requirements delineated below:

- a. Staff has completed a review as per Staff Memorandum dated April 23, 2007 (exhibit 3) of the revised traffic impact analysis dated December 15, 2006 by RGA, Richard Garcia and Associates, Inc. for the proposed Site Plan approval request of approximately 24,340 square feet of offices uses, and concluded the project meets the provisions of Ordinance 05-79 "Transportation Concurrency Program".
- b. Additionally as per Staff Memorandum dated June 7, 2007 (exhibit 2), the Site Plan approval shall be subject to conditions that must be addressed as part of the final permitting process of the project, including that the Miami-Dade County Department of Environmental Resource Management (DERM) approval must be provided, and DERM and Miami-Dade County Water and Sewer Department (MDWASD) approval for water and sewer plans must be provided as part of final permitting of the project.

Staff notes that the submitted site plan meets the minimum parameters including size and frontage for IU-C development. The site is a vacant parcel with access from N.W 80th Avenue. The four storey office building is proposed to be faced with a smooth stucco finish and measures approximately 61'-0' in height. The first floor will be comprised of a lobby and covered parking, and each of the three subsequent floors are comprised of six individual office bays, each of the individual office bays range in size from 1,070 to 1,220 square feet.

The proposed 0.91 acre Industrial Office Center is buffered from the Town's residential development to the west by industrial and commercial uses. To the north and east of the subject site are offices and commercial uses, and to the south and west are office and warehouse developments. Considering the type of surrounding uses which are commercial and other office / warehouse uses the subject industrial office development will provide a positive relationship to adjoining properties. The proposed office building establishments will provide needed employment opportunities and services to the area and surrounding developments, providing a beneficial impact on the adjacent or neighboring properties.

In fact, staff notes that the property had been in use as an overflow parking lot, and that the proposed site plan integrates office uses more in keeping with the surrounding area existing land use pattern. The proposed Site Plan incorporates a well defined circular drive main entry highlighted with pavers, and several well distributed entry points for both the vehicular and pedestrian traffic. The site is well-connected with entry drives from N.W 80th Avenue and N.W 78th Avenue and evenly distributed vehicular parking areas. The development is easily accessed from the Commerce Way corridor and provides a centrally located entry point that is architecturally defined with smooth stucco finished concrete panels and the front elevation is provided a decorative aluminum grill that accepts ivy to shield the parking areas from view.

The open space is provided effectively with pedestrian access points and well placed landscaped areas. The landscaped areas reintroduce greens and trees into a previously barren vacant parcel. However, externally staff does note that the proposed development lacks proper pedestrian connections and would significantly benefit from the provision of a central sidewalk connection to the main entry. Staff predicates its support of the afore-mentioned office building development, conditioned on the provision an added pedestrian connection to the main entry from N.W 80th Avenue.

Therefore, staff recommends approval of the subject site plan subject to conditions. Said Site Plan is proposed in harmony with adjacent land uses, and would not adversely impact land use activities in the immediate vicinity. Accordingly, staff recommends approval of the subject application.

Recommendation: Approval with Conditions

Conditions:

1. That the site plan be submitted to and meet the approval of the Building Department Director, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy; said plan to include among other things but not limited thereto, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the site plan, the same be in accordance with the Site Plan Submittal package that was submitted for the hearing entitled "Proposed Office Bldg. for Oaks Plaza LTD; prepared by Alberto O. Gonzalez, Architect, Inc. dated signed and sealed 3-12-07 for the Plot Plan, second, third, and fourth floor plans, the roof plan; and the rear, left, right and front side elevations; and dated signed and sealed on 5-30-07 for Sheets A-1, A-2, and A-3; the Sketch of Survey prepared by Peninsula Land Surveyors, Inc., dated 12-15-06; the Paving and Drainage Plan, the Signing & Pavement Markings Plan, and the Water and Sewer Plans by Aylward Engineering & Surveying, Inc., signed and sealed dated 5-29/30-07, and signed and sealed by Sharon Aylward Cox, P.E., Professional Engineer, State of Florida No. 43906; Except as herein modified to include a 5 foot ADA compliant pedestrian sidewalk perpendicular to the west property line connecting to the building entry subject to the Town Engineer review and approval.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants comply with all requirements and obtain approval from the Miami-Dade County Department of Environmental Resource Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASA); to include but not be limited to, that approval for drainage, water and sewer plans must be provided as part of final permitting of the project.

5. That the following conditions shall be addressed as part of the final permitting of the project to meet with the approval of the Town Engineer in keeping with all applicable regulations:
 - a. Confirm Handicap Ramps do not exceed 2% cross slope as well as entrance driveway to lobby is not excessive.
 - b. Indicate the location of the required eight bicycle parking spaces on site.
6. That the Applicants shall provide as part of final permitting of the project details for demolition of existing facilities, remove any non-conforming structures, and shall continuously maintain all landscaping material on the site in compliance with Chapter 18-A Landscaping Requirements.; including the following conditions:
 - a. In accordance with Sec. 18A-4(B) (2) All Other Development, provide Landscaping Plans, Details and Notes as prepared by, and bear the seal of a Landscape Architect licensed to practice in the State of Florida.
 - b. Provide a survey of all existing vegetation on site and a corresponding aerial photograph at the same scale. Indicate the location, size, and species of all existing trees with a D.B.H. of (2") two inches or greater. Indicate on the landscape plan which existing trees are to be removed, relocated or preserved on site in the landscape plant list. For those trees that are to remain on site, graphically show the estimated size of the canopy.
 - c. Show the location of all existing to remain and all proposed lights and light poles as well as all overhead utility lines on site or located within (15') fifteen feet of the site, on the landscape plan.
 - d. Show the location of all proposed surface utility, landscape and irrigation equipment or features on the landscape plan including any surface access panels or plates for underground vaults.
 - e. Indicate any proposed roof overhangs or building projections on the landscape plan.
 - f. Indicate the location of the irrigation system backflow preventer, controller and rain sensor device on the landscape and the irrigation plans. Identify the proposed irrigation water source and gpm capacity and also provide the gpm requirements for each irrigation zone.

- g. Indicate graphically the water coverage area for each proposed irrigation head to show how all landscaped areas are to be covered.
 - h. Include the proposed type of grass species to be used and how it is to be established (sod, sprigged or seeded) on the plant list.
 - i. The live oaks proposed as street trees on NW 80th Ave. are to have a minimum height of (12') twelve feet with a minimum (2") cal. Diameter at chest height.
 - j. Provide planting spacing dimensions for all shrubs listed on the plant list. Provide the required continuous shrub hedge to screen the parking areas which face NW 80th Ave.
7. That the Applicants shall obtain a Certificate of Use and Occupancy and promptly renew the same annually, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions
8. The Applicants shall obtain a building permit within 12 months of this approval. If a permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.
9. The Applicants shall record at their expense the Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original order to the Town Clerk before a permit is issued for the industrial Office Center.

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ATTACHMENTS & EXHIBITS:

ATTACHMENT "A" – Town of Miami Lakes Development Code
(Division 3.4)

ATTACHMENT "B" – Industrial (IU-C Permitted Uses)

ATTACHMENT "C" – Industrial and Office
(Comprehensive Plan Designation)

ATTACHMENT "D" – Resolution Z-281-71

EXHIBIT "1" – Site Plan

EXHIBIT "2" – Staff Site Plan Review Memorandum
(Dated – June 7, 2007)

EXHIBIT "3" – Staff Traffic Impact Analysis Review Memorandum
(Dated- April 23, 2007)

ATTACHMENT A: 3.4 SITE PLAN APPROVALS

(a) **Purpose.** The purpose of site plan review is to ensure that:

1. Development of individual sites is consistent with all applicable land use regulations and all other applicable standards and requirements of the Town Code, prior to issuance of development permits;
2. Development approvals are based upon the provision and availability of adequate public facilities and services coincident with the impact of the development;
3. Development and supportive facilities and services further the public health, safety, comfort, order, appearance, convenience, morale and general welfare; and
4. Development is compatible and coordinated with existing and anticipated development within the immediate area surrounding the site.

(b) **Development and Uses Requiring Site Plan Review.** All permitted and conditional uses shall require site plan approval unless otherwise exempted from such approval by this Land Development Code, or unless waived by the Town Council pursuant to this Land Development Code. No structure or parking area, or part thereof, shall be erected or used, or any change of use consummated, nor shall any building permit be issued therefore unless a site plan for such structure or use shall have been submitted, reviewed and approved pursuant to the provisions of this Land Development Code. All buildings, or structural alterations or remodeling of buildings, where said alterations or remodeling affects fifty (50) percent or more of the floor area of the principal building or use, or the cost of said alterations or remodeling exceeds fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements, shall require site plan approval. All land improvements and site alterations of any nature whatsoever shall comply with these site plan regulations.

(c) **Waiver.** The Town Council shall have the authority to waive site plan requirements for modifications to existing structures that are necessary in order to comply with the requirements of the Town's adopted Life Safety Code.

(d) **Application.**

All site plan applications shall be reviewed and approved in accordance with the provisions herein prior to obtaining a building or other development approval.

(e) **Exemptions from site plan review.**

No site plan review shall be required under this division for the following improvements:

1. Individual Single-family dwellings and duplexes, however, for single family or duplex lakefront properties, any improvements or structures on the waterside of the top of the slope require site plan review.
2. Landscape changes which do not decrease the landscape or pervious area;
3. Decks or walkways which do not exceed 12 inches above existing grade and do not reduce the landscaped or pervious area below the minimum requirements;
4. Utility sheds and accessory structures which do not exceed 100 square feet, so long as each lot or contiguous area under unity of title does not exceed one shed per property;
5. Fences;
6. Flag poles;
7. Signs, unless the signs are part of a new building or development which requires site plan approval.
8. Alterations or remodeling to existing buildings which affect less than fifty (50) percent of the floor area of the principal building or use, or the cost of said alterations or remodeling is less than fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements.

The above exemptions shall be included as part of any development project otherwise requiring site plan review.

(f) Application.

(1) Town Review

(a) The Town Administrator may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review when it meets one (1) or more of the following criteria:

- 1 Encompasses two (2) or more acres of land within the application;
- 2 Proposes fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet of nonresidential building area;
- 3 Requires, by the nature and content of the application, professional expertise in one (1) or more professions not available on the administrative staff of the Town.

(b) The cost of retaining the consultants shall be borne by the applicant.

(2) Submission requirements.

Applications for site plan review shall be accompanied by the following information and processed by the Town only after the applicant has complied with the following procedural requirements.

- (a) The initial application shall include two (2) copies of all site plans and required supporting documentation together with an application signed by the owner of record and submitted to the Administrative Official. If it is determined by the Administrative Official that the site plan application requires approval by the Town Council, then twelve (12) copies of all site plans and supporting documentations must be submitted before a public hearing can be scheduled.
- (b) Any portion of a site plan involving architecture, landscape architecture, engineering or surveying shall be certified by the individual responsible for the portion of the site plan and shall bear the seal, registration number, name and address of said individual.
- (c) All site plans shall be prepared at a scale not smaller than one (1) inch equals forty (40) feet and shall be submitted on sheets twenty-four (24) by thirty-six (36) inches.
- (d) All site plans submitted for review and approval shall include the following information for all existing and proposed improvements:
 - 1. Location map at a scale of not less than one (1) inch equals two hundred (200) feet.
 - 2. Every site plan shall show the name and address of the owner and/or developer, the county, state, legal description, north arrow, date and scale of drawing and number of sheets. In addition, it shall reserve a blank space on the front page; three (3) inches wide and five (5) inches high for the use by the Town.
 - 3. A boundary survey, including legal description of the tract, at a scale of one (1) inch equals forty (40) feet, showing the location and type of boundary evidence.
 - 4. Deed, title abstract, and verified statement showing each and every individual person having a legal or equitable ownership interest in the subject property, except publicly held corporations, in which case the names and addresses of the principal, corporate officers and directors shall included.

5. All existing and proposed street right-of-way reservations and easements, canals and watercourses, their names, numbers and widths; as well as the owner, existing zoning and present use of all adjoining properties.
6. The density or intensity of land use to be allocated to all parts of the site to be developed together, with tabulations by area and percentages thereof. Such allocations shall include, but not be limited to:
 - i. Total site area
 - ii. Density (dwelling units per acre) or intensity (units per acre or ratio of gross floor area to total site area)
 - iii. Total floor area by floor
 - iv. Percentage of site covered by building(s)
 - v. Pervious space and landscaped area(s)
 - vi. Vehicular circulation and parking area(s)
 - vii. Location, area and use of all other portions of the site; i.e. setbacks.
7. The location, size and character of any common open space, and the form of organization proposed to own and maintain any common open space.
8. The proposed location, general use, number of floors, height and the net and gross floor area for each building to include outside display areas, and where applicable, the number, size and type of dwellings.
9. Location, type and size of vehicular entrances to the site.
10. Location, type, size and height of fencing, walls and screen planting where required under the provisions of this Land Development Code.
11. Off-street parking, loading spaces and walkways, indicating type of surface, size, angle and width of stalls and aisles, together with a schedule showing the number of parking spaces provided and the number required by the provisions of this Land Development Code;
12. All proposed signs and exterior lighting;
13. The provisions for the disposition of open space and a landscape and irrigation plan indicating the location, type, size and description of all proposed landscape materials including the limits or extent of tree removal or tree protection including compliance with the Town's tree regulations.

14. All existing and proposed utilities, including, but not limited to:
 - i. Water and sanitary sewer or on-site septic tank.
 - ii. Telephone, electric, gas and other utilities.
 - iii. Solid waste disposal facilities including containers or other equipment.
15. Provisions for the adequate disposition of natural and stormwater in accordance with the adopted design criteria and standards of the Town, indicating the location, size, type and grade of ditches, catch-basins and pipes and connections to the existing drainage system on site system, as well as compliance with all DERM criteria.
16. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.
17. Existing topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) percent, in which case either one-foot contours or spot elevations shall be provided where necessary, but not more than one hundred (100) feet apart in both directions.
18. Proposed finished grading by contours supplemented where necessary by spot elevations and in particular at those locations along lot lines.
19. All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the nearest one-tenth of a foot (0.1'); and all bearings in degrees, minutes and seconds to the nearest second.
20. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
21. Any additional data, plans or specifications which the applicant believes is pertinent and will assist in clarifying the application.
22. All requested variances that would require approval of the Town. Said variances shall be obtained prior to submittal of the site plan application.

23. Concurrency Facilities and Other Utilities or Services. Site plans shall satisfy concurrency management requirements of this Land Development Code. The application shall identify demands on concurrency facilities generated by the proposed development and identify how the demands shall be accommodated through improvements. The site plan shall also list the utility providers currently serving the site, together with a description of the existing infrastructure serving the site. Include on the site plan the location, design and character of all concurrency facilities and other utilities, such as underground or overhead electric lines, gas transmission lines, or other similar facilities or services. Concurrency facilities shall include the following:

i. Potable Water Supply.

Identify projected average daily potable water demands at the end of each development phase and specify the consumption rates which have been assumed for the projection.

Provide proof of coordination with the Miami-Dade County Water and Sewer Department. Assess the present and projected capacity of the water supply system and the ability of such system to provide adequate water for the proposed development.

Describe measures taken to ensure the water pressure and flow will be adequate for fire protection for the type of construction proposed. Provide sizing of distribution lines, rim and invert elevations, direction of flow and top and bottom elevations.

Denote both planned system improvements required to establish or maintain adopted level of service and proposed funding resources to provide these improvements.

ii. Wastewater Management.

Where septic tank and waste disposal drain fields are proposed, provide proof of coordination with Miami-Dade County Department of Environmental Resource Management.

Where the Miami-Dade County sewage system is to service the site, provide projected average daily flows of wastewater generated by the development at the end of each development phase. Describe proposed treatment system, method and degree of treatment, quality of effluent, and location of effluent and sludge disposal areas. Identify method and responsibilities for operation and maintenance of facilities. Provide sizing of collection lines, rim and invert elevations, direction of flow and top and bottom elevations.

If public facilities are to be utilized, provide proof of coordination with the Miami-Dade County Water and Sewer Department. Assess the present and projected capacity of the treatment and transmission facilities.

Denote any planned system improvements required to establish or maintain adopted level of service.

- iii. Water Quality. Discuss disposal areas, septic tank drain field, urban runoff areas impervious surfaces, and construction related runoff. Describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of potential pollution sources upon the quality of the receiving waters prior to, during and after construction.

Identify any wastewater disposal areas, septic tank drain field, urban runoff areas impervious surfaces, and construction related runoff. Describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of these potential pollution sources upon the quality of the receiving waters prior to, during and after construction.

Describe plans for re-vegetation and landscaping of cleared sites including a completion schedule for such work.

- iv. Stormwater Management. A stormwater management plan for the site shall be provided, including:

Design and specification to comply with concurrency management;

Retention of runoff or discharge of such runoff into adequately sized natural vegetative filtration areas in manner approximating the natural runoff regime;

Permanent drainage systems which make maximum use of natural drainage patterns, vegetative retention and filtration; and

Evidence that the proposed drainage improvements shall accommodate stormwater run-off without adversely impacting natural systems or the Town's adopted level of service for drainage.

- v. Solid Waste. Identify projected average daily volumes of solid waste generated by the development at the end of each phase. Indicate proposed methods of treatment and disposal, including identification of any hazardous waste and means of disposal. Provide proof of coordination with Miami-Dade County Department of Solid Waste Management. Assess the present and projected capacity of the solid waste treatment and disposal system and the ability of such facilities to provide adequate service to the proposed development. Provide proposed location and screening of containers or other equipment.
- vi. Roadway. Traffic studies shall be prepared by a licensed Florida traffic engineer. Provide a projection of the expected vehicle trip generation at the completion of each development phase. Describe in terms of external trip generation and average daily as well as peak hour traffic. Evaluate the capacity of the existing roadway network serving the development. Provide recommendations for any required improvements to the existing network required by the proposed development including additional right-of-way, roadway improvements, additional paved lanes, traffic signalization, access and egress controls, and other similar improvements.
- vii. Recreation. Identify projected demand generated by the development and describe land and facility improvements provided to ensure the Town's adopted level of service is not adversely impacted.
- viii. Fire Protection. Identify existing and proposed hydrant locations in relationship to building(s) and other fire protection systems. The applicant may be required by the Miami-Dade County Fire Rescue Department to provide fire wells to augment the available water supply.
- ix. Other Public Facilities. Discuss provisions included in the proposed development to minimize adverse affects upon the following facilities: educational, police, fire protection, health care and disaster preparedness, telephone, electric power, gas, and other utilities. Include map of the service areas of all existing and proposed public facilities (such as sewage, water supplies, fire protection, health care) which serve the site, and a map of the transportation network impacting the site and surrounding area.
- x. Historic and Archaeological Resource Protection. Include a review of the project's impact on archaeological and historic resources.

(g) **Submission and review procedures.**

- (1) An application for a site plan review shall be made to the Town prior to an application for a building or development approval and will only be accepted if the application complies with all other provisions of the Town Code.
- (2) Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for site plan review. In cases where intergovernmental coordination efforts are incomplete, the Applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.
- (3) Upon receipt of a site plan application, the Town shall have ten (10) working days for residential applications and fourteen (14) days for non-residential applications to determine its appropriateness and completeness and accept or reject the application. As soon as practical after the acceptance of the application, the Administrative Official shall either approve the site plan or refer the application, together with all supporting documentation and staff recommendations, to the Town Council for its review and action.
- (4) Upon receipt of the application, the Town Council shall review said site plan and by written resolution take one (1) of the following actions together with its findings in respect to the proposed development as set forth in this division.
 - (a) Approval as submitted.
 - (b) Approval with changes and/or special conditions.
 - (c) Denial.
- (h) **Public Hearing.** Prior to taking action on any site plan submitted, the Town Council shall hold a quasi-judicial public hearing at which time all interested parties shall be heard. Notice of the public hearing shall be given as provided in Division 3.9.

(i) **Findings.**

- (1) The granting or granting with conditions or changes of approval by written resolution shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes or special conditions. The resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following:
 - (a) In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.

- (b) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.
- (c) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.
- (d) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:
 - 1. Relationship to adjoining properties.
 - 2. Internal circulation, both vehicular and pedestrian.
 - 3. Disposition of open space, use of screening or buffering and preservation of existing natural features including trees.
 - 4. Building arrangements both between buildings in the proposed development and those adjoining the site.
- (e) In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.
- (j) Upon the Town Council granting of approval, either as submitted or with changes and/or special conditions, the Administrative Official shall upon application, issue a building permit for a portion or all of the proposed development after it is found that the application is in compliance with the approved site plan, Florida Building Code, and all other Town, county, state and federal requirements.
- (k) Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this Division and Division 3.2.
- (l) **Appeals.** Within thirty (30) days of action taken by the Town Council, the applicant may appeal the decision under Division 3.10 of this Land Development Code.
- (m) **Transferability.** In the event the property receiving site plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the site plan approval, unless stated otherwise, shall be transferable.

ATTACHMENT B: (IU-1, IU-3 & IU-C) PERMITTED USE CRITERIA

ARTICLE XXIX.

IU-1, INDUSTRIAL, LIGHT MANUFACTURING DISTRICT*

* **Cross References:** Barbed wire fences in IU Districts, § 33-11(i); fence in lieu of wall in IU District, § 33-11(j).

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:

(1) Residential uses as a watchman's or caretaker's quarters in connection with an existing industrial use located on the premises concerned.

(2) Aircraft hangars and repair shops, aircraft assembling and manufacturing.*

* **Note:** See note at end of schedule of uses contained in this section.

(3) Animal hospitals within soundproof, air-conditioned buildings.

(4) Armories, arsenals.

(5) Auditoriums.

(6) Auto painting, top and body work.*

(6.1) Automobile and truck sales for new and/or used vehicles including as ancillary uses automobile and truck rentals, wholesale distribution and automobile repairs, provided that no more than fifteen (15) percent of the total gross building area is devoted to repair/service bays, subject to the following conditions:

(a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Directors of the Planning and Zoning and Public Works Departments for ingress and egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center and a hedge of a minimum of six (6) feet in height abutting residentially zoned property and a minimum of three (3) feet in height abutting public rights-of-way. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.

- (b) A minimum of twenty (20) percent of the net lot area of the site shall be developed as landscaped open space.
 - (c) That such uses be located only on major access roads, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways.
 - (d) That such uses on sites of ten (10) acres or more shall be approved only after public hearing.
 - (e) That such uses be conducted on sites consisting of at least two (2) acres.
 - (f) That attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations, or as approved at public hearing.
 - (g) That outdoor loudspeakers are prohibited.
 - (h) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.
 - (i) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).
- (7) Automotive repairs.*
 - (7.1) Automobile and truck rentals and wholesale distribution.
 - (8) Bakeries--wholesale only with incidental retail uses.
 - (9) Banks.
 - (10) Blacksmith, gas steam fitting shops.
 - (11) Boat or yacht repairing or overhauling, or boat building.*
 - (12) Boat slips used for the tying up of boats for the purpose of overhauling or repairing.
 - (13) Bottling plants.
 - (14) Brewery.

- (15) Cabinet shops.*
 - (16) Canning factories.*
 - (17) Carpet cleaning.
 - (18) Caterers.
 - (19) Clubs, private.
 - (20) Cold storage warehouses and precooling plants.
 - (21) Commercial chicken hatcheries.*
 - (22) Concrete, clay or ceramic products, hand manufacture or involving only small mixer where all such manufacturing and equipment is within an approved building and storage and drying areas are enclosed as provided in this chapter.
 - (23) Contractors' offices and yards.
 - (23.1) Day nursery, kindergarten and after school care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA.
 - (24) Dredging base or place where dredging supplies are kept and where dredges or boats or machinery are stored, repaired or rebuilt.*
 - (25) Dry cleaning and dyeing plants.
 - (26) Engine sales and service, gas, oil, steam, etc.
 - (27) Fertilizer storage.†
 - (28) Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables (where more than five (5) persons are employed on premises).
 - (29) Fruit packing and fruit preserving.*
- * Note: See note at end of schedule of uses contained in this section.
- (30) Furniture manufacturing.*
 - (31) Furniture refinishing.

- (32) Garages--storage mechanical, including trucks, buses, heavy equipment.
- (33) Glass installations.
- (34) Grinding shops.*
- (34a) Hotel and motel use (freestanding); the use shall comply fully with all provisions, pertaining to the use, of the RU-4A District.
- (34b) Hotel and motel use (mixed use, i.e., connected with, and attached to a structure containing another use permitted in the industrial district); subject to the following conditions:
 - (1) Minimum lot width and area: The minimum lot width shall be three hundred thirty (330) feet and the minimum lot area five (5) acres including right-of-way dedications made from the property.
 - (2) Lot coverage: There shall be no restriction on lot coverage except as it might be controlled by other specific requirements.
 - (3) Setbacks: The setbacks shall be as follows:
 - (a) Thirty-five (35) feet from all property lines to that portion of the structure not exceeding three (3) stories in height and not exceeding thirty-five (35) feet in height.
 - (b) A distance from all property lines to any portion of the tower structure above three (3) stories in height equal to seventy (70) percent of the overall height of the tower, the height being measured from the third-floor level (but not exceeding thirty-five (35) feet) to the top of the tower structure.
 - (4) Height: There shall be no limitation as to height except those applicable under the airport zoning regulations.
 - (5) Floor area ratio: No limitation.
 - (6) Maximum number of units: The number of dwelling units shall not exceed a density of seventy-five (75) dwelling units per net acre, based on thirty-three and one-third (33 1/3) percent of the entire building site.
 - (7) Parking: Parking shall be provided for the combined uses in a total number as may be required elsewhere in the Code for each of the uses on the property.

- (8) Open space: There shall be provided open landscaped space equal to a minimum of fifteen (15) percent of the lot area (entire site) in all the industrial districts except that in the IU-C District a minimum of twenty (20) percent shall be provided.
- (9) Accessory uses:
- (a) Business or commercial establishments of the BU-I type, bars and cabarets shall be permitted in motels and hotels provided they are located within the principal building, which contains at least one hundred (100) units, and provided the exterior of any such principal building shall not have storefronts or give the appearance of commercial or mercantile activity as viewed from the highway: in the event the use contains windows which may be seen from the street or highway, said windows shall be of fixed, obscure glass. Such business or commercial establishments and bars in this district shall be entered only through the lobby, and no additional entrances shall be permitted except when the same opens into a courtyard or patio (away from the street side) which is enclosed and which is not visible from the street, and except that a fire door or emergency exit shall be permitted.
 - (b) Hotels and motels with one hundred fifty (150) or more guest rooms may contain liquor package use on the premises for the accommodation and use of their guests only, provided the establishment housing such use is entered only through the lobby within the building and does not have the appearance of commercial or mercantile activity as viewed from the highway. No advertisement of the use will be permitted which can be seen from the outside of the building.
 - (c) Hotels and motels with two hundred (200) or more guest rooms under one (1) roof may contain a night club on the premises, provided the exterior of any such building shall not have storefronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed obscure glass. Such night club shall be entered only through the lobby, and no additional entrance shall be permitted except when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street, and except that a fire door or exit shall be permitted.

(35) Ice manufacturing.*

* Note: See note at end of schedule of uses contained in this section.

- (36) Insecticide, mixing, packaging and storage.*
- (37) Laboratories, material testing.
- (38) Leather goods manufacturing, excluding tanning.
- (39) Livery stables, for riding clubs, or a stable for sheltering horses, not closer than three hundred (300) feet to an RU or EU District.
- (40) Locksmiths.
- (41) Lumberyards.*
- (42) Machine shops.
- (43) Marine warehouses.
- (44) Mattress manufacturing and renovating.
- (45) Metalizing processes.
- (46) Milk or ice distributing station from which extensive truck or wagon deliveries are customarily made.
- (47) Millwork shops.*
- (48) Motion picture production studios.
- (49) Novelty works.*

* Note: See note at end of schedule of uses contained in this section.

- (50) Office buildings.
- (51) Ornamental metal workshops.*
- (52) Oxygen storage and filling of cylinders.
- (53) Parking lots--commercial and noncommercial.
- (54) Passenger and freight--stations and terminals--boats, trucks, buses, and railroads.
- (54.1) Pharmaceutical storage, subject to compliance with the following conditions:
 - (a) That the applicant secure a license from the State of Florida Department of

Health and Rehabilitative Services (HRS) for such pharmaceutical storage.

- (b) That the pharmaceutical storage area shall be air conditioned to continuously control temperature and humidity as required by HRS for pharmaceutical products.
 - (c) That the premises be secured with a security system as required by HRS for the storage of pharmaceutical products.
 - (d) That a declaration of use be provided permitting a building and zoning enforcement officer to enter the premises to conduct inspection to assure compliance.
 - (e) That upon compliance with the conditions enumerated above, a certificate of use and occupancy is secured from the Department.
- (55) Police and fire stations.
 - (56) Post offices, which shall include self-service post offices, stations and branches, and mail processing centers.
 - (57) Power or steam laundries.*

* Note: See note at end of schedule of uses contained in this section.

- (58) Printing shops.
- (59) Radio and television transmitting stations and studios.
- (59.1) Religious facilities located inside the Urban Development Boundary. Religious facilities outside the Urban Development Boundary will be permitted only upon approval after public hearing.
- (60) Restaurants.
- (61) Salesrooms and storage show rooms--wholesale.
- (62) (a) Salesrooms and showrooms, subject to the prohibitions and limitations in Subsection (b), incorporated as a part of a permitted industrial use upon compliance with the following conditions:
 - (1) Any industrial use and its related retail sales/showroom uses in different units or bays within the same building must be under one (1) certificate of use and occupancy, and all areas under one (1) such certificate must be connected by communicating doors

between units or bays.

- (2) Only merchandise which is warehoused, stored, manufactured or assembled on the premises can be sold on a retail basis.
 - (3) The size of retail sales/showroom floor area must be less than fifty (50) percent of the total floor area of the subject premises under a single certificate of use and occupancy. Outside storage areas are to be excluded from consideration in determining the percentage of uses.
 - (4) A solid wall shall separate retail sales/showroom area from the balance of the industrial area which shall prevent public access to the industrial portion of the building. The industrial use area shall not be accessible to the general public.
 - (5) Required parking is to be calculated based upon the floor area assigned to the use classifications within the building in accordance with the provisions of Section 33-124.
 - (6) A declaration of use in a form meeting with the approval of the Director shall be submitted to the Department prior to the issuance of a certificate of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.
- (b) Subsection (a) above is intended to permit retail salesrooms and showrooms in recognition of the compatibility and reasonableness of incorporating certain retail uses into the other uses permitted in this district. To assure said compatibility and reasonableness, the retail uses hereinafter enumerated, and uses similar thereto, shall be subject to the following additional conditions: (1) the primary and permitted industrial use shall be the manufacture or assembly of the products being offered for sale; and (2) the retail sales area shall not exceed fifteen (15) percent of the total floor area of the subject premises under a single certificate of use and occupancy. The retail uses subject to the conditions of this subsection are:
- (1) Antique and secondhand goods shops.
 - (2) Apparel stores.
 - (3) Art and crafts supplies and finished products.
 - (4) Art galleries.

- (5) Bait and tackle shop.
- (6) Bakeries.
- (7) Bicycle sales, rentals and repairs (nonmotorized).
- (8) Card shops.
- (9) Confectionery, ice cream stores and dairy stores.
- (10) Drugstores.
- (11) Florist shops.
- (12) Furniture stores less than ten thousand (10,000) square feet.
- (13) Gift stores.
- (14) Grocery stores, supermarkets, fruit stores, health food stores, meat and fish markets and other similar food stores.
- (15) Hardware stores less than ten thousand (10,000) square feet.
- (16) Jewelry stores.
- (17) Leather goods and luggage shops.
- (18) Liquor package stores.
- (19) Optical stores.
- (20) Paint and wallpaper stores less than ten thousand (10,000) square feet.
- (21) Photograph studio and photo supply.
- (22) Pottery shops.
- (23) Shoe stores and shoe repair shops.
- (24) Sporting good stores.
- (25) Tobacco shops.

- (26) Variety stores and junior and major department stores.
 - (27) Retail uses determined by the Director to be similar to those enumerated above. In determining similarity between a proposed use and the uses enumerated above the Director shall be guided by the intent of this Subsection (62) and shall consider common characteristics including the nature of products offered for sale, the generation of pedestrian and vehicular traffic, and incompatibility with the primary uses permitted in this district.
- (c) Failure to comply with any of the provisions of Subsection (a) or (b) shall be deemed a change in use from an industrial to retail business use for which a use variance shall be required.
 - (d) Any ancillary retail sales use pursuant to a lawful, valid, permanent certificate of use and occupancy issued by the Department prior to July 29, 1983, which use is in compliance with the Department's percentage of use and parking requirements on said effective date will be considered a legal, nonconforming use. Legal, nonconforming use status will also be granted to any ancillary retail sales use for which a certificate of use and occupancy has not been issued as of July 29, 1983, where the property owner or tenant:
 - (1) Has obtained a building permit based on the submission of plans on which the intended retail sales area has been clearly represented by physical separation from the industrial use through placement of a solid wall, and adequate parking for the retail sales use and landscaping has been provided, and said permit remains valid in accordance with the provisions of the South Florida Building Code; or
 - (2) Has submitted a declaration of use, parking plan and floor plan for an existing building which have been approved by the Department provided that a physical separation of the retail and industrial uses has been effected through placement of a solid wall and a temporary certificate of use and occupancy as provided in the South Florida Building Code has been obtained from the Department before July 29, 1983. Legal nonconforming use status will not be perfected if the temporary certificate of use and occupancy is not converted to a permanent certificate of use and occupancy before it expires.
 - (3) Has a covenant, accepted and approved by Miami-Dade County on or before July 5, 1983, and recorded in the public records, providing assurances to Miami-Dade County to comply with the

provisions of Subsection (a) above and has materially changed his position in reliance thereon. The property owner or tenant shall be permitted sixty (60) days to obtain a building permit and an additional sixty (60) days to complete construction in compliance therewith.

(63) School--technical trade schools, such as, but not limited to aviation, electronic, mechanics; also physical training schools, such as, but not limited to gymnastics and karate. (All school uses shall be subject to compliance with off-street parking requirements.)

(64) Ship chandlers.

(65) Shipyards and dry docks.

(66) Sign painting shops.

(67) Steel fabrication.*

* **Note:** See note at end of schedule of uses contained in this section.

(68) Storage warehouse for food, fodder, etc.

(69) Taxidermy. Use will be permitted only within a fully enclosed, air-conditioned building.*

(70) Telephone exchanges.

(71) Telephone service unit yards.

(72) Textile, hosiery and weaving mills not closer than two hundred (200) feet to an RU or EU District.

(73) Upholstery shops.

(74) Utility work centers--power and telephone, etc.

(75) Vending machine sales and service.

(76) Veterinarians.

(77) Vulcanizing.*

(78) Warehouses for storage or products in the form sold in a BU District.

(78.1) Warehouse, membership, subject to the following minimum standards, unless

otherwise approved by public hearing as a non-use variance:

- (a) The area of such occupancy shall contain no less than one hundred thousand (100,000) square feet of gross floor area;
 - (b) The subject use shall be located on a major or minor roadway as depicted on the adopted Land Use Plan map and shall be within one quarter (1/4) mile of that roadway's intersection with another major or minor roadway; and
 - (c) Site plan review criteria set forth in Section 33-261.1 shall be met.
- (79) Welding shops.*
 - (80) Welding supplies.
 - (81) Wood and coal yards.
 - (82) The operation of an equipment and appliance center for the testing, repairing, overhauling and reconditioning of any and all equipment, appliances, and machinery sold by the operator/occupant; provided such may be manufactured at the location of the operation and in connection therewith individual customers bringing equipment to the site for such repairing, overhauling or reconditioning, may purchase parts for such equipment, appliances, or machinery.

*NOTE: Provided no such establishment is located within five hundred (500) feet of any RU or EU District except after approval after public hearing. Provided that this spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU or EU District. It is further provided that, except for exterior uses, such distances shall be measured from the closest point of the subject use in the building to the RU or EU District. In connection with exterior uses, the distance of five hundred (500) feet shall be measured from the closest point of the IU District to the RU or EU District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern.

(Ord. No. 57-19, § 23(A), 10-22-57; Ord. No. 67-84, § 1, 11-7-67; Ord. No. 69-51, § 1, 9-3-69; Ord. No. 70-8, §§ 1, 2, 2-11-70; Ord. No. 76-20, § 1, 2-3-76; Ord. No. 76-80, § 1, 9-21-76; Ord. No. 76-90, § 1, 10-5-76; Ord. No. 77-69, § 1, 9-20-77; Ord. No. 80-36, § 1, 5-6-80; Ord. No. 83-62, § 1, 7-19-83; Ord. No. 92-81, § 2, 7-21-92; Ord. No. 93-62, § 1, 6-15-93; Ord. No. 93-126, § 5, 11-16-93; Ord. No. 95-123, § 1, 7-11-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-103, § 1, 7-2-96; Ord. No. 96-129, § 1, 9-10-96; Ord. No. 97-197, § 1, 11-4-97; Ord. No. 98-125, § 21, 9-3-98; Ord. No. 00-74, § 1, 6-6-00; Ord. No. 01-41, § 1, 3-8-01)

Cross References: Circuses and carnivals permitted in IU Districts without public hearing, § 33-13(f).

ARTICLE XXX.

IU-2 INDUSTRIAL, HEAVY MANUFACTURING DISTRICT*

* **Cross References:** Barbed-wire fences in IU Districts, § 33-11(f); height of fences, walls and hedges in IU Districts, § 33-11(i); fence in lieu of wall in IU Districts, § 33-11(j); metal buildings in IU-2 Districts, § 33-32.

Sec. 33-262. Uses permitted.

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

- (1) Every use permitted in IU-1 District.
- (2) Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.
- (3) Rock and sand yards.
- (4) Cement and clay products, such as concrete blocks, pipe, etc.
- (5) Soap manufacturing, vegetable byproducts, only.
- (6) Railroad shops.
- (7) Sawmills.
- (8) 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.
- (9) 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.
- (10) Dynamite storage.

(Ord. No. 57-19, § 24(A), 10-22-57; Ord. No. 68-37, § 1, 6-4-68; Ord. No. 69-51, § 2, 9-3-69; Ord. No. 92-98, § 1, 9-15-92)

Cross References: Storage, use, sale, possession of explosives, Ch. 13; circuses and carnivals permitted in IU Districts without public hearing, § 33-13(f).

ARTICLE XXXI.

IU-3, INDUSTRIAL, UNLIMITED MANUFACTURING DISTRICT*

* **Editors Note:** Barbed-wire fences in IU Districts, § 33-11(f); height of fences, walls and hedges in IU Districts, § 33-11(i); fence in lieu of wall in IU Districts, § 33-11(j); metal buildings in IU Districts, § 33-32.

Sec. 33-264. Uses permitted.

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an IU-3 District which is designed, arranged or intended to be used or occupied for any purpose, except for any one (1) or more of the uses listed in this section.

- (1) Every use permitted in the IU-1 and IU-2 Districts.
- (2) Residential uses as a watchman's or caretaker's quarters used in connection with an existing industrial use located on the premises concerned but for no other residential use.
- (3) Uses listed below, subject to the provisions of Section 33-265.

Acetylene, generation and storage.

Acids and derivatives.

Alcohol, industrial.

Aluminum, powder and paint manufacture.

Ammonia.

Animal reduction plants.

Asphalt or asphalt products.

Atomic reactor.

Blast furnace.

Bleaching products.

Blooming mill.

Boiler manufacture (other than welded).

Brass and bronze foundries.

Calcium carbide.

Casein.

Caustic soda.

Celluloid.

Cellulose products.

Cement, lime, gypsum or plaster of Paris.

Charcoal, lampblack or fuel briquettes.

Charcoal pulverizing.

Chlorine.

Cider and vinegar.

Cleaning and polishing preparation: dressings and blackings.

Coal tar product.

Coke oven products (including fuel gas) and coke oven product storage.

Cotton wadding.

Cottonseed oil, refining.

Creosote.

Distillation, manufacture or refining of coal, tar, asphalt, wood, bones.

Distillery (alcoholic), breweries and alcoholic spirits.

Dyestuff.

Dynamite storage.

Excelsior.

Explosives.

Fat rendering.

Fertilizer, organic or inorganic, manufacture.

Film, photographic.

Fireworks.

Fish cannery or curing.

Fish oils, meal and by-products.

Flour, feed and grain milling.

Forge plant, pneumatic drop and forging hammering.

Foundries.

Gelatin products.

Glue, gelatin (animal) or glue and size (vegetable).

Graphite.

Guncotton (explosive).

Hair, felt or feathers, washing, curing and dyeing.

Hair, hides and raw fur, curing, tanning, dressing, dyeing and storage.

Hydrogen and oxygen manufacturing.

Insecticides, fungicides, disinfectants, or related industrial and household products (depending on materials and quantities used).

Ink manufacture from primary raw materials (including colors and pigments).

Jute, hemp and sisal products.

Lampblack, carbonblack and boneblack.

Lead oxide.

Linoleum and other similar hard surface floor coverings (other than wood).

Locomotive and railroad car building and repair.

Match manufacture and storage.

Metal and metal ores, reduction, refining, smelting and alloying.

Molasses.

Nitrate (manufactured and natural) of an explosive nature; and storage.

Nitroleng of cotton or other materials.

Nylon.

Oil cloth, oil treated products and artificial leather.

Oil refinery.

Oil wells.

Oils, shortening and fats (edible).

Ore pumps and elevators.

Paint manufacture, depending upon materials and quantities used.

Paper and paperboard (from paper machine only).

Paper and pulp mills.

Petroleum, gasoline and lubricating oil--refining and wholesale storage.

Phenol.

Pickles, vegetable relish and sauces, sauerkraut.

Plastic material and synthetic resins.

Potash.

Poultry slaughtering and packing (wholesale).

Pyroxylin.

Radioactive waste handling.

Rayon and rayon yarns.

Refractories (coal fired).

Refuse disposal.

Rendering and storage of dead animals, offal, garbage and waste products.

Rubber--natural or synthetic, including tires, tubes, or similar products, gutta percha, chicle and valata processing.

Sawmill.

Scrap metal reduction.

Shoddy.

Slaughterhouse.

Smelting.

Soaps (other than from vegetable by-products) or detergents, including fat rendering.

Solvent extraction.

Starch manufacture.

Steel works and rolling (ferrous).

Stockyards.

Storage batteries, wet cell.

Sugar refining.

Testing--jet engines and rockets.

Textiles bleaching.

Turpentine and resin.

Wallboard and plaster, building insulation.

Wire ropes and cable.

Wood preserving treatment.

Wool pulling or scouring.

Yeast.

(Ord. No. 57, § 25(A), 10-22-57; Ord. No. 64-66, §§ 1, 2, 12-15-64; Ord. No. 69-51, § 3, 9-3-69)

Cross References: Use, possession and storage of explosives, Ch. 13; circuses and carnivals permitted in IU Districts without public hearing, § 33-13(f).

ARTICLE XXXII.

IU-C, INDUSTRIAL DISTRICT, CONDITIONAL*

* **Cross References:** Barbed-wire fences in IU Districts, § 33-11(f); height of fences, walls and hedges in IU Districts, § 33-11(i); fence in lieu of wall in IU Districts, § 33-11(j); metal buildings in IU Districts, § 33-32.

Sec. 33-267. Intent.

IU-C District shall be applied only to those lands that appropriately may be used and utilized for the development, construction and operation of large industrial projects and industrial park development of the nature, type and character commensurate with the public health, safety, comfort, convenience, and the general welfare of the County. It is intended that this district shall be utilized to provide an adequate reservoir of lands suited for the needs and requirements of large industries, and industrial park developments, to the end that desirable industrial concerns may be attracted to this area. It is intended, however, that this district shall not be used indiscriminately, so as to permit any industrial use which might be offensive or obnoxious by reason of the emanation of odors, gases, dust, noise or vibration, pollution of air or water, or otherwise detrimental to the general welfare of this community; but that it shall be restricted and confined to only those large industrial uses and industrial park type developments which produce a net gain to the community. It is recognized that the rapid development of new and different industrial uses and operations makes it impossible and impractical to accurately enumerate those which would be beneficial or detrimental to the welfare of this community. Therefore, the intent and purpose for the establishment of this district is expressly set forth, and standards set forth for the use of lands embraced within this district.

(Ord. No. 58-40, § 2(A), 10-7-58; Ord. No. 69-51, § 4, 9-3-69)

Sec. 33-268. Permitted uses.

No land, body of water, or structure in an IU-C District shall be used or permitted to be used, and no structure shall be erected, constructed, moved or reconstructed, structurally altered, used, occupied or maintained for any purpose (except as a legal nonconforming building or use), except for one (1) or more of the uses hereinafter enumerated, and then only in accordance with the conditions hereinafter set forth:

- (1) Every use permitted in the IU-1 and IU-3 Districts (uses permitted in IU-2 District specifically prohibited) and all other industrial uses similar in character shall be permitted in the IU-C District, and shall include utility plants and substations such as, but not limited to, sewage, water, power, communications and gas.
- (2) All residential buildings and uses shall be prohibited in IU-C Districts, except for caretakers' quarters incidental to a permitted industrial use.

(Ord. No. 58-40, § 2(B), 10-7-58; Ord. No. 69-51, § 4, 9-3-69)

Cross References: Use, possession and storage of explosives, Ch. 13; circuses and carnivals permitted in IU Districts without public hearing, § 33-13(f).

ATTACHMENT C: COMPREHENSIVE PLAN DESIGNATION

IO / INDUSTRIAL and OFFICE - FUTURE LAND USE DESIGNATION

Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are allowable within the Industrial and Office designation. Also included are construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Limited commercial uses to serve the firms and workers in IO areas are encouraged, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses which are 10 acres and less in size should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses and others with unusual siting requirements may also be considered on a conditional basis at appropriate locations. The specific range and intensity of uses appropriate in IO areas vary by location as a function of such factors as availability of public services, roadway access and neighborhood compatibility. Special limitations may be imposed on uses in IO where necessary to protect environmental resources, including wellfield protection areas. Through the assignment of zoning districts and special conditions, the specific range and intensity of uses appropriate for a particular site will be determined. This category requires a minimum of 10% landscaped open space (15% when abutting a residential site), and a minimum lot area of 5,000 square feet. The maximum height permitted in this category is seven (7) stories.

Mixing of residential use with light industrial, commercial, office and hotels is also allowable on a conditional use basis with residential being limited to the density of the adjacent residential future land use category, and other uses being limited in size, impact and by standards contained in the BO category and the LDC for mixed-use projects. If no residential areas exist adjacent to a subject site, then the Medium Density land use category is allowed. However, residential use shall not be developed on over 15% of the area of any individual site.