

ARTICLE XXIX. IU-1, INDUSTRIAL, LIGHT MANUFACTURING DISTRICT¹

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 hereafter erected, constructed, moved, reconstructed, structurally altered, or maintained, in any IU-1 District, which is designed, arranged, or intended to be used or occupied for any purpose, except for one or more of the following uses:

- (1) Residential uses as a watchman's or caretaker's quarters in connection with an existing industrial use located on the premises concerned.
- (2) Adult entertainment uses as defined in Section 33-259.1, subject to all the restrictions and spacing requirements contained in said Section 33-259.1.
 - (2.1) Adult day care center, in accordance with the conditions set forth in Section 33-223.1 of this Code.
- (3) Aircraft hangars and repair shops, aircraft assembling and manufacturing.²
- (4) Animal hospitals within soundproof, air-conditioned buildings.
- (5) Armories, arsenals.
- (6) Auditoriums.
- (7) Auto painting, top and body work.*
 - (7.2) Automobile self-service gas stations shall be permitted only on major access roads, including major roadways (three or more lanes) and frontage roadways serving limited access expressways, and shall be subject to the conditions enumerated in Section 33-247(6) of this Code.
 - (7.3) Automobile service stations shall be permitted only on major access roads, including major roadways (three or more lanes) and frontage roadways serving limited access expressways, and shall be subject to the conditions enumerated in Section 33-247(5) of this Code.
- (8) 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 (2½) inches at time of planting.

¹Cross reference(s)—Barbed wire fences in IU Districts, § 33-11(i); fence in lieu of wall in IU District, § 33-11(j).

²Note(s)—See note at end of schedule of uses contained in this section.

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- (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).
- (9) Automotive repairs.*
 - (10) Automobile and truck rentals and wholesale distribution.
 - (11) Bakeries—wholesale only with incidental retail uses.
 - (12) Banks.
 - (13) Blacksmith, gas steam fitting shops.
 - (14) Boat or yacht repairing or overhauling, or boat building.*
 - (15) Boat slips used for the tying up of boats for the purpose of overhauling or repairing.
 - (16) Bottling plants.
 - (17) Brewery (not farm related), subject to the following conditions:
 - (a) The principal use of the facility shall be for the manufacture of malt liquors.
 - (b) The brewery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.
 - (c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this Code.
 - (17.1) Brew Pubs (Restaurant, Pub, or Bar with a Brewery, Distillery, or Winery as Accessory Use), subject to the following conditions:
 - (a) Off-street parking for restaurant and other allowable uses shall be provided as otherwise required in this Code.
 - (b) The use complies with Article X (Alcoholic Beverages) of this chapter.
 - (c) In addition to a brewery, distillery, or winery as accessory use, a restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.
 - (18) Cabinet shops.*
 - (19) Canning factories.*
 - (20) Carpet cleaning.

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- (21) Caterers.
 - (22) Clubs, private.
 - (23) Cold storage warehouses and precooling plants.
 - (24) Commercial chicken hatcheries.*
 - (24.1) Commuter colleges/universities.
 - (25) 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.
 - (26) Contractors' offices and yards.
 - (27) Day nursery, kindergarten, schools 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 provided, however, that schools may only be located on a site consisting of at least five (5) acres and adjacent to a major roadway (three (3) or more lanes).
 - (27.01) Dispensing facilities for low-THC or medical cannabis, pursuant to article IXA of this chapter.
 - (27.05) Distillery (not farm related), subject to the following conditions:
 - (a) The principal use of the facility shall be for the distillation of agricultural products into liquor or spirits.
 - (b) The distillery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.
 - (c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this Code.
 - (27.1) Dog kennels, as an exception to Section 33-260, subject to the following conditions:
 - (a) All outdoor exercise runs shall be set back fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property. Where outside exercise runs are provided, a landscaped buffer or decorative masonry wall shall enclose the runs, and use of the runs shall be restricted to use during daylight hours.
 - (b) Where outside exercise runs are not provided, an outside area shall be designated for dogs (or cats) to relieve themselves, and that area shall be enclosed by a landscape buffer or masonry wall. Additionally such area shall be set back fifty (50) feet from property lines and shall not be located closer than five hundred (500) feet from residentially zoned or residentially developed property.
 - (c) All kennel buildings shall be soundproofed and air-conditioned.
 - (d) An administrative site plan review (ASPR) shall be required. The site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.
 - (28) Dredging base or place where dredging supplies are kept and where dredges or boats or machinery are stored, repaired or rebuilt.*
 - (29) Dry cleaning and dyeing plants.
 - (29.1) Electric substation.
 - (30) Engine sales and service, gas, oil, steam, etc.

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- (31) Fertilizer storage.*
 - (32) 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).
 - (33) Fruit packing and fruit preserving.³
 - (34) Furniture manufacturing.*
 - (35) Furniture refinishing.
 - (36) Garages—storage mechanical, including trucks, buses, heavy equipment.
 - (37) Glass installations.
 - (38) Grinding shops.*
 - (39a) Hotel and motel use (freestanding); the use shall comply fully with all provisions, pertaining to the use, of the RU-4A District.
 - (39b) 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 (33⅓) 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:

³Note(s)—See note at end of schedule of uses contained in this section.

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- (a) Business or commercial establishments of the BU-1 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.

- (40) Ice manufacturing.⁴
- (41) Insecticide, mixing, packaging and storage.*
- (42) Laboratories, material testing.
- (43) Leather goods manufacturing, excluding tanning.
- (44) Livery stables, for riding clubs, or a stable for sheltering horses, not closer than three hundred (300) feet to an RU or EU District.
- (45) Locksmiths.
- (46) Lumberyards.*
- (47) Machine shops.
- (48) Marine warehouses.
- (49) Mattress manufacturing and renovating.
- (50) Metalizing processes.
- (51) Milk or ice distributing station from which extensive truck or wagon deliveries are customarily made.
- (52) Millwork shops.*

⁴Note(s)—See note at end of schedule of uses contained in this section.

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- (53) Movie and television studios with indoor sound stages/studios.
 - (53.1) Movie and television studios with outdoor lots/backlots after public hearing.
 - (53.2) Night clubs, bars and pubs located no closer than five hundred (500) feet of any RU or EU District.
 - (54) Novelty works.⁵
 - (55) Office buildings.
 - (56) Ornamental metal workshops.*
 - (56.1) Outdoor dining only in accordance with Section 33-245.1 and only as an ancillary use in conjunction with a restaurant or other public food service establishment, as defined in Section 509.013 of the Florida Statutes, as may be amended.
 - (57) Oxygen storage and filling of cylinders.
 - (58) Parking lots—commercial and noncommercial.
 - (59) Passenger and freight—stations and terminals—boats, trucks, buses, and railroads.
 - (60) 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.
 - (61) Police and fire stations.
 - (62) Post offices, which shall include self-service post offices, stations and branches, and mail processing centers.
 - (63) Power or steam laundries.⁶
 - (64) Printing shops.
 - (65) Radio and television transmitting stations and studios.
 - (66) Religious facilities located inside the Urban Development Boundary. Religious facilities outside the Urban Development Boundary will be permitted only upon approval after public hearing.
 - (67) Restaurants.
 - (67.1) Restaurants with an accessory cocktail lounge-bar use, subject to compliance with Article X, Alcoholic Beverages, of this Code.

⁵Note(s)—See note at end of schedule of uses contained in this section.

⁶Note(s)—See note at end of schedule of uses contained in this section.

(68) Salesrooms and storage show rooms—wholesale.

(69) (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.

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- (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 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.

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- (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.
- (70) 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 and shall comply with Sections 33-151.12.1 through 33-151.22 of this Code.)
- (71) Ship chandlers.
- (72) Shipyards and dry docks.
- (73) Sign painting shops.
- (74) Steel fabrication.⁷
- (75) Storage warehouse for food, fodder, etc.
- (76) Taxidermy. Use will be permitted only within a fully enclosed, air-conditioned building.*
- (77) Telecommunications hubs:*
- (1) At least eighty-five (85) percent of the gross floor area of a telecommunications hub building shall be designated for equipment or machinery; no more than fifteen (15) percent of the gross floor area shall be designated for employees and support personnel;
 - (2) A declaration of use in a form meeting with the approval of the Director and specifying compliance with the conditions set forth in subsection (1), above, shall be submitted to the Department prior to the issuance of a building permit. Said declaration of use shall include a floor plan and site plan for the intended use as required by the Department.
- (78) Telephone exchanges.
- (79) Telephone service unit yards.
- (80) Textile, hosiery and weaving mills not closer than two hundred (200) feet to an RU or EU District.
- (81) Upholstery shops.
- (82) Utility work centers—power and telephone, etc.
- (83) Vending machine sales and service.
- (84) Veterinarians.
- (85) Vulcanizing.*
- (86) Warehouses for storage or products in the form sold in a BU District.
- (87) 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;

⁷Note(s)—See note at end of schedule of uses contained in this section.

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- (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 ($\frac{1}{4}$) 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.
 - (d) Subject to compliance with Article X (Alcoholic Beverages) of this Code, liquor package sales shall be permitted. Package sales areas shall be divided from the rest of the membership warehouse area by a solid floor-to-ceiling wall and shall have a separate exterior entrance.
- (87.1) Home Improvement Warehouses—the sale of a variety of home improvement products, including hardware, construction supplies, electrical and plumbing fixtures, lumber, tools, and lawn and garden supplies to contractors, developers, and wholesale and retail consumers, subject to the following conditions:
- (a) The subject use shall be located on a site having access on a major access road, including major roadways (three or more lanes) and frontage roadways serving limited access highways and expressways, or on a minor roadway as depicted on the adopted Comprehensive Development Master Plan, Land Use Plan map, within one-quarter ($\frac{1}{4}$) mile of that roadway's intersection with a major roadway;
 - (b) The short term rental of tools, compressors, chainsaws, ladders, post hole diggers, hand trucks and similar equipment and trucks (for the convenience of customers purchasing items) may only be provided as an accessory use;
 - (c) The subject use is permitted only as a freestanding structure on a site of 20 acres or less and containing no less than 100,000 square feet of gross building floor area;
 - (d) Setbacks as required for the principal building shall apply to all storage, display, and sales areas;
 - (e) Parking shall be provided in accordance with Section 33-124(h)(3.1) of this chapter;
 - (f) Site plan review shall meet the criteria set forth in Section 33-261.1 of this article.
 - (g) Notwithstanding any other provision of this chapter to the contrary, a display area may be established outside of an enclosure, after administrative site plan review, where:
 - (1) the display area abuts one of the building's walls;
 - (2) the display area is limited to no greater than 40 percent of the lineal building's frontage where the display area is located;
 - (3) displayed items are within 10 feet of the building; and
 - (4) all accessible pedestrian circulation is maintained.
 - (h) Notwithstanding any other provision of this chapter to the contrary, when a Local State of Emergency has been declared pursuant to chapter 8B, products may be sold outside of enclosed buildings, provided that all of the following conditions are satisfied:
 - (1) Vehicular circulation is not interrupted.
 - (2) Accessibility parking spaces are not reduced.
 - (3) Outdoor sales are only conducted in the interior of the site and are oriented away from public rights-of-way.
 - (4) Outdoor sales areas do not encroach in any minimum setback areas.

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- (5) Tents or other membrane structures that are greater than 10' x 12' in size obtain a building permit, unless a state of emergency has also been declared pursuant to chapter 252, Florida Statutes.
 - (6) The outdoor sales end when the Local State of Emergency is terminated.
 - (i) Variances to these requirements are subject to section 33-311(A)(4)(b) for non-use variances.
 - (88) Welding shops.*
 - (89) Welding supplies.
 - (89.1) Agricultural uses are authorized in electrical utility easements, public properties and railroad rights-of-way, with the consent of the property owner and utility easement holder (when applicable), subject to the following conditions:
 - (a) No on-site retail sales shall be permitted;
 - (b) The use shall be conducted on sites with a minimum of one (1) acre net lot area;
 - (c) Permitted agricultural uses shall include horticulture, floriculture, viticulture, forestry, and apiculture;
 - (d) No permanent structures shall be permitted;
 - (e) Where parking is provided on-site, the parking spaces shall be provided on an unimproved surface;
 - (f) If the nursery is located in an easement or right-of-way identified in the Metropolitan Planning Organization's Bicycle Facilities Plan or in the County's Park and Open Space Master Plan as part of the County's bicycle network or as a greenway/trail, a bicycle and pedestrian easement may be provided subject to the property owner's and utility easement holder's (when applicable) approval;
 - (g) A Certificate of Use shall be obtained, and shall be renewed annually subject to the conditions contained in this subsection; and
 - (h) The use shall not be located closer than 25' to the boundary of a residentially-zoned property or a property designated on the Land Use Plan (LUP) map for residential use.
 - (89.2) Winery (not farm related), subject to the following conditions:
 - (a) The principal use of the facility shall be for fermenting and processing fruit into wine or derivative products.
 - (b) The winery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.
 - (c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this Code.
 - (90) Wood and coal yards.
 - (91) 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.
 - (92) Uses Permitted on lands designated Institutions, Utilities and Communications. Notwithstanding any other provisions to the contrary, on lands zoned IU-1 that are located within an area designated

Institutions, Utilities and Communications and are within the Urban Development Boundary on the CDMP Land Use Plan map, the uses enumerated in Section 33-284.28.10 are permitted subject to the following:

- (a) Such uses shall only be permitted to the extent allowed by the CDMP.
- (b) Such uses shall require administrative site plan review pursuant to Section 33-310.4, regardless of size or any other exceptions set forth in Section 33-310.4.
- (c) When the CDMP requires consideration of compatibility with the Homestead Air Reserve Base (HARB), the Director shall transmit all applications for such uses authorized by this subsection to HARB for review and comment. To allow for timely processing of applications, HARB shall have 21 days following the transmittal of such applications to submit comments to the Director, unless the Director authorizes a greater review period. Failure to receive comments from HARB staff within the prescribed time period shall not preclude the Director from taking action on the application.

*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; Ord. No. 01-99, § 2, 6-5-01; Ord. No. 01-227, § 2, 12-20-01; Ord. No. 02-46, § 6, 4-9-02; Ord. No. 02-23, § 3, 2-12-02; Ord. No. 02-103, § 2, 6-18-02; Ord. No. 02-176, § 3, 10-8-02; Ord. No. 03-79, § 1, 4-8-03; Ord. No. 03-116, § 1, 5-6-03; Ord. No. 06-85, § 1, 6-6-06; Ord. No. 08-11, § 4, 1-22-08; Ord. No. 09-47, § 3, 6-2-09; Ord. No. 09-69, § 1, 9-1-09; Ord. No. 09-102, § 4, 11-17-09; Ord. No. 11-04, § 6, 2-1-11; Ord. No. 11-85, § 1, 11-15-11; Ord. No. 14-40, § 2, 4-8-14; Ord. No. 15-26, § 1, 5-5-15; Ord. No. 15-107, § 4, 10-6-15; Ord. No. 15-126, § 4, 11-3-15; Ord. No. 16-67, § 3, 7-6-16; Ord. No. 18-14, § 2, 2-6-18; Ord. No. 21-23, § 3, 3-2-21; Ord. No. 22-27, § 2, 3-1-22; Ord. No. 23-85, § 6, 10-3-23)

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

Sec. 33-259.1. Additional uses permitted.

- (a) In the development and enforcement of this section it is recognized that there are uses which because of their very nature are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon the adjacent business and residential areas. It is desirable, therefore, to locate these adult oriented activities away from residential areas and public facilities that are used frequently by minors such as schools, churches, parks, libraries, day care centers or nurseries.
- (b) For the purpose of this section the following definitions for terms used herein shall apply:

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- (1) *Adult bookstore.* Any business engaged in displaying, distributing, bartering, renting or selling printed matter, pictures, films, graphic or other materials which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, unless such activity comprises no more than fifteen (15) percent of the total floor area and is kept from clear view of minors.
 - (2) *Adult theater.* Any business engaged in presenting films, theatrical productions, performances, recitals, displays, printed matter or other entertainment which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes.
 - (3) *Adult entertainment club.* Any business which features live entertainment requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.
 - (4) *Adult video store.* Any business engaged in displaying, renting or selling videotapes which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, unless such activity comprises no more than fifteen (15) percent of the total floor area and is kept from clear view of minors.
 - (5) *Massage establishment.*
 - a. Any shop, parlor, establishment or place of business wherein all or any one (1) or more of the following named subjects and methods of treatments are administered or practiced: Body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage or tapotement.
 - b. Nothing in this section shall be construed as applying to State of Florida licensed massage therapists, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.
 - c. Provided, however, that, for the purpose of this section, the term "massage establishment" shall not include any massage establishment wherein at least one (1) State of Florida licensed massage therapist is employed and on duty full time during the hours open for business.
 - (6) *Adult modelling establishments.* Any establishment offering nude or partially nude modelling sessions or lingerie, swimwear or photography modelling sessions between two (2) or more persons requiring the exclusion of minor pursuant to Chapter 847, Florida Statutes.
 - (7) *Encounter studio.* All establishments offering nude or partially nude encounter sessions between two (2) or more persons, nude or partially nude dance encounter sessions between two (2) or more persons, and sexual consultation requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.
- (c) The following additional uses shall be permitted in the IU-1 zone:
- (1) Adult bookstore;
 - (2) Adult theater;
 - (3) Adult entertainment club;
 - (4) Adult video store;
 - (5) Massage establishment;
 - (6) Adult modelling establishment;

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- (7) Encounter studio.
- (d) Unless approved as a special exception, none of the uses set forth in Subsection 33.259.1(c) shall be permitted (i) within one thousand (1,000) feet of a private school as defined in Section 33-151.11, public school, church, public park, public library, day care center or nursery for children; (ii) within one thousand two hundred (1,200) feet of any of the uses described in Subsection 33.259.1(c); and (iii) within seven hundred fifty (750) feet of any residential zoning (with the exception of AU) district located within either the unincorporated areas of Miami-Dade County or within a municipality; provided, however, that the spacing requirements above shall not apply where the adult entertainment use is separated from the uses set forth at Subsection 33.259.1(d)(i) and Subsection 33.259.1(d)(iii) above by a county or state road of not less than six (6) lanes, or an expressway. All other distance and spacing requirements pursuant to the Code shall apply, as well as those spacing requirements imposed by State Statute, if such State spacing requirements are more restrictive than the regulations contained herein. Any application seeking a variance from State imposed spacing requirements shall be heard directly by the Board of County Commissioners pursuant to Section 33-314(C)(8).
- (e) The distance and spacing requirements set forth in Subsection (d) shall be measured as follows:
- (1) From a church, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the church property.
 - (2) From a private or public school, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the school grounds.
 - (3) From another Subsection 33.259.1(b) use, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the existing Subsection 33.259.1(b) use.
 - (4) From residential zoning districts, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest boundary of the residential zoning district.
 - (5) From a public park, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on park grounds.
 - (6) From a public library, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point of the library property.
 - (7) From day care centers or nurseries for children, the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the property of the day care center or the nursery.
- (f) For the purposes of establishing the distance between the uses set forth in Subsection 33.259.1(b), and between such uses and private schools as defined in Section 33-151.11, public schools, churches, public parks, public libraries, day care centers or nurseries for children, or residential zoning districts, the applicant for such use shall furnish a certified survey from a registered surveyor. Such sketch shall indicate the distance between the proposed place of business, and any existing Subsection 33.259.1(b) use, any church, public school, private school, public park, public library, day care center or nursery for children or residential zoning district. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement, scaled by the Director of the Department of Planning and Zoning shall govern.

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- (g) *Exemptions to spacing requirements.* This section shall not apply to accredited universities, accredited colleges or other accredited educational institutions, museums, art exhibits, arts and cultural performance theaters and playhouses or commercial professional photography and portrait studios which may use nude subjects for their photographs or portraits.
- (h) *Legally existing nonconforming uses.* The following uses shall be deemed legally existing, whether or not such uses comply with the regulations enacted by this section, provided however, that nothing contained herein shall exempt such uses from complying with Section 33-35 of the Code Miami-Dade County.
- (1) Any adult entertainment use for which a building permit has been issued to establish such use prior to January 1, 2002, provided the work authorized by the building permit is completed and a Certificate of Use and Occupancy ("CO") is issued within the time prescribed by applicable regulations; or
 - (2) Any adult entertainment use for which a CO has been issued prior to January 1, 2002, provided such CO is valid (not expired or revoked) as of January 1, 2002.

(Ord. No. 02-23, § 2, 2-12-02)

Sec. 33-260. Uses confined to building.

At all manufacturing establishments or rebuilding, storage or repair places permitted in an IU-1 District, all materials and products shall be stored and all manufacturing, rebuilding, storing or renovating operations shall be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls not less than six (6) feet in height; provided the water frontage of shipyards, dry docks, boat slips, and like uses may be open.

(Ord. No. 57-19, § 23(B), 10-22-57; Ord. No. 64-19, § 5, 5-5-64; Ord. No. 68-3, § 1, 2-6-68; Ord. No. 69-51, § 1, 9-3-69)

Sec. 33-261. Minimum landscaped open space, greenbelts, trees, and maintenance.

- (a) *Landscaped open space.* A minimum of ten (10) percent of the net lot area of the site shall be developed as landscaped open space; provided, however, that an industrial-zoned site that abuts residentially zoned or developed property shall provide fifteen (15) percent of the net lot area as landscaped open space. It is further provided, however, that if the industrial-zoned site abuts property which is depicted as "Industrial & Office" on the Land Use Plan map of the Comprehensive Development Master Plan, is zoned GU and no building permit has been issued for a residence at the time of the approval of the building permit for the industrial use, the landscape open space requirement shall be ten (10) percent of the net lot area. Said landscaped open space may include entrance features, greenbelts, unpaved passive and active recreation areas, and other similar landscaped open space at ground level. Open space areas may also include tree preservation zones of "natural forest communities" as defined in Section 26B-1, Code of Miami-Dade County. Tree preservation zones shall be delineated on all plans submitted to Miami-Dade County for site plan review under Section 33-261.1 of the Code of Miami-Dade County, for the purposes of determining overall preservation area and percent of overall landscaped area. The requirements contained herein do not replace or substitute for any requirements contained within Chapter 18A, Code of Miami-Dade County.

Water bodies may be used as part of the required landscaped open space but such water areas shall not be credited for more than twenty (20) percent of the required open space. The specific areas within enclosed or unenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein and areas therein with permanent art display may be used as part of the required landscaped open space, but such areas shall not be credited for more than ten (10) percent of the required landscaped open space. For approved structures exceeding

four (4) stories in height, additional landscaped open space shall be provided equivalent to twenty-five (25) percent of the gross floor area of each floor above four (4) stories.

- (b) *Greenbelts.* Continuous, extensively planted greenbelts, penetrated only at approved points for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential, in accordance with the following minimum standards:

<i>Size of Net Lot Area</i>	<i>Width of Greenbelts</i>
Up to 3 acres	8 feet
More than 3 acres	10 feet

It is provided, however, that this greenbelt requirement shall not apply along property lines abutting property which is depicted as "Industrial & Office" on the Land Use Plan map of the Comprehensive Development Master Plan, is zoned GU and no building permit has been issued for a residence at the time of the approval of the building permit for the industrial use.

- (c) Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (d) *Maintenance.* All landscaped areas shall be continuously maintained in a good, healthy condition, and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscaped areas except within tree preservation zones of "natural forest communities," as defined in Section 26B-1, Code of Miami-Dade County. Tree preservation zones shall also be maintained in a healthy natural condition free from trash, debris and disturbance of understory vegetation.

(Ord. No. 79-97, § 1, 11-20-79; Ord. No. 85-87, § 4, 10-1-85; Ord. No. 95-223, § 1, 12-5-95; Ord. No. 03-76, § 1, 4-8-03)

Sec. 33-261.1. Review Procedure/Administrative Site Plan Review (ASPR).

All development shall be reviewed in accordance with Section 33-310.4.

(Ord. No. 19-51, § 27, 6-4-19)

Editor's note(s)—Ord. No. 19-51, § 27, adopted June 4, 2019, repealed the former § 33-261.1, and enacted a new § 33-261.1 as set out herein. The former § 33-261.1 pertained to site plan review and derived from Ord. No. 79-97, § 1, adopted Nov. 20, 1979; Ord. No. 95-19, § 13, adopted Feb. 7, 1995; Ord. No. 95-215, § 1, adopted Dec. 5, 1995; Ord. No. 95-223, § 1, adopted Dec. 5, 1995; Ord. No. 96-127, § 19, adopted Sept. 4, 1996; and Ord. No. 99-38, § 14, adopted April 27, 1999.

Sec. 33-261.2. Reserved.

Editor's note(s)—Section 33-261.2, pertaining to expansion of existing commercial structures, has been deleted as obsolete. The section was derived from Ord. No. 79-97, § 1, adopted Nov. 20, 1979.

Sec. 33-261.3. Validity of site plans.

Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.

(Ord. No. 79-97, § 1, 11-20-79; Ord. No. 95-215, § 1, 12-5-95)

