

# MEMORANDUM

GOC  
Agenda Item No. 1G1

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners



**DATE:** December 12, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to zoning;  
amending articles XXXIII(K),  
XXXIII(R), and XXXIII(S)  
of chapter 33 of the Code;  
authorizing gas and service  
stations in additional land use  
categories subject to conditions  
under the County's Standard  
Urban Center District regulations  
and in the Model City Urban  
Center and North Central Urban  
Area Districts; amending  
definitions relating to building  
frontage; making technical  
changes

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The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Vice Chairwoman Audrey M. Edmonson and Commissioner Jean Monestime.

  
Abigail Price-Williams   
County Attorney

APW/smm

# Memorandum



**Date:**

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Zoning; Gas/Service Station Urban Design Standards

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

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Jack Osterholt  
Deputy Mayor

FIS02118 172414

# Memorandum



**Date:**

**To:** Honorable Chairman Esteban Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

**Subject:** Social Equity Statement for Ordinance Authorizing Gas and Service Stations in  
Additional Land Use Categories Subject to Conditions

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The proposed ordinance provides greater availability of gasoline stations in Miami-Dade County Urban Center and Urban Area zoning districts and provides standards for developing such facilities. The existing Urban Center zoning regulations restrict auto related uses in order to encourage transit-oriented development in Urban Centers. As such, the regulations limit where gas/service stations are allowed. After Hurricane Irma, however, it was determined that access to gasoline is important for emergency evacuation and for public health, safety and welfare. This will apply to Urban Centers and Urban Area Districts in unincorporated Miami-Dade County.

This ordinance would allow gas stations in MC (Mixed-Use Corridor) under specific conditions; thereby expanding the zoning districts where such facilities can be developed. This will give residents in Urban Center and Urban Area Districts greater access to gasoline in times of emergencies, such as hurricanes.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive, flowing style.

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Jack Osterholt  
Deputy Mayor

172414



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** November 7, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 4(D)

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**
- Statement of social equity 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. 4(D)

11-7-17

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING; AMENDING ARTICLES XXXIII(K), XXXIII(R), AND XXXIII(S) OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING GAS AND SERVICE STATIONS IN ADDITIONAL LAND USE CATEGORIES SUBJECT TO CONDITIONS UNDER THE COUNTY'S STANDARD URBAN CENTER DISTRICT REGULATIONS AND IN THE MODEL CITY URBAN CENTER AND NORTH CENTRAL URBAN AREA DISTRICTS; AMENDING DEFINITIONS RELATING TO BUILDING FRONTAGE; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the County has established Urban Center zoning districts, which, as set forth in the County's Comprehensive Development Master Plan, are intended to be developed in "a more compact and efficient urban structure" and "to be moderate-to-high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically"; and

**WHEREAS**, Urban Centers are designed to emphasize pedestrian- and transit-oriented development and to deemphasize reliance on automobiles, and the Urban Center zoning regulations accordingly restrict the development of gasoline service stations to certain mixed-use industrial areas and a limited mixed-use category; and

**WHEREAS**, ensuring sufficient availability of gasoline and gasoline service stations is important to the public health, safety, and welfare of Miami-Dade County and its residents, particularly in the event of an emergency evacuation such as occurred in preparation for Hurricane Irma in September 2017; and

WHEREAS, accordingly, this Board wishes to provide for greater availability of gasoline service stations within the County's Urban Center zoning districts in the broader Mixed-Use Corridor land use category, as more particularly set forth herein,

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

**Section 1.** Article XXXIII(K) of Chapter 33 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**ARTICLE XXXIII(K). - STANDARD URBAN CENTER DISTRICT REGULATIONS**

\* \* \*

**Sec. 33-284.82. Definitions.**

Terms used throughout this article shall take their commonly accepted meaning unless otherwise defined in Chapters 18A, 28 or 33 of the Code of Miami-Dade County. Terms requiring interpretation specific to this article are as follows:

\* \* \*

8. *Building Frontage*: The portion of the building required to be located along the build-to line >>or within the building frontage zone.

8.1 *Building Frontage Zone*: The portion of a lot adjoining a street or right-of-way. The width of the building frontage zone is established by the applicable building placement diagram or frontage table<<.

\* \* \*

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<sup>1</sup> 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.

**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.

\* \* \*

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:

LAND USE GROUP	LAND USE CATEGORY								
	R [3][4]	RM [3][4]	MC [1][3]	MM [1][3]	MO [1][3]	MCS [1][3]	MCI [1][3]	ID	I
Gas/Service Stations:			>>P [10][19]<<			P [10]	P [10]		P [10]

- P: Permitted Use, although specific uses may require approval as special exception
- SE: Special Exception - only permitted if approved upon public hearing

[ # ] Footnote (as provided below)

Footnotes:

\* \* \*

10. Gas/Service stations shall:

- a. Be permitted >>, subject to the Building Placement Standards set forth in section 33-284.85;<< in the MCS category in all Sub-districts >>,<< [[and]] in the MCI and Industrial (ID) categories in the Center and Edge Sub-districts; >>and in the MC category, subject to the requirements set forth in footnote 19;<< and
- b. Be exempt from the minimum height requirements[[;and]]
- [[e. ~~Provide a continuous street facade consisting of buildings or walls along all streets except driveways. When provided, walls shall not exceed three and a half (3.5) feet in height and shall be a minimum of seventy-five (75) percent opaque. The main building shall provide a minimum of forty (40) percent of building frontage along the front property line]].~~

\* \* \*

>>19. Gas/Service Station in the MC Category shall:

- a. Be located no closer than within 0.5 miles of the center point of an Urban Center as designated on the CDMP Land Use Plan Map;
- b. Have a maximum lot size of 1.25 acres;
- c. Have a maximum of 6 gas pump islands (equivalent to a total of 12 fueling positions);
- d. Have a maximum size of principal structure, including fresh food area, of 3,500 square feet;
- e. Have a minimum of 15 percent of the principal structure consist of a fresh food area, meaning an area for the sale and service of perishable food, such as coffee, fruit, salad, sandwiches, or pizza; and
- f. Have a continuous, pedestrian-friendly walkway in front of the principal structure and along all roadways and driveways, established by decorative concrete, landscape elements, or similar, integrated landscape and hardscape elements that define and shape the pedestrian area.<<



**Sec. 33-284.85. Building Placement Standards.**

A. The diagrams in paragraph (G) of this section establish the Building Placement Standards by land use category. Building frontage and setback areas shall be required as illustrated in the Building Placement Standards Diagrams.

\* \* \*

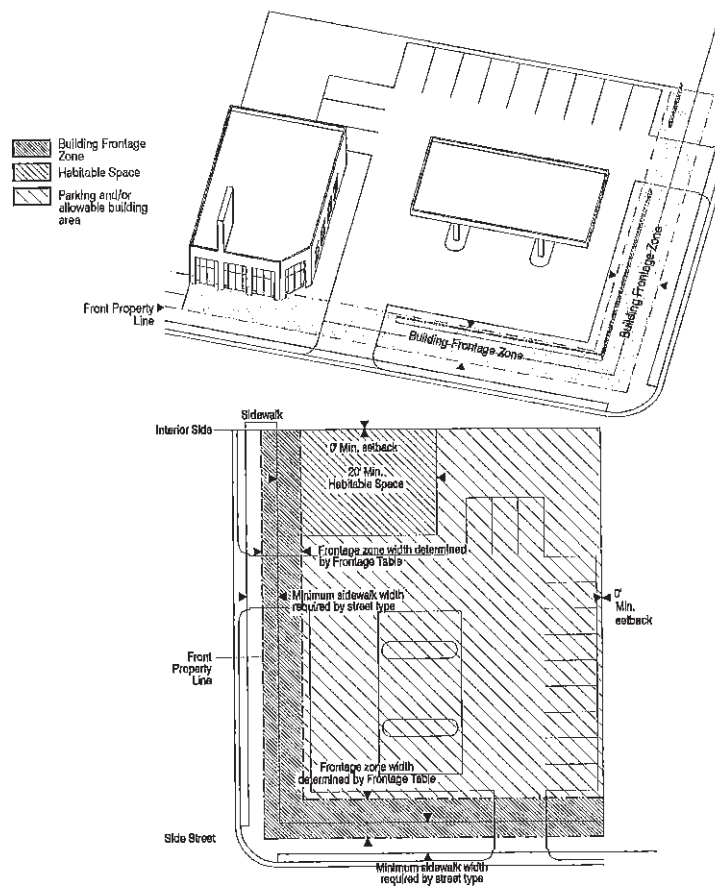
F. The table below identifies the Building Placement Standards that apply to each Land Use Category:

BUILDING PLACEMENT STANDARD	LAND USE CATEGORY									
	Metropolitan Centers	Metropolitan and Community Centers								
	MM MC MCS MO	R	RM	MC	MM	MO	MCS	MCI	ID	I
	*	*	*							
>>13. Gas/Service Station<<				>>X<<			>>X<<	>>X<<	>>X<<	
X: Standard is applicable in the indicated Land Use Category										

G. Building Placement Standards Diagrams.

\* \* \*

>>13. Gas/Service Station



- a. Building Frontage Required. 40 percent minimum within or adjoining the Building Frontage Zone. Minimum frontage requirement applies along the front property line only.
- b. A continuous street façade consisting of buildings or walls along all streets except driveways shall be required; walls shall not exceed 3.5 feet in height and shall be a minimum of 75 percent opaque.
- c. Building Frontage Zone width shall be measured from the property line.
- d. Setbacks for pump island canopies shall comply with section 33-47.<<

\* \* \*

**Section 2.** Article XXXIII(R) of Chapter 33 of the Code of Miami-Dade County,

Florida, is hereby amended to read as follows:

**ARTICLE XXXIII(R). - MODEL CITY URBAN CENTER DISTRICT (MCUCD)**

\* \* \*

**Sec. 33-284.99.42. - Uses.**

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the MCUCD shall comply with Section 33-284.83 of this Code.

\* \* \*

A. *Permitted uses.* In addition to the uses provided in Section 33-284.83~~[(A)]~~, the following shall be permitted:

1. In the Mixed-Use Corridor Special (MCS) area, all uses ~~>>permitted in the Mixed-Use Corridor (MC) category<< [[provided in Section 33-284.83(A)(3)]]~~ and the following uses:

\* \* \*

(b) ~~[[Automobile self-service gas stations. When provided, gas stations shall be exempt from the provisions of this article and shall conform to the BU-1A development standards provided in Article XXV of this Code.~~

~~(e)]~~ Engines, steam and oil; sales and service.

~~>>(c)<< [[(d)]]~~ Garage or mechanical service, 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 September 10, 1996.

~~>>(d)<< [[(e)]]~~ Glass installation.

~~>>(e)<< [[(f)]]~~ Tire vulcanizing and retreading or sale of used tires.

- >>(f)<< [[(g)]] Truck storage, only within an enclosed building or an area enclosed by a CBS wall.
- >>(g)<< [[(h)]] Automobile washing.
- >>(h)<< [[(i)]] Self-service mini-warehouse storage facility in compliance with Section 33-255(23.1) of this Code.

\* \* \*

**Sec. 33-284.99.44. - Development parameters.**

\* \* \*

B. All new development and redevelopment in areas designated MCS shall comply with the development parameters for the MC area as set forth in Article XXXIII(K) of this Code~~[[, except that self-service gas stations shall comply with the development parameters applicable to the BU-1A district]].~~

\* \* \*

**Section 3.** Article XXXIII(S) of Chapter 33 of the Code of Miami-Dade County,

Florida, is hereby amended to read as follows:

**ARTICLE XXXIII(S). - NORTH CENTRAL URBAN AREA DISTRICT (NCUAD)**

\* \* \*

**Sec. 33-284.99.50. - Uses.**

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the NCUAD shall comply with Section 33-284.83 of this Code.

\* \* \*

A. *Permitted uses.* In addition to the uses provided in Section 33-284.83(A), the following shall be permitted:

1. In the Mixed-Use Corridor Special (MCS) area, all uses permitted in the Mixed-Use Corridor (MC) category and the following additional uses:

\* \* \*

(b) ~~[[Automobile self-service gas stations. When provided, gas stations shall be exempt from the provisions of this article and shall conform to the BU-1A development standards provided in Article XXV of this Code.~~

(e)] Engines, steam and oil; sales and service.

>>(c)<< [[(d)] Garage or mechanical service, including automobile repairs, body and top work and painting. All outdoor paging or speaker systems are expressly prohibited.

>>(d)<< [[(e)] Glass installation.

>>(e)<< [[(f)] Tire vulcanizing and retreading or sale of used tires.

>>(f)<< [[(g)] Truck storage, only within an enclosed building or an area enclosed by a CBS wall.

>>(g)<< [[(h)] Automobile washing.

>>(h)<< [[(i)] Self-service mini-warehouse storage facility in compliance with Section 33-255(23.1) of this Code.

\* \* \*

**Sec. 33-284.99.52. - Development Parameters.**

\* \* \*

B. All new development and redevelopment in areas designated MCS shall comply with the development parameters for the MC area as set forth in Article XXXIII(K) of this Code~~[[, except that self-service gas stations shall comply with the development parameters applicable to the BU-1A district]].~~

\* \* \*

**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:

Prepared by:

Dennis A. Kerbel

Handwritten signature of Dennis A. Kerbel, consisting of the letters 'D', 'A', and 'K' in a stylized, cursive script.

Co-Prime Sponsors: Vice Chairwoman Audrey M. Edmonson  
Commissioner Jean Monestime