MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 9-4-13)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 18, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to zoning; modifying regulations pertaining to automobile service stations and automobile gas stations/mini marts

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating to Zoning; Modifying Regulations Pertaining to Automobile Service Stations and Automobile Gas Stations/Mini Marts

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The proposed ordinance amends modifies regulations pertaining to automobile service stations and automobile gas stations/mini marts; provides definition; provides for the sale of beer and wine for off-premises consumption at automobile gas stations/mini marts; and amends Sections 33-1, 33-124, 33-150, and 33-247 of the Code. Implementation of this ordinance will not have a fiscal impact to the County.

Jack Osterholt
Deputy Mayor

Fls7613

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 4, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
9-4-13

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; MODIFYING REGULATIONS PERTAINING TO AUTOMOBILE SERVICE STATIONS AND AUTOMOBILE GAS STATIONS/MINI MARTS; PROVIDING DEFINITION; PROVIDING FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION AT AUTOMOBILE GAS STATIONS/MINI MARTS; AMENDING SECTIONS 33-1, 33-124, 33-150 AND 33-247 OF THE 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 33-1 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:[1]

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(9.2) Automobile gas stations/mini marts. Buildings and premises used for the supply and retail sale of motor fuels as well as the ancillary sale of convenience goods. Both full service and self-service dispensing of motor fuels are permitted.<<

* * *

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

Section 2. Section 33-124 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 33-124. Standards.

Off-street parking shall be provided in accordance with the following minimum standards:

* * *

(h) Commercial:

* * *

(7) [[~~Self-service~~]]>>Automobile<< gas stations/mini marts shall be provided one (1) parking space for each two hundred fifty square feet (250) of gross floor area or fractional part thereof, with a minimum of three (3) spaces which shall be designed so as not to interfere with the dispensing operation.

* * *

Section 3. Section 33-150 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-150. Location of establishments.

(A) *Distance from other establishments.* Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than fifteen hundred (1,500) feet from a place of business having an existing, unabandoned, legally established (and not one (1) of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The fifteen hundred (1,500) feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

(B) *Distance from church or school.* Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than twenty-five hundred (2,500) feet from a church or public school. The twenty-five-hundred-foot distance requirement shall be measured and computed as follows:

(1) From a church, 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 church structure, and

(2) From a public school, 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 school grounds.

* * *

(E) *Exceptions to spacing and distance requirements.* The restrictions and spacing requirements set forth in Subsections (A) and (B) above shall not apply:

* * *

(5) BEER AND WINE FOR OFF-PREMISES CONSUMPTION. To the sale of beer and wine as a grocery item for consumption off the premises, from grocery stores>>,<< [[~~and~~]] meat markets >>, and automobile gas stations/mini marts<< within the hours adopted and prescribed by the County Commission.

* * *

Section 4. Section 33-247 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-247. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed,

reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one (1) or more of the following uses:

* * *

(5) [[~~Automobile service stations~~]]>>Automobile gas stations/mini marts<< (which may include facilities available for sale of other retail products and services related to the servicing of automobiles) including rental of single axle hauling trailers. Plans for paved areas, driveways or curb cuts of [[~~service~~]]>>gas<< stations shall be submitted to and approved by the Department of Public Works>>and Waste Management<< and, where required, the Florida State Department of Transportation before a permit can be issued. >>Gas stations providing self-service dispensing of fuel with attendant control of pumps shall ensure that the attendant-control area has clear visibility to all pumps. The use of signs on windows of the attendant-control area that would obstruct the clear visibility to all pumps are prohibited.<< As an accessory use, the [[~~service~~]]>>gas<< stations may perform minor automobile repairs as herein listed:

(a) Sale and servicing of spark plugs and batteries.

(b) Tire repair and servicing, but no recapping.

(c) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluids, light bulbs, floor mats, seat covers, wiper blades, arms for windshields and replacement of grease retainers and wheel bearings.

(d) Radiator cleaning and flushing.

(e) Washing and polishing.

(f) Greasing and lubrication.

(g) Exchanging fuel pumps and installing fuel lines.

(h) Minor servicing or replacement of carburetors.

(i) Emergency wiring repairs.

(j) Adjusting brakes and installing or exchanging brake shoes.

(k) Tuning engines, with the exception of grinding valves, cleaning carbon or removing the head of engines and/or crankcases.

(l) Wheel balancing and aligning.

(m) Shock absorbers.

[[~~(6) Automobile self-service gas stations (as defined in Section 14.9 of the Code), subject to the following restrictions:~~

~~(a) Compliance with Chapter 14, Section 14.9 (fire prevention code).~~

~~(b) Attendant-control area to have clear visibility to all pumps, and this shall prohibit the use of attraction signs on the windows of said attendant-control area.~~

~~(c) Parking will be provided on the basis of one (1) space for each three hundred (300) square feet of retail product sales area, with a minimum of three (3) spaces which will be designed so as not to interfere with the gasoline dispensing operation.~~

~~(d) Where the gasoline/retail product sales uses are designed as one (1) structure, the building will receive full credit and the canopy one-half (½) credit toward the minimum square foot building requirement.~~]]

* * *

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Coller

Prime Sponsor: Commission Barbara J. Jordan