

**SUNRISE, FLORIDA**

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

**AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE, AMENDING CHAPTER 16, "LAND DEVELOPMENT CODE," AMENDING ARTICLE V, "DISTRICT REGULATIONS," BY AMENDING SECTION 16-78, "BUSINESS DISTRICTS" TO AMEND FILLING STATION REFERENCE; BY AMENDING SECTION 16-79, "MASTER BUSINESS LIST" TO AMEND USES PERMITTED; BY AMENDING SECTION 16-80, "I-1 LIGHT INDUSTRIAL DISTRICT" TO AMEND SPECIAL EXCEPTION USES; AMENDING ARTICLE VI, "SUPPLEMENTAL REGULATIONS," BY AMENDING SECTION 16-136, "GASOLINE STATIONS" TO AMEND REGULATIONS FOR GASOLINE STATIONS; AMENDING ARTICLE VII, "OFF-STREET PARKING AND LOADING," BY AMENDING SECTION 16-144, "AMOUNT OF OFF-STREET PARKING" TO AMEND AUTOMOTIVE SERVICES USES PARKING; BY AMENDING SECTION 16-148, "OFF-STREET LOADING" TO INCLUDE CONVENIENCE STORE LOADING; AMENDING ARTICLE XVII, "DEFINITIONS," BY AMENDING SECTION 16-277, "TERMS DEFINED" TO AMEND CERTAIN DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Commission passed a twelve (12) month moratorium on the submission, processing or approval of special exception use applications and site plan applications for automobile gasoline stations on March 22, 2016 (Ordinance No. 604); and

WHEREAS, since the adoption of Ordinance No. 604, the City has had the opportunity to review its Comprehensive Plan, Code of Ordinances, and existing and proposed gasoline station sites pertaining to the impact of automobile gasoline stations on, among other things, infrastructure, emergency and public service vehicular traffic, public safety, aesthetics, public welfare and public facilities; and

WHEREAS, as a result of those reviews, the City found automobile gasoline stations have substantial impacts relating to traffic, noise, and lighting on the adjacent areas; and

WHEREAS, automobile gasoline stations attract a continuous traffic flow, create multiple conflicting traffic movements for access to and from the site, and create significant site circulation conflicts; and

WHEREAS, the City Commission has determined that to protect and improve the health, safety, and general welfare of its residents and visitors, additional regulations are necessary for gasoline stations; and

WHEREAS, the City's Local Planning Agency has reviewed this Ordinance and recommended its approval to the City Commission; and

WHEREAS, the City Commission held a noticed public hearing, at which all members of the public so desiring has an opportunity to be heard; and

WHEREAS, the City Commission finds that this Ordinance is consistent with the City's adopted Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing recitals are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That section 16-78 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

**Sec. 16-78. - Business districts.**

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*(c) Limitations on uses.*

- (1) Except for outdoor restaurant seating areas, automobile parking lots, drive-in banks and ~~filling-gasoline~~ stations, all activities of permitted uses including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building, provided that drive-in type retail restores may conduct sales through open doors or windows. Drive-in businesses must be conducted so that no interference of established pedestrian or vehicular traffic flow will result. Permits for temporary outdoor sales may be issued in compliance with Article XVIII.

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Section 3. That section 16-79 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

**Sec. 16-79. – Master Business List.**

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(d) *Supplemental regulations to Master Business List.* The numbers below correspond to the numbers on the Master Business List.

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(8) *Automobile ~~service-repair, minor~~:* Special exception uses subject to Article III plus the following additional standards:

- a. Uses shall be limited to minor automobile repair. ~~gasoline sales, automatic car wash, and quick-service automotive parts or service limited to oil, tires, brakes, mufflers, interior cleaning and tune-ups.~~ Major automobile repair. Any other repairs such as major engine repairs, body work or painting, shall be permitted only in the I-1 district.
- b. All service doors and similar doors as identified in subsection 16-140(~~ε~~3) must conform to the provisions of subsection 16-140(~~ε~~3).
- c. ~~Car washes shall not operate between 10:00 p.m. and 6:00 a.m.~~
- d. ~~See also section 16-136 for additional gasoline station requirements.~~

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<i>Business Listings</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>
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<del>Automobile gasoline station and limited retail food service. No auto repair or service bays. See section 16-136.</del>		<del>*7</del>	<del>*7</del>	
<del>Automobile <u>repair, minor service</u>— With or without gasoline sales</del>			<del>*7</del> <u>7,8</u>	
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<i>Business Listings</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>
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Garden supplies		*5	*5	
<u>Gasoline station. See section 16-</u>		<u>*7</u>	<u>*7</u>	

<u>136.</u>				
Gift shops	*	*	*	
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Section 4. That section 16-80 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

**Sec. 16-80. - I-1 Light Industrial District.**

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(c) *Special exception uses.* The following uses may be permitted in the I-1 district by the city commission in accordance with the requirements of Article III provided a particular use occupies no more than ten (10) contiguous acres:

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- (5) Automobile repair, major and minor, (excluding motorcycle repair) provided that the use shall not be located adjacent to a residential district, even if separated by a street; and shall not be located on a site that is adjacent to a Broward County Trafficway. Outdoor storage of vehicles, equipment and parts shall be limited to an area located behind the principal building that is fully screened from public view by an eight-foot fence or wall and landscaping. Any parking provided for the temporary storage of vehicles shall be in addition to the minimum number of parking spaces required by subsection 16-144(a)(22). All service doors and similar must conform to the provisions of subsection 16-140(3).
- (6) ~~Automobile service uses, including gasoline station, minor auto repair, and service with related retail sales, or automatic car wash.~~ Gasoline station.

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Section 5. That section 16-136 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

**Sec. 16-136. Gasoline stations.**

- ~~(a) Canopy setback Seventy-five (75) feet. All canopies (to the edge of the canopy) or other structures shall be set back at least seventy-five (75) feet from the existing or planned right-of-way of the following thoroughfares:~~
  - ~~(1) Sunrise Boulevard west of Flamingo Road;~~
  - ~~(2) Flamingo Road;~~

~~(3) 136th Avenue.~~

~~(b) Canopy setback—Fifty (50) feet or less. All canopies (to the edge of the canopy) or other structures shall be set back at least fifty (50) feet from the right-of-way of any other trafficway or any street adjacent to a residential district or any residential property line, and forty (40) feet from all other streets.~~

~~(c) Decorative fountains. If provided, decorative fountains shall conform to the following requirements:~~

~~(1) Fountains shall be located adjacent to the primary entry. On corner plots fountains shall be located adjacent to the intersection of rights-of-way.~~

~~(2) Fountains including wing-walls shall extend parallel to the abutting public right-of-way or private street not less than one-quarter ( $\frac{1}{4}$ ) the width of the abutting right-of-way. On corner plots fountains shall extend not less than one-quarter ( $\frac{1}{4}$ ) the width of both abutting rights-of-way.~~

~~(3) Fountains shall be rescinding, non-misting, and fully lined.~~

~~(4) The surface area of the water of the fountain when in operation shall be a minimum of the product of the right-of-way width times one (1) foot for each abutting right-of-way. The surface area may be achieved by any combination of pools, jets, or waterfalls.~~

~~(5) The design of the fountain shall be consistent with the architecture of the building and shall contain the following architectural features:~~

~~a. Primary materials shall be cut stone, masonry, concrete block and stucco, or metal.~~

~~b. Changes in wall materials and/or textures such as banding or reveals providing a minimum of two (2) materials or textures for the exterior surface of walls.~~

~~c. Mass changes including projection and recession.~~

~~(d) Landscaping. See Article VIII, for additional landscaping requirements for gas stations.~~

~~(e) Visual and sound buffers. See section 16-192.~~

~~(f) Stations without service bays.~~

~~(1) Parking: Overnight parking is prohibited.~~

~~(2) Compressed air: All gas stations shall provide compressed air during operating hours free of charge with or without the purchase of gasoline or other items. Every station shall display in a conspicuous place on, at, or near~~

~~each dispensing apparatus, at least one (1) clearly visible sign which shall read as follows: "SECTION 16-136 OF THE SUNRISE CITY CODE REQUIRES THAT THIS STATION PROVIDE FREE COMPRESSED AIR FOR AUTOMOTIVE PURPOSES TO THE PUBLIC. SEE STATION ATTENDANT FOR THESE SERVICES. IF YOU HAVE A COMPLAINT PLEASE CALL THE CITY OF SUNRISE CODE ENFORCEMENT DIVISION (954) 572-2344."~~

~~(3) The site shall include: A minimum of four (4) pumps. Each pump shall include at least two (2) dispensers, for a minimum of eight (8) dispensers on each site.~~

~~(g) Stations with or without service bays.~~

~~(1) Car washes: Car washes shall not operate between 10:00 p.m. and 6:00 a.m. seven (7) days a week.~~

~~(2) The site shall include: A minimum of four (4) pumps. Each pump shall include at least two (2) dispensers, for a minimum of eight (8) dispensers on each site.~~

~~(3) Window signs: Shall comply with section 16-252.~~

~~(4) Outdoor display: No outdoor stacking of any product other than propane is permitted.~~

~~(5) Compressed air: All gas stations shall provide compressed air during operating hours free of charge with or without the purchase of gasoline or other items. Every station shall display in a conspicuous place on, at, or near each dispensing apparatus, at least one (1) clearly visible sign which shall read as follows: "SECTION 16-136 OF THE SUNRISE CITY CODE REQUIRES THAT THIS STATION PROVIDE FREE COMPRESSED AIR FOR AUTOMOTIVE PURPOSES TO THE PUBLIC. SEE STATION ATTENDANT FOR THESE SERVICES. IF YOU HAVE A COMPLAINT PLEASE CALL THE CITY OF SUNRISE CODE ENFORCEMENT DIVISION (954) 572-2344."~~

This section shall apply to all gasoline stations, regardless of the designated zoning district in which it is located.

(a) Dispensers. A gasoline station site shall comply with the following.

(1) Minimum: A gasoline station site shall provide a minimum of four (4) dispensers onsite, and provide a minimum of eight (8) fueling positions.

(2) Maximum: A gasoline station site, located adjacent or contiguous to a local roadway on any portion of the property, shall have a maximum of six (6)

dispensers, and provide a maximum of twelve (12) fueling positions. A gasoline station site not located adjacent or contiguous to a local roadway on any portion of the property, shall have a maximum of eight (8) dispensers, and provide a maximum of sixteen (16) fueling positions.

(3) Each dispenser shall include two (2) fueling positions.

(4) Setback: All dispensers shall be setback a minimum of two hundred (200) feet from any residentially used or zoned property.

(b) Canopy. A canopy shall be provided as a roof for all fueling positions and be designed to complement and appear as an extension of the roof covering the principal structure.

(1) Setback: All canopies shall be setback a minimum of seventy-five (75) feet from the property line.

(2) Clearance: Canopies shall have a maximum clearance height of sixteen (16) feet above grade, except where state or federal law requires a greater clearance.

(3) Design Standard: The design of the canopy, including any columns, shall complement and be compatible with the design and exterior building materials of the principal structure.

(4) Lighting: All canopy lighting shall be fully recessed and directed downward and comply with section 16-150.

(c) Site. A gasoline station site shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements.

(1) Size: The minimum lot size for a gasoline station shall be one (1) acre.

(2) Access: A gasoline station shall have no more than two (2) access points providing ingress/egress from rights-of-way. Access points shall be determined by the traffic study required under subsection 16-136(n), and shall be located a minimum of one hundred (100) feet from any intersecting street rights-of-way. Access points shall be a maximum of forty (40) feet in width.

(3) Separation: A gasoline station shall be located a minimum of two hundred and fifty (250) feet from another gasoline station as measured from property line to property line.

(4) Automobile Maintenance: No automobile maintenance or repairs are permitted on site unless the gasoline station is ancillary to an automobile dealership.

(d) *Parking.* A gasoline station site shall meet the parking requirements of section 16-144. Fueling positions shall not be counted toward the minimum required number of parking spaces.

(1) *Material:* All impervious area, not used as building foundation, shall be concrete. Asphalt shall not be permitted.

(2) *Location:* Parking spaces and access to parking spaces shall not conflict with underground tank pad/truck fueling area.

(3) Overnight parking is prohibited.

(e) *Convenience Store.*

(1) *Minimum:* A gasoline station shall have a convenience store located in a stand alone building with a minimum size of 3,500 square feet of gross floor area.

(f) *Outdoor display:* No outdoor stacking of any product other than propane is permitted pursuant to subsection 16-118(f)(2).

(g) *Underground Fuel Tanks and Vent Stacks.*

(1) All underground fuel tanks shall meet Chapter 6 of the City Code of Ordinances and be located a minimum of two hundred (200) feet from any residentially used or zoned property.

(2) Gasoline vent stacks shall be located a minimum of two hundred (200) feet from any residentially used or zoned property.

(3) Gasoline vent stacks shall be screened.

(h) *Vacuum.* If provided, a vacuum shall be located a minimum of two hundred (200) feet from any residentially used or zoned property. A dedicated area, separate from the required drive aisle and parking areas, shall be provided solely for vehicles utilizing the vacuum.

(i) *Compressed Air.* If provided, compressed air shall be located a minimum of two hundred (200) feet from any residentially used or zoned property. A dedicated area, separate from the required drive aisle and parking areas, shall be provided solely for vehicles utilizing the compressed air.

(j) *Decorative Bollards.* Where bollards are used to separate parking areas from a convenience store, bollards must be decorative and subject to approval of the director of community development or his/her designee.



(k) Landscaping. See Article VIII, for additional landscaping requirements for gasoline stations.

(l) Visual and sound buffers. See section 16-192.

(m) Car Wash. If a car wash is provided at a gasoline station, the car wash shall conform to the following:

(1) The car wash shall be enclosed within an entire building.

(2) Hours. A car wash shall not operate between 10:00 p.m. and 6:00 a.m. seven (7) days a week.

(3) Setback. A car wash shall be located a minimum of two hundred (200) feet from any residentially used or zoned property.

(n) Traffic Study. The applicant shall provide a traffic study to include an analysis of the impact on affected external roadways, intersections, and turn lanes, as well as internal traffic circulation patterns, access points, parking configurations, turning movements, and any other areas as determined by the director of community development or his/her designee to review and provide for safe and efficient movement of traffic on and off site. The methodology and study area shall be subject to pre-approval by the director of community development or his/her designee.

(o) Noise Study. The applicant shall provide a noise study pursuant to subsection 16-31(b)(14). The methodology shall be subject to pre-approval by the director of community development or his/her designee.

(p) Financial Responsibility. The owner or operator of a gasoline station with an underground storage tank system shall provide a copy of the required financial responsibility as required by Rule 62-761, F.A.C., in which financial responsibility is the ability to pay for cleanup of a discharge and third-party liability resulting from a discharge of petroleum product at a facility as defined in Rule 62-761.420, F.A.C.

Section 6. That section 16-144 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

**Sec. 16-144. – Amount of off-street parking.**

(a) The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

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(22) *Automotive service uses:*

Automobile <del>repair service stations</del> , major and minor <del>repair shops and quick-service establishments</del>	1 space per employee, plus 3 spaces per service bay
Automobile washing establishments, attended	1 space per employee, plus 10 queuing spaces per bay in approach lane and 5 queuing spaces per bay in exit lane
Automobile washing establishments, self-service	3 queuing spaces per bay
Motor vehicle parts and accessory stores, including the installation of parts and accessories such as tires	1 space per 400 sq. ft. of gross floor area

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Section 7. That section 16-148 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

**Sec. 16-148. - Off-street loading.**

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(d) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

(1) For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, funeral home, laundry, dry cleaning establishment or similar use:

Aggregate gross floor area	Off-street loading spaces
Less than 5,000 sq. ft.	None; except restaurant use <u>or convenience store</u> – one (1) space
5,000 to 24,999 sq. ft.	One (1) space
25,000 to 59,999 sq. ft.	Two (2) spaces
60,000 to 119,999 sq. ft.	Three (3) spaces
120,000 to 199,999 sq. ft.	Four (4) spaces
200,000 to 289,999 sq. ft.	Five (5) spaces
290,000 sq. ft. and over	Five (5) spaces plus one (1) space for each additional 90,000 sq. ft. or fraction thereof.

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Section 8. That section 16-277 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

**Sec. 16-277. – Terms defined.**

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~~*Automobile services. Gasoline sales, automatic car wash, minor automobile repair only, and related retail sales.*~~

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*Garage, private:* An accessory structure designed or used for inside parking of self-propelled private passenger vehicles by the occupants of the main building.

*Gasoline station:* Any building or land used for retail sale and dispensing of automobile motor fuel.

*Grocery store:* A store selling primarily retail food products with any other retail products being accessory thereto.

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*Land use:* Development that has occurred on the land; the development that may be proposed on the land, or the use that is permitted or permissible on the land under the county land use plan, a certified land use plan, land development regulations, as the context may indicate.

*Local Roadways.* All roadways located within the City of Sunrise excluding arterial and limited access/controlled roadways per the Broward County Trafficways Plan as amended from time to time.

*Lot:* See “Plot.”

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Section 9. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 10. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 11. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 12. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

PASSED AND ADOPTED upon this second reading this \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor Michael J. Ryan

Authentication:

\_\_\_\_\_  
Felicia M. Bravo  
City Clerk

FIRST READING

MOTION: \_\_\_\_\_  
SECOND: \_\_\_\_\_

DOUGLAS: \_\_\_\_\_  
KERCH: \_\_\_\_\_  
SCUOTTO: \_\_\_\_\_  
SOFIELD: \_\_\_\_\_  
RYAN: \_\_\_\_\_

SECOND READING

MOTION: \_\_\_\_\_  
SECOND: \_\_\_\_\_

DOUGLAS: \_\_\_\_\_  
KERCH: \_\_\_\_\_  
SCUOTTO: \_\_\_\_\_  
SOFIELD: \_\_\_\_\_  
RYAN: \_\_\_\_\_

Approved by the City Attorney  
As to Form and Legal Sufficiency.

\_\_\_\_\_  
Kimberly A. Kisslan