

MEMORANDUM

Agenda Item No. 6(C)

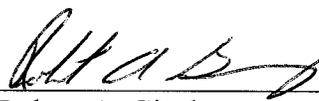
TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: (Second Reading 11-4-03)
September 9, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance modifying
requirements for new and/or
used auto and truck sales

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: November 4, 2003

FROM: George M. Burgos
County Manager

SUBJECT: Ordinance modifying
requirements for new and/or
used auto and truck sales

The proposed ordinance modifying requirements for new and/or used auto and truck sales, repairs, services and facilities in the BU-3 business district will have no fiscal impact on Miami-Dade County.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** November 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(C)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 6(C)

Veto _____

11-4-03

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; MODIFYING REQUIREMENTS FOR NEW AND/OR USED AUTO AND TRUCK SALES, REPAIRS, SERVICES AND FACILITIES IN BU-3 LIBERAL BUSINESS DISTRICT; AMENDING SECTION 33-255, CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 33-255 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-255. Uses permitted.

No land, body of water and/or structure in the BU-3 District shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, arranged or intended to be used, occupied or maintained for any purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:

* * *

- (3) Automobile and truck >>open lot sales for new and/or used vehicles, open lot car rentals, automobile parts, secondhand from store building only,<< services and facilities including >>as ancillary uses, automobile repairs, body and top work and painting, provided that no more than

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

fifteen (15) percent of the total gross building area is devoted to such repair /service bays, and subject to the following conditions:<<

- ~~[(a) Open lot car sales.~~
- ~~(b) Open lot car rental.~~
- ~~(e) Automobile parts, secondhand from store building only.~~
- ~~(d) Automobile body and top work and painting.]]~~

- >> (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 be conducted on sites consisting of at least one (1) net acre.
- (e) 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.

(f) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.

(g) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).

(h) That the applicant obtains a certificate of use, which shall be automatically renewable yearly upon compliance with all terms and conditions.<<

>>(i)<< All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of ~~[[the effective date of this ordinance]]~~>>September 10, 1996<<.

* * *

(14) Garage or mechanical service~~[[.]]~~>>₁<<* >>including automobile repairs, body and top work and painting.<< All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of ~~[[the effective date of this ordinance]]~~>>September 10, 1996<<.

* * *

*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.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6
CH

Prepared by:

Craig H. Coller

Sponsored by Commissioner Dorrin D. Rolle