

# MEMORANDUM

Agenda Item No. 7(D)

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

**DATE:**

(Second Reading 6-5-18)  
April 10, 2018

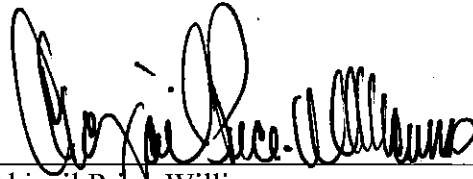
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:**

Ordinance relating zoning;  
amending section 33-253 of the  
Code; authorizing automobile  
storage as a permitted use in  
the BU-2 (Special Business)  
District under certain  
conditions for automobile  
dealers or vehicle retail  
showrooms

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.




Abigail Price-Williams  
County Attorney

APW/lmp

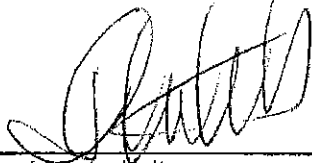
# Memorandum



**Date:** June 5, 2018  
**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Fiscal Impact Statement for Ordinance Relating to Zoning; Automobile Storage

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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.



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Jack Osterholt  
Deputy Mayor


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# Memorandum



**Date:** June 5, 2018

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

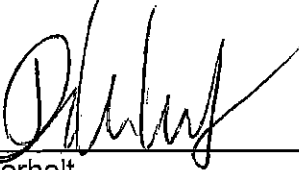
**From:** Carlos A. Gimenez   
Mayor

**Subject:** Social Equity Statement for Ordinance Relating to Zoning; Authorizing Automobile Storage as a Permitted Use in the BU-2 (Special Business) Zoning District Under Certain Conditions for Automobile Dealers or Vehicle Retail Showrooms

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The proposed ordinance relating to zoning amends Section 33-253 of the Code of Miami-Dade County (Code) authorizing automobile storage as a permitted use in the BU-2 (Special Business) Zoning District under certain conditions for automobile dealers or vehicle retail showrooms.

More specifically, the proposed ordinance authorizes automobile storage of new vehicles for an automobile dealer in the BU-2 zoning district that does not operate a sales facility on the same site, subject to a series of conditions. The conditional allowance stems from the fact that car dealerships are not allowed in the BU-2 zoning district and allows said storage of vehicles under the following conditions: (1) as an ancillary use (not the primary use of the property), (2) on a property with a minimum lot size of 40 acres, (3) within a parking garage (not a surface lot), and (4) subject to an annual Certificate of Use.

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Jack Osterholt  
Deputy Mayor

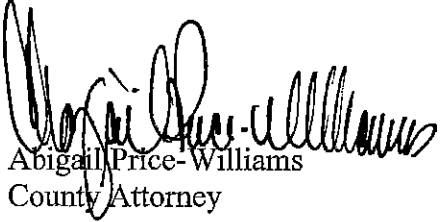
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**MEMORANDUM**  
(Revised)

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

**DATE:** June 5, 2018

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

**SUBJECT:** Agenda Item No. 7(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. 7(D)  
6-5-18

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

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-253 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING AUTOMOBILE STORAGE AS A PERMITTED USE IN THE BU-2 (SPECIAL BUSINESS) DISTRICT UNDER CERTAIN CONDITIONS FOR AUTOMOBILE DEALERS OR VEHICLE RETAIL SHOWROOMS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the BU-2 (Special Business) District permits large scale commercial and office facilities which serve the needs of large urban areas; and

**WHEREAS**, storage of automobiles off-site by automobile dealers is a common usage of large-scale commercial property; and

**WHEREAS**, the Zoning Code does not currently permit the storage of automobiles off-site in the BU-2 District; and

**WHEREAS**, this Board wishes to permit off-site storage of automobiles in the BU-2 District as an ancillary use with certain conditions that will promote compatibility,

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

**Section 1.** Section 33-253 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-253. Uses permitted.**

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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.

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:

\* \* \*

(3) Automobile storage of new vehicles for an automobile dealer that does not operate a sales facility on the same site, subject to the following conditions:

- (a) That such use shall be ancillary to another allowable use under this article.
- (b) That such use shall be on a site of at least 40 net acres.
- (c) That the automobile storage must occur only within a parking garage.
- (d) That the parking spaces used for the automobile storage shall not be required spaces for the remaining uses on the property, as calculated by Chapter 33, or as part of the required parking pursuant to the zoning resolution(s) governing the Property.
- (e) That no independent additional parking spaces pursuant to Section 33-124(h)(2) will be required as parking for the on-site automobile storage.
- (f) That such use shall obtain a Certificate of Use, and that the Certificate of Use shall be renewed annually for as long as such use operate.

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>>(4)<< [[2.04]] Brewery (not farm related), subject to the following conditions:

(a) The manufacture of malt liquors, such as beer and ale, shall be limited to 10,000 kegs per year as a micro-brewery.

(b) The brewery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use, subject to the requirements of Article X of this chapter.

(c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this Code.

>>(5)<< [[2.05]] Commuter Colleges/Universities.

>>(6)<< [[2.1]] Hospitals (other than animal hospitals), subject to the following conditions:

(a) That such uses shall be on sites of at least ten (10) net acres;

(b) That the facility shall have capacity for a minimum of one hundred (100) beds.

(c) The certificate of use for the hospital shall be annually renewed.

(d) That the hospital operates a 24 hour emergency room.

(e) Notwithstanding the provisions of Section 33-253.3 of this Code, the net lot coverage permitted for all buildings on the site shall not exceed 50% of the total lot area; the floor area ratio shall be fifty one-hundredths (0.50) at one (1) story and shall be increased by fourteen-one hundredths (0.14) for each additional story up to eight (8) stories, and thereafter the floor area ratio shall be

increased by six-one-hundredths (0.06) for each additional story. Structured parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. Enclosed or nonenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

(f) Notwithstanding the provisions of Section 33-253.4 of this Code, the minimum landscaped open space at one (1) story shall be fourteen percent (14%).

The minimum landscaped open space shall be increased by one (1) percent for each additional story or part thereof, up to eight (8) stories, thereafter the landscaped open space shall increase by two (2) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery. Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped open space



provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(g) That such uses shall be located within sites having frontage on a major access road, including major roadways (three (3) or more lanes), section or half section line roads and/or frontage roadways serving limited access highways and expressways. (h) The site shall meet and comply with the provisions of Section 33-253.7 of this Code, except that the wall may be penetrated at points approved by the Directors of the Planning and Zoning Department and the Public Works Department for ingress and egress to afford pedestrian or vehicular access between the sites, and if the property where the facility is located is separated from the AU, GU, RU or EU zoned property by a canal or a previously existing, dedicated and improved roadway, then a wall shall not be required on that portion of the property which is separated by the canal or roadway.

>>(7)<< ~~[[2,2]]~~ Hotel and motel uses, subject to all provisions of the RU-4A District pertaining to such uses.

>>(8)<< ~~[[3]]~~ Liquor package stores.

>>(9)<< ~~[[4]]~~ Major department stores.

>>(10)<< ~~[[5,1]]~~ Movie and television studios with indoor sound stages/studios.

>>(11)<< ~~[[5,2]]~~ Movie and television studios with outdoor lots/backlots after public hearing.

>>(12)<< ~~[[6]]~~ Night clubs located no closer than five hundred (500) feet of any RU or EU District, if approved at a public hearing.

>>(13)<< [[7]] Office parks.

>>(14)<< [[8]] Pubs and bars.

>>(15)<< [[9]] Regional shopping centers.

>>(16)<<[[9.5]] Vehicle Retail Showroom, provided that:

- (1) >>On-site vehicle storage/stock beyond the showroom shall only be allowed in accordance with subsection 3 above<< ~~[[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.

>>(17)<< [[10]] Warehouse, membership.

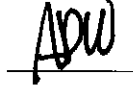
**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**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:

A handwritten signature in black ink, appearing to be 'ADW', written over a horizontal line.

Prepared by:

A handwritten signature in black ink, appearing to be 'EM', written over a horizontal line.

Lauren E. Morse

Prime Sponsor: Commissioner Sally A. Heyman