

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

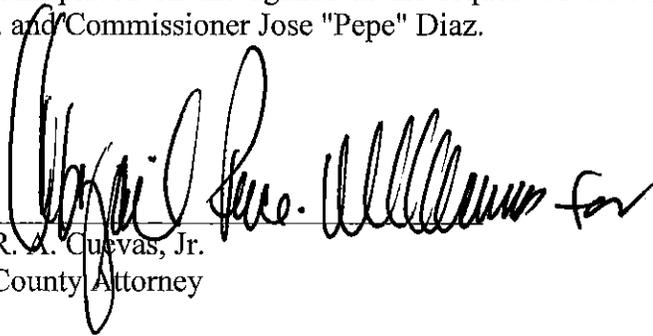
DATE: June 2, 2015

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

SUBJECT: Ordinance relating to zoning;
providing for jewelry loan
centers under certain conditions;
amending Section 33-247
of the Code

The item was amended at the 5-12-15 Unincorporated Municipal Service Area Committee to specify that the jewelry loan center must demonstrate compliance with the requirements for a pawnbroker's license set forth in Chapter 539, Florida Statutes.

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Vice Chairman Esteban L. Bovo, Jr. and Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

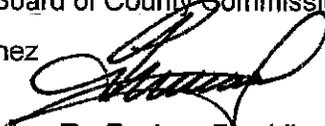
RAC/smm

Memorandum

MIAMI-DADE
COUNTY

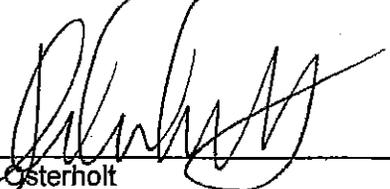
Date: June 2, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Relating To Zoning; Providing For Jewelry Loan Centers Under Certain
Conditions

The proposed ordinance amends section 33-247 of the Code relating to zoning providing for jewelry loan centers under certain conditions, specifically allowing the use of land, body of water and/or structure in any BU-1A district to include use for jewelry loan centers subject to specified conditions. Implementation of this ordinance will not have a fiscal impact on the County.



Jack Osterholt
Deputy Mayor

fis04515



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 2, 2015

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)

6-2-15

ORDINANCE NO. _____

~~ORDINANCE RELATING TO ZONING; PROVIDING FOR JEWELRY LOAN CENTERS UNDER CERTAIN CONDITIONS; AMENDING SECTION 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 33-247 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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:

* * *

(24.1) Home improvement centers, subject to the conditions enumerated below. As used herein, a home improvement center is a facility engaged in the retail sale of a variety of home improvement products, including hardware, appliances, cleaning supplies, construction supplies, electrical and plumbing fixtures and supplies, paint and wall coverings, lumber, pool supplies, and tools as well as lawn and garden supplies. As an accessory use, a home improvement center may offer the short-term rental of tools, compressors, chain saws, ladders, post-hole diggers, hand trucks and similar light equipment as well as trucks (subject to the limitations set forth below). Additionally, a home improvement center may perform customer-

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.

requested cutting of pre-cut wood products and other products offered for sale, provided such cutting is done within the roofed area of the principal building.

(a) Lawn, garden and pool supplies may also be stored, displayed and sold from attached areas with or without a solid roof, subject to the following limitations:

- (1) such storage, display and sales areas does not exceed thirty-five percent (35%) of the home improvement center's gross building floor area; and
- (2) all such storage, display and sales areas must be enclosed by a solid masonry wall or ornamental metal picket fence or combination thereof, a minimum of eight (8) feet in height. The items stored within these areas shall not exceed the height of the wall or metal picket fence. Openings for ingress and egress purposes, restricted to the narrowest width necessary, are permitted, subject to site plan review; and
- (3) setbacks as required for the principal building shall apply to all storage, display and sales areas; and
- (4) parking for the home improvement center, including such storage, display and sales areas, shall be provided in accordance with Section 33-124(h)(3.1) herein.

(b) The rental of trucks for the convenience of customers purchasing items only shall be permitted at home improvement centers with greater than one hundred thousand (100,000) square feet of gross floor area, subject to the following limitations:

- (1) The total number of trucks available for rental shall not exceed five (5);
- (2) The location of storage areas for rental trucks shall be subject to site plan review;
- (3) Storage areas for rental trucks shall not utilize any of the facility's minimum required parking spaces; and
- (4) No repairs or maintenance of rental trucks shall take place on the premises.

Loading dock facilities for the purpose of supplying the home improvement center shall be oriented away from adjacent residential zoning districts unless screened from view by a masonry wall of not less than six (6) feet in height but not more than eight (8) feet in height.

>>(24.2) Jewelry loan centers, subject to the following conditions:

- (a) As used herein, a jewelry loan center is a service offered at a jewelry store where a loan is secured by jewelry. Said jewelry loan center shall be ancillary to a jewelry store, and the loan center service shall cease if the primary use is discontinued.
- (b) The operating hours for the jewelry loan center shall not extend beyond 8 p.m.
- (c) No jewelry loan center shall be located less than twenty-five hundred (2,500) feet from a place of business having an existing, unabandoned, legally established jewelry loan center or pawnbroker. The twenty-five hundred (2,500) foot distance requirements shall be measured by following a straight line from the nearest entrance to the site where the business is located.
- (d) Attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers, and all fluttering, spinning advertising devices (either mobile or stationary), shall be prohibited, except as permitted under point-of-sale sign regulations.
- (e) The jewelry loan center shall have all applicable licenses issued by the State of Florida for the jewelry loan center use<< >>, including demonstrating compliance with the requirements for a pawnbroker's license set forth in Chapter 539, Florida Statutes<<² >>.
- (f) A Certificate of Use shall be obtained and renewed annually. The Certificate of Use application shall contain:
- (i) A certified spacing survey from a registered surveyor, which shall indicate that the distance requirements of this section have been met.

² Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

(ii) A site plan shall be submitted as part of the Certificate of Use indicating location of structure/structures, entrances and egresses, walls, fences, landscaping, signage and distance to nearest residential development. The use shall be established and maintained in accordance with the approved plan<<

(25) Junior department stores.

* * *

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.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Co-Prime Sponsors: Vice Chairman Esteban L. Bovo, Jr.
Commissioner Jose "Pepe" Diaz