

ORDINANCE NO. 99-04

**AN ORDINANCE OF THE CITY OF WEST MIAMI REGULATING THE OPERATION OF CARWASHES IN THE COMMERCIAL AREAS PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is the goal of the City Administration and City Commission to enhance and maintain the residential character of the City of West Miami,

**WHEREAS**, the City Administration and City Commission wish to assist the business community by establishing uniform regulations throughout the commercially zoned districts of the City,

**WHEREAS**, there is a need to regulate the operation of carwashes within the City of West Miami,

**THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA as follows:**

**Article 1. Carwashes defined.**

(a) **Automatic carwashes:** Automatic carwashes shall be defined as enclosed, or partially enclosed, structures containing machinery that automatically sprays water and detergents upon automobiles moving through, that were partially or totally dry, with the assistance of electronic fans and/or turbines to dry vehicles. All automatic carwashes shall be subject to the provisions of Section 2A, Zoning Ordinance 282, Special Use Permits, as required by Section 4.31, Zoning Ordinance 282.

(b) **Hand carwashes:** Hand carwashes shall be defined as a business not utilizing machinery to automatically wash or dry a vehicle. All work shall be comprised of hand labor in washing and waxing vehicles. A hand carwash use may utilize small vacuums, pressure cleaners, steam cleaners and buffing machines in it's operation. All work shall take place within the confines of a permanent structure.

**Article 2. Incidental Use.**

Hand carwashes shall be located and permitted only at automobile service stations or automobile mechanical garages within commercially zoned (C-Use) districts. Said use shall be considered an incidental use to the sale of gasoline, or maintenance of an automotive vehicle.

**Article 3. New Hand Carwashes.**

All new hand carwashes shall be subject to the provisions of this ordinance.

**Article 4. Existing Hand Carwashes.**

All existing hand carwashes currently licensed and operating within the City of West Miami shall conform its operations with the terms and conditions of this ordinance not later than 45 calendar days from the passage of same.

**Article 5. Permanent Structure.**

All hand carwashes shall be operated within the confines of the principal structure utilized for the primary use (gasoline sales or mechanical repairs), or an addition thereto. Said addition thereto may be an aluminum roofed open structure, or other roofed structure, which meets the South Florida Building Code and has received a valid Miami-Dade County Building Permit for its construction.

**Article 6. Set Back.**

There shall be a minimum set back of seventy-five (75') feet from the nearest residential dwelling for additions utilized for hand carwashes.

**Article 7. Noise Pollution.**

Noise pollution is strictly prohibited and all machinery shall be of such construction as to muffle sound as not to disturb the peace and tranquility of adjacent residential neighborhoods.

**Section 1.** Hand operated buffers shall be designed and used so as to muffle motor noise to the greatest extent possible, and may only be operated within the previously described permanent structure.

**Section 2.** Hand operated vacuum cleaners shall be designed and used so as to muffle motor noise to the greatest extent possible, and may only be operated within the previously described permanent structure. Said equipment shall be turned off when not in actual use.

**Section 3.** Hand operated steam cleaning or pressure cleaning equipment shall be designed and used so as to muffle motor noise to the greatest extent possible, and may only be operated within the previously described permanent structure. Said equipment shall be turned off when not in actual use.

**Article 8. Walls.**

Hand carwash use shall not be allowed on properties which are not in conformance with Section 4.32-7, Zoning Ordinance 282, which requires a decorative masonry wall at least five (5') in height separating the commercial use from any residential use.

**Article 9. Lighting.**

All necessary lighting for a hand carwash use shall be meet the requirements of Section 5-57 thru 5-63, Article IV, Chapter 5 of the Code of the City of West Miami, Outdoor Lighting of Public and Private Parking Lots..

**Article 10. Displays.**

All merchandise offered for sale in conjunction with a hand carwash use shall be displayed within the confines of the above described permanent structures.

**Article 11. Prohibition of rental, sale or storage of any vehicle.**

Any rental, sale or storage of vehicles inside hand carwash structures is prohibited.

**Article 12. Signs.**

All carwash signs must be approved by the Planning and Zoning Board and must conform to Section 14, Zoning Ordinance 282.

**Article 13. Cleaning Equipment.**

All cleaning equipment and materials including rags, cleansers and bottles shall be stored within the previously described permanent structure.

**Article 14. Licensing.**

All hand carwash uses shall be separately licensed (Occupational License) by the owner/operator of the principal use.

**Article 15. Hours of operation.**

Hand carwash uses may operate only between 9:00 A.M. and sunset, seven days each week.

**Article 16. Sales Tax.**

The City of West Miami shall be authorized to examine all sales tax receipts of any hand carwash on a quarterly basis.

**Article 17. Discharge/disposal of Carwash Waters.**

The discharge and/or disposal of carwash water from the hand washing process must be done in accordance with the regulations (i.e. Chapter 24, Metropolitan Dade County Code) of the Miami-Dade County Department of Environmental Resources Management (DERM), and any other applicable City, County, State and Federal regulations.

**Article 18. Motor or Undercarriage Cleaning.**

No cleaning, steam cleaning or pressure cleaning of automobile engines or undercarriages shall be allowed as a part of hand carwash uses.

**Article 19. Vehicle Types**

Hand carwash operators may wash automobiles, sports utility vehicles, pickup trucks, small vans and boats on trailers. All other vehicle types are prohibited.

**Article 20. Compliance with State and Local laws.**

Any and all water use restriction as may be imposed by the Department of Environmental Resources Management (DERM) or by the South Florida Water Management District (SFWMD) shall be applied to hand carwash uses.

**Article 21. Conflicts of Ordinances.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Article 22. Severability.**

If any clause, section or other part of this Ordinance is to be held invalid or unconstitutional by any court of competent jurisdiction the remainder of this Ordinance shall not be affected but shall remain in full force and effect.

**Article 23. Codification.**

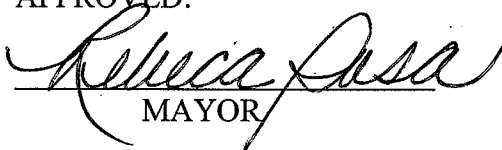
It is the intention of the commission that the provision of this Ordinance shall be made a part of the City of West Miami Code and that the sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word or phrase in order to accomplish such intentions.

**Article 24. Effective date.**

This Ordinance shall take effect immediately upon its passage.

**PASSED AND ADOPTED** this 9 day of Sept, 1999.

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK

Approved as to form and sufficiency

\_\_\_\_\_  
CITY ATTORNEY

Roll Call Vote:

Mayor Rebeca Sosa	<u>Y</u>
Vice Mayor Enrique Gonzalez	<u>Y</u>
Commissioner Carlos Diaz Padron	<u>Y</u>
Commissioner Marco Rubio	<u>Y</u>
Commissioner Delia Yedra-Chruszcz	<u>Y</u>

Date of 1st reading	_____
Date of Publication	_____
Date of 2nd reading	_____

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Roll Call Vote:

Mayor Reboredo Y

Vice Mayor Sosa NO

Commissioner Busse Y

Commissioner Hickey-Patton NO

Commissioner Trigo Y

Date of 1st reading: 1-2-91

Date of Publication: \_\_\_\_\_

Date of 2nd reading: 1-16-91

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