

MEMORANDUM

Agenda Item No. 7(B)

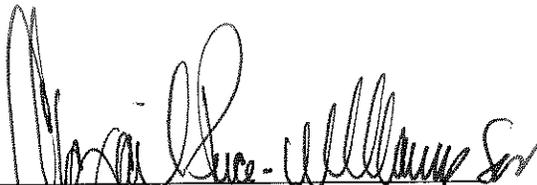
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 9-17-13)
July 2, 2013

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

SUBJECT: Ordinance pertaining to
zoning; providing for vehicle
retail showrooms in the BU-2
Zoning District and in the
standard urban center district
regulations

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

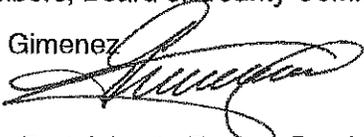
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Memorandum



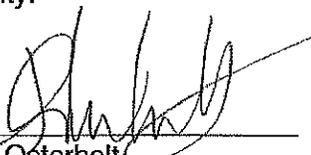
Date: September 17, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Pertaining to Zoning; Providing for Vehicle Retail Showrooms in the BU-2 Zoning District and in the Standard Urban Center District Regulations

The proposed ordinance pertains to zoning and provides for vehicle retail showrooms in the BU-2 Zoning District and in the standard urban center district regulations, and amends Sections 33-1, 33-253, and 33-284.83 of the Code. Implementation of this ordinance will not have a fiscal impact to the County.



Jack Osterholt
Deputy Mayor

Fis8413



MEMORANDUM

(Revised)

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

DATE: September 17, 2013

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

SUBJECT: Agenda Item No. 7(B)

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(B)
9-17-13

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; PROVIDING FOR VEHICLE RETAIL SHOWROOMS IN THE BU-2 ZONING DISTRICT AND IN THE STANDARD URBAN CENTER DISTRICT REGULATIONS; AMENDING SECTIONS 33-1, 33-253, AND 33-284.83 OF THE CODE OF MIAMI-DADE COUNTY; 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:

- * * *
- (113) Vehicle. A conveyance for persons or materials.
- >>(113.1) Vehicle Retail Showroom: retail showroom for sale of vehicles.
- (113.2)<< ~~[(113.4)]~~ Warehouse, membership. A use designed and operated for warehousing and sale of merchandise at retail and wholesale prices to members.

* * *

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 33-253 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-253. - 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, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:

* * *

(9) Regional shopping centers.

>>(9.5) Vehicle Retail Showroom, provided that:

- (1) no on-site vehicle storage/stock beyond the showroom is allowed; and
- (2) no more than six (6) vehicles on site to be used for test drives purposes; and
- (3) no test drive shall be conducted on residential local streets (fifty-foot wide rights-of-way); and
- (4) no new, purchased vehicle deliveries at showroom are allowed.<<

(10) Warehouse, membership.

Section 3. Section 33-284.83 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-284.83. - Uses.

No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Urban Center (UC) or Urban Area (UA) Districts, except as provided in this article. The uses delineated herein shall be permitted only in compliance with the Regulating Plans and standards provided in this article. The following regulations outline permitted uses in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO

(Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) Land Use Areas.

* * *

(B) Land Use Groups. The uses listed following each group in this section shall be permitted in the land use categories shown in Table (C) subject to the provisions noted for each land use category. Uses provided in Table (C) below not listed in this subsection shall be permitted subject to the provisions noted for each land use area. The Director shall have the authority to determine that a use not specifically enumerated below may nevertheless be permitted in a land use category because it is similar to an enumerated use.

* * *

(11) *General Retail/Personal Service Establishments*: Establishments that provide goods and services geared toward an individual consumer. This group shall include businesses such as: banks; beauty parlors; adult day care; bakeries; bookstores; apparel stores; grocery stores; pharmacies; tailor shops; health clubs; gift shops; indoor pet care centers/boarding and indoor kennels (soundproofed and air-conditioned building required); >>vehicle retail showrooms<< and similar uses. This group shall also include schools offering instruction in dance, music, martial arts and similar activities, but this group shall not include colleges/universities. Except as otherwise authorized in this article, uses enumerated in the BU-3 zoning district shall only be permitted in the MCS and MCI categories and shall be subject to the public hearing and spacing requirements set forth in Section 33-255 of this chapter.

* * *

(C) *Table of Permitted Uses*. Unless the regulations for a specific urban center district provide otherwise, the Land

Use Groups in paragraph (B) of this section shall be permitted in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) land use categories in accordance with the following table:

* * *

Footnotes:

* * *

8. General retail and personal service establishment shall be limited to forty thousand (40,000) square feet of ground floor area; a greater ground floor area for such uses shall only be permitted if approved as a special exception.

>>a. << Indoor pet kennels shall be permitted subject to the following conditions: (i) all kennel buildings shall be soundproofed and air-conditioned; (ii) 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; (iii) 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; (iv) an administrative site plan review (ASPR) shall be required, and the site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.

>>b. Vehicle Retail Showrooms shall only be permitted in accordance with the conditions set forth in Section 33-253(9.5) of this chapter.

c. << The following uses shall only be permitted if approved as special exceptions: on-site storage of vehicles; and outdoor pet kennels subject to the conditions set forth in

Section 33-255(9.1) of this chapter, except that ASPR shall not be required if a site plan is approved upon public hearing.

* * *

Section 4. 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 5. 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 6. 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:

APW

Prepared by:

DBK

Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz