

# Memorandum



**Date:** October 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

Agenda Item No. 4(D)

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

**Subject:** Proposed Zoning Ordinance Amending the Downtown Kendall Urban Center  
Zoning District

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Attached please find, the material related to a private zoning application filed in accordance with Section 33-284.89.3 of the County Code (Amendments to Urban Center District Land Use Plan Category or Other Regulating Plan). The material consists of a proposed ordinance containing the applicant's proposed revisions to the Downtown Kendall Urban Center District regulating plans and related text as well as the Department of Regulatory and Economic Resources' staff report. This item is quasi-judicial.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** October 21, 2014

**FROM:** R. A. Cuevas, Jr.  
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
- 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)  
10-21-14

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

ORDINANCE PERTAINING TO ZONING; AMENDING DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT ("DKUCD") REGULATIONS TO REDESIGNATE SUBJECT PROPERTY FROM CENTER TO CORE SUB-DISTRICT, CREATE NEW CORE SUB-DISTRICT STREET TYPES "E" AND "F" AND ASSOCIATED DEVELOPMENT PARAMETERS, AND REDESIGNATE STREET ABUTTING SUBJECT PROPERTY FROM "A" TO "F"; AMENDING SECTIONS 33-284.60 THROUGH 33-284.63, 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 33-284.60 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

Sec. 33-284.60. Organization of this article.

\* \* \*

(B) The controlling factors are the three (3) Regulating Plans which establish four Sub-Districts, ~~[[five-(5)]]~~ >>six (6)<< street frontage types and a number of designated open spaces that interact. Each different interaction is illustrated as part of this Article.

\* \* \*

(2) The Street Frontage Plan establishes a hierarchy of street types in existing and future locations which

<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.

shall be provided and shown in all future development. The ~~[[five (5)]]~~ >>six (6)<< street types are lettered "A" through ~~[[["E"]]]~~ >>"F"<<. An "A" street is the most important street to accommodate pedestrian activity.

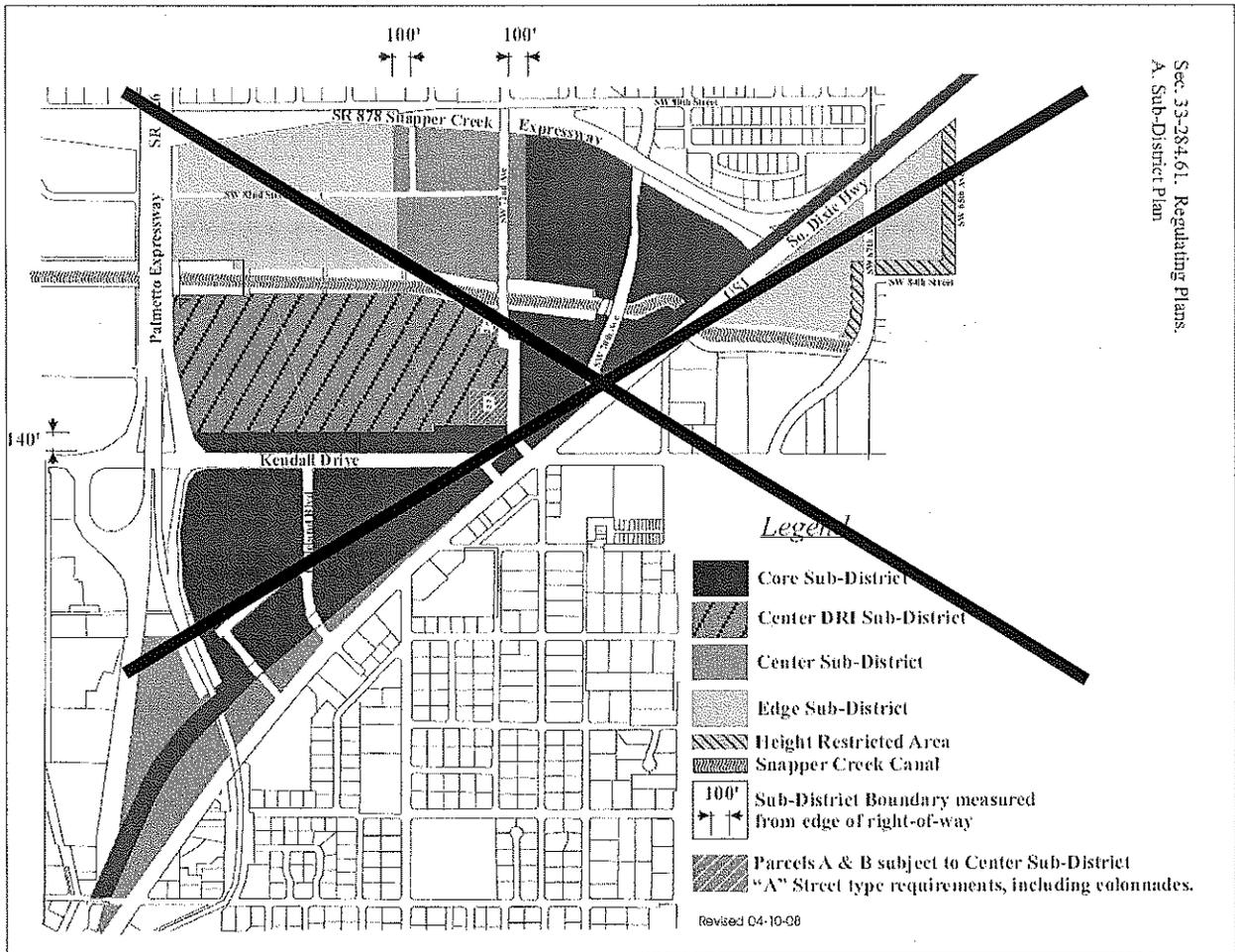
\* \* \*

Section 2. Section 33-284.61 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-284.61. Regulating plans.

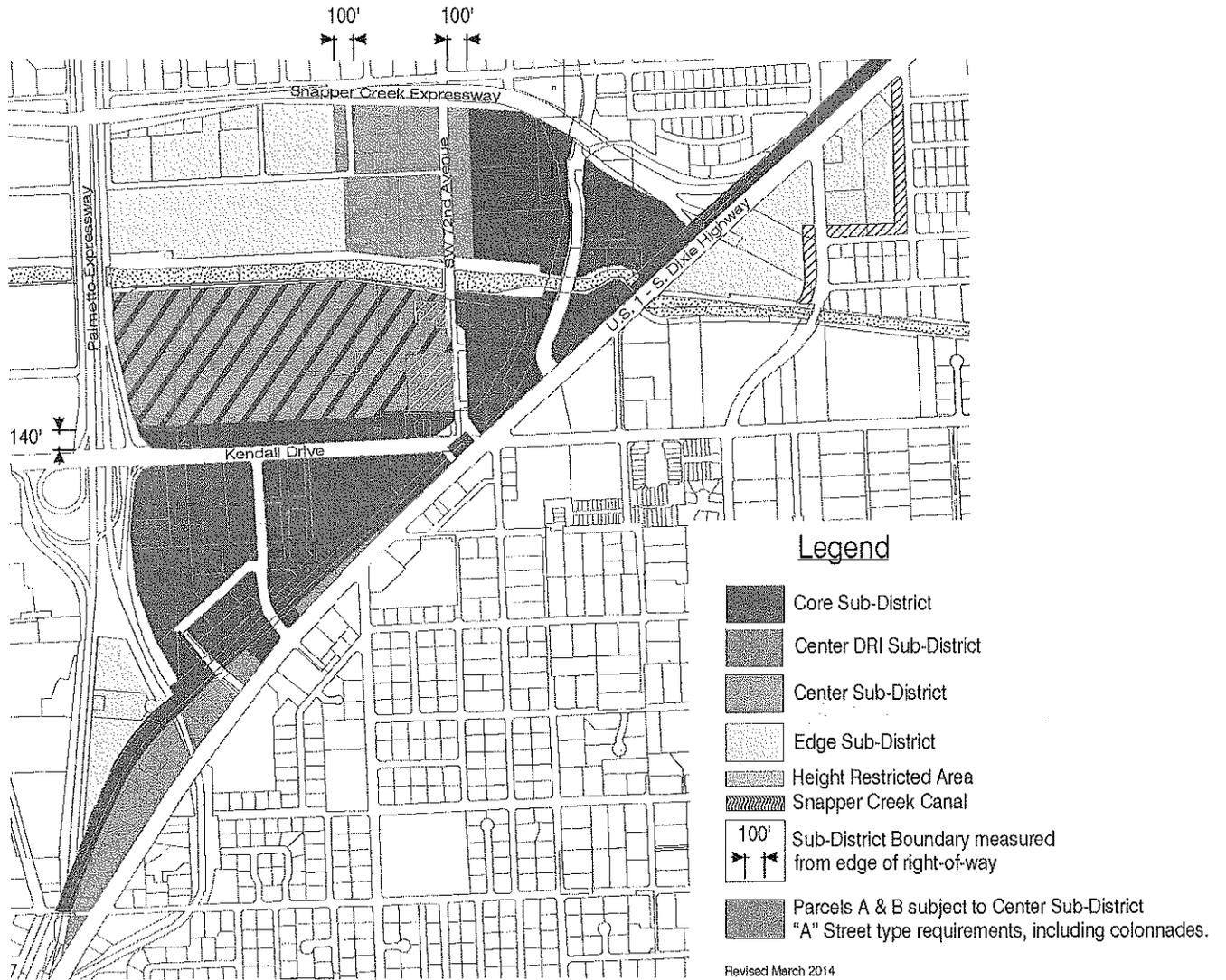
(A) Sub-District Plan

[[



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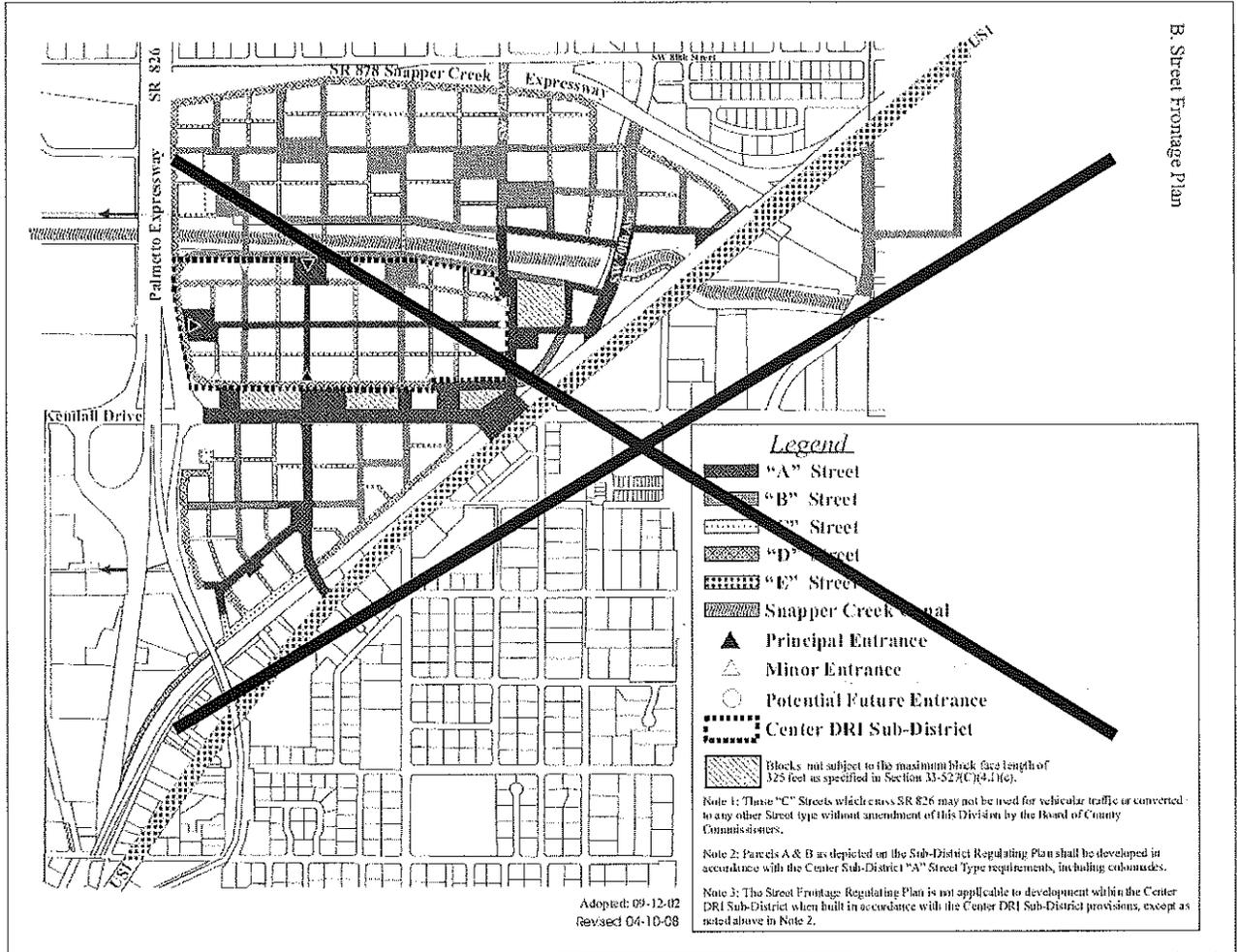


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(B) Street Frontage Plan

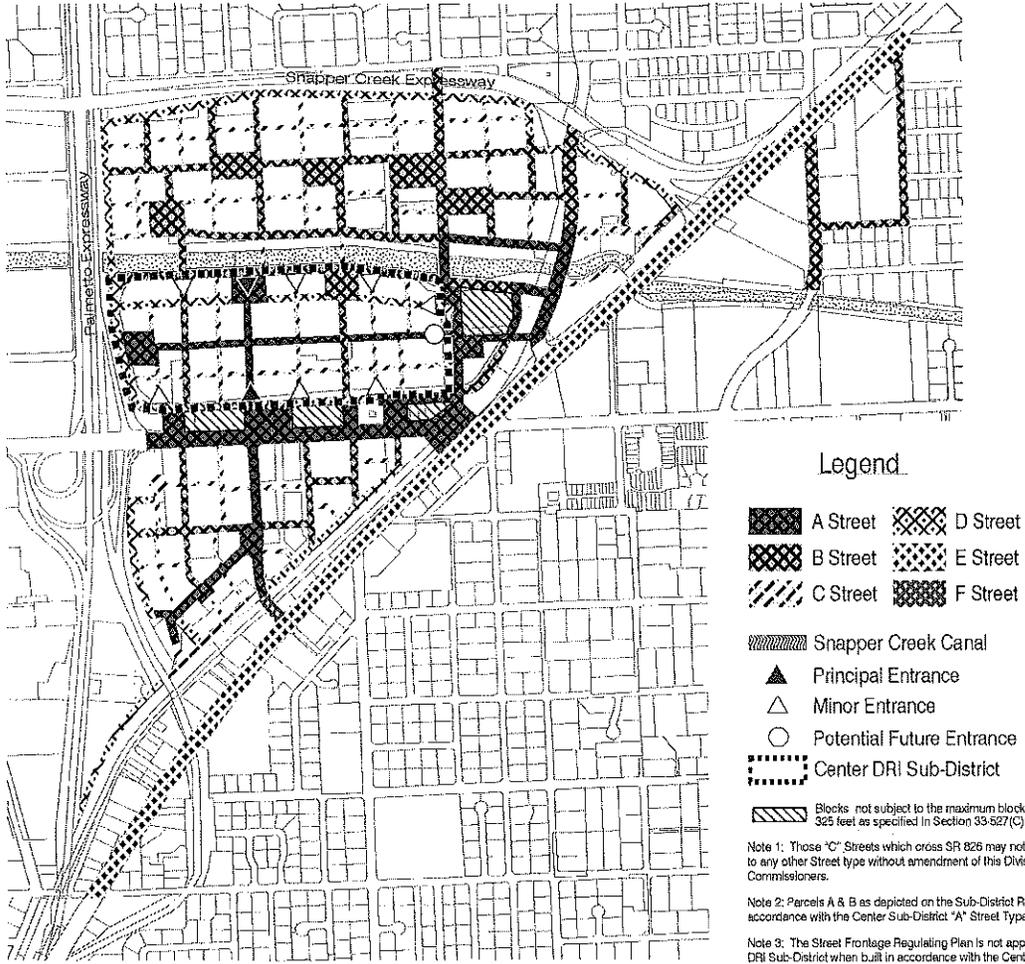
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B. Street Frontage Plan

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<<

\* \* \*

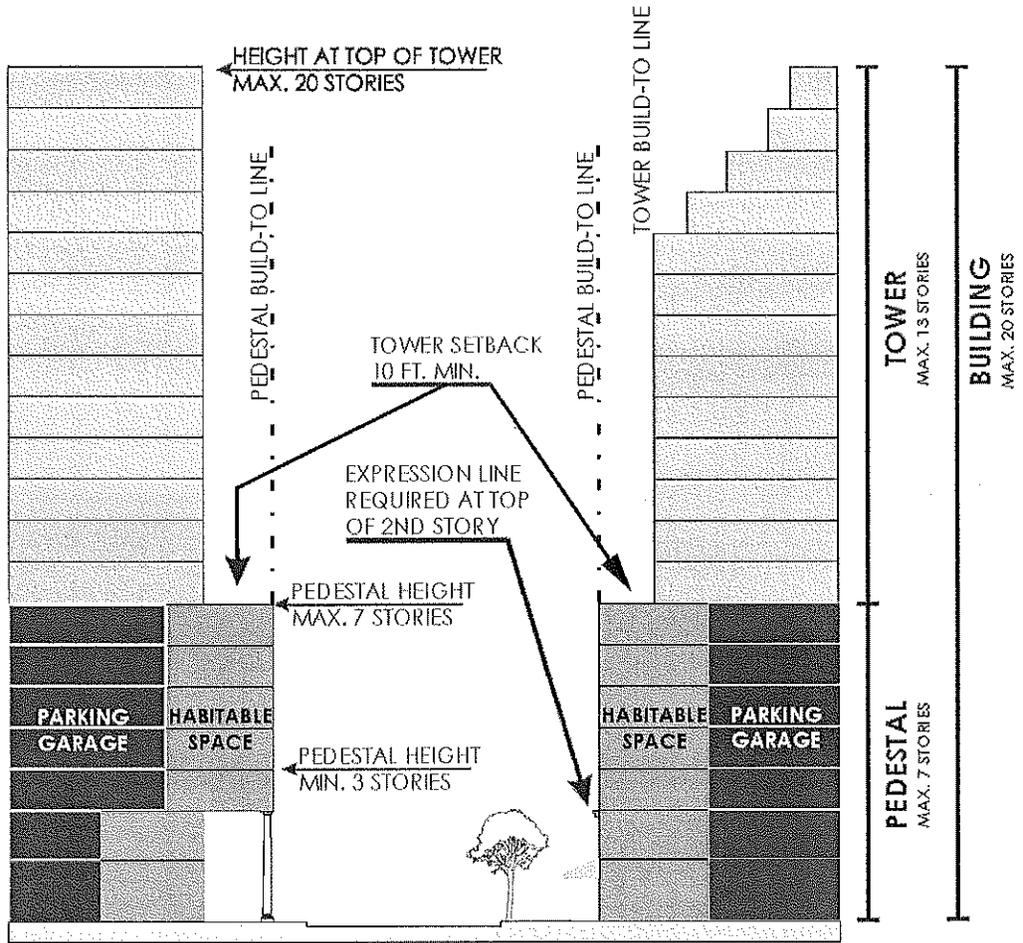
Section 3. Section 33-284.62 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-284.62. Development Parameters.

(A) Placement Diagrams. The following diagrams in this section identify design parameters specifically for the ~~[[thirteen (13)]]~~ >>fourteen (14)<< Sub-district and frontage type situations:

\* \* \*  
Core Sub-District – “D” Street  
\* \* \*

>>Core Sub-District – “E” and “F” Streets



Example 1



Example 2

Building Height      Pedestal – At street front, three (3) stories minimum /seven (7) stories maximum.  
Tower – Thirteen (13) stories maximum.

Building Placement      Street - Fifteen (15) feet minimum from right-of way for pedestal; except that when a colonnade is provided, a five (5) foot minimum setback from the right-of-way for pedestal shall be permitted. Twenty-five (25) feet minimum setback from the right-of-way for tower when the build-to line is fifteen (15) feet, or fifteen (15) foot minimum setback from the right-of-way for tower when the build-to line is five (5) feet.

Overhead Cover – A maximum of fifty (50) percent of “F” streets may be covered above the first floor with structures connecting buildings, including roofs, upper story terraces, pedestrian bridges, habitable space, garages and automobile bridges between garages.

Interior Side / Rear – Zero (0) foot minimum setback for pedestal and tower.

Frontage Length - For “E” Streets, a minimum fifty (50) percent of the lot’s street frontage. For “F” streets, a minimum thirty (30) percent of the lot’s street frontage. Free standing colonnades shall not count towards frontage length.

Streetwalls      Vehicular Entries – Allowed. Each entry may be up to thirty-three (33) feet wide, with a minimum interval of seventy (70) feet between each vehicular entry for “F” streets and up to sixty-six (66) feet wide with a minimum interval of seventy (70) feet between each vehicular entry along “E”



(1) Permitted Uses.

(a) Permitted uses in Core and Center Sub-districts shall be as follows: All business and civic uses permitted in the BU-1, BU-1A, BU-2 Districts, and the following:

\* \* \*

iv. Drive-in services shall be concealed from "A", "B" ~~[[and]]~~ "C" ~~>>~~ "E" and "F" << streets by buildings or garden walls.

\* \* \*

(2) Lots and Buildings.

\* \* \*

(e) All buildings shall have their main pedestrian entrance opening to an "A", "B", "C", ~~[[or]]~~ "E" ~~>>~~ or "F" << street, courtyard garden or square. There shall be pedestrian entrances at maximum intervals of seventy-five (75) feet along "A," and "B" Streets. When ground level uses have entries from both streets and other public open space, the primary entrance will be from the street. Doors facing streets shall remain operational during business hours.

\* \* \*

(i) Where an "A" ~~>>~~ "B" ~~>>~~ ~~[[or]]~~ "D" ~~>>~~ or "F" << street intersects with another street, the corner of the building may need to be chamfered (angled) or rounded to satisfy view triangle and minimum sidewalk width requirements, and to make room for traffic signal poles (see diagram 1). The angled wall of the building shall count toward

frontage requirements for both streets that it fronts. In situations where the view triangle causes the front façade to “bend” at a shallow angle from the street, the angled or rounded wall may set back farther from the street intersections for esthetic and structural reasons. However, the setback shall not be farther than twenty (20) feet measured from the intersection of the two (2) property lines perpendicularly to the front plane of the angled wall. For curved walls this will be measured to the midpoint of the curve. The depth of the colonnade underneath the angled wall of the building shall also be a minimum of fifteen (15) feet.

\* \* \*

(6) Parking.

- (a) Parking shall be provided as per Section 33-124 of this Code, except as follows:

\* \* \*

>>(6) In all sub-districts, the minimum required parking may be reduced up to fifty (50) percent for parcels located within five-hundred (500) feet of a rapid-rail transit station, up to thirty (30) percent for parcels located within one-quarter (1/4) mile from a rapid rail transit station, and ten (10) percent for parcels located within one-half (1/2) mile of a rapid rail transit station.<<

\* \* \*

(d) Parking garages on parcels of record as of the date of approval of this Article facing "A", "E", and "F" streets that have a lot depth at any one (1) point of less than one hundred fifty (150) feet are required to provide habitable space only at the colonnade or ground levels. However, architectural expression shall remain required as per this article.

(e) Drop off drives and porte-cocheres fronting onto "A", "B", "E", and "F" street frontages may only occur behind habitable space, in courtyard gardens, on "C" and "D" streets, and alleys.

(f) Loading and service entries shall be allowed only on "D" streets, alleys and within parking lots and structures. For those properties with frontages only on "A", "B", "C", "E", and "F" streets loading and service entries shall be allowed on the street frontage.

\* \* \*

(h) Vehicular entries to garages shall be allowed only from rights-of-way, paseos and alleys. Vehicular entries on "A", "B", "C", and "E" frontages shall have a maximum width of thirty-three (33) feet with a minimum separation of seventy (70) feet between entries. Vehicular entries on "E" streets shall have a maximum width of sixty-six (66) feet with a minimum interval of seventy (70) feet between each vehicular entry. On "D" streets they shall not be limited.

\* \* \*

Section 4. Section 33-284.63 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-284.63. Additional parameters.

The following are required irrespective of frontage and Sub-District categories:

(A) Landscape. With the exception of Sections 18A-7, 18A-8, 18A-9, 18A-11, 18A-12 and 18A-13, the provisions of Chapter 18A of the Code of Miami- Dade County, Florida, shall not apply, except as provided for below. Trees and landscape shall be required for streets, medians, squares, plazas, and private property in accordance with the following:

- (1) Street Trees: Street trees shall be placed along "B", "C" ~~[[and]]~~ "E" ~~>>~~, and "F" Streets at a maximum average spacing of twenty (20) feet on center. Street trees shall have a minimum caliper of six (6) inches and shall have a minimum clear trunk of eight (8) feet at time of planting. Palms shall not be used as street trees. Street trees are not required when colonnades are provided along the street.

\* \* \*

Section 5. 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 6. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made a part of the Code of Miami-Dade County, Florida. The section 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 7. 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 'JAC' with a horizontal line underneath, and a larger, more stylized signature below it.

Prepared by:

Dennis A. Kerbel

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to the Board of County Commissioners**

PH: 14-038

Date: October 21, 2014

<b>Recommendation Summary for Downtown Kendall Urban Center District (DKUCD)</b>	
<b>Commission District</b>	7
<b>Applicant</b>	9180 LLC and 9200 LLC
<b>Summary of Requests</b>	This application is to amend the regulating plans of the DKUCD to increase the subject parcels' development intensity.
<b>Location</b>	9180 and 9200 S. Dixie Highway, Miami-Dade County, Florida
<b>Property Size</b>	1 Acre
<b>Existing Zoning</b>	Downtown Kendall Urban Center District
<b>Existing Land Use</b>	Center Sub-district "E" Street
<b>2020 - 2030 CDMP Land Use Designation</b>	Metropolitan Urban Center
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-284.89.3 Amendments to Urban Center District Land Use Plan Category or Other Regulating Plan
<b>Recommendation</b>	<b>Approval</b>

**REQUESTS:**

1. MODIFICATION of the land use regulating plan of the Downtown Kendall Urban Center District to change the designation of the subject parcels from Center Sub-district to Core Sub-district.
2. MODIFICATION of the street frontage plan of the Downtown Kendall Urban Center District to create two new street types referred to as Core Sub-district "F" Street, to change Core Sub-district "E" Street, and to re-designate the streets abutting the subject parcels from Center Sub-district "A" Street to Core Sub-district "F" Street and from Center Sub-district "E" Street to Core Sub-district "E" Street.

**PROPERTY HISTORY & DESCRIPTION:**

The subject parcels are within the boundaries of the Downtown Kendall Urban Center District. They are located on the northeast and northwest corners of Dadeland Boulevard and US1. On January 1, 2000, the Board of County Commissioners (BCC) adopted Ordinance No. 99-166 establishing the DKUCD. From its adoption to 2013, the District's ordinance has been modified to provide flexibility of development consistent with the Comprehensive Development Plan's Urban Center policies. The requests to modify the sub-district maps would allow buildings on the subject property with additional floors and closer to property lines than currently permitted. The requests generate changes to the ordinance that include new design parameters applicable to development on the subject properties. At the time of the adoption of the DKUC District, no formal process existed for property owners to amend the Downtown Kendall Urban Center sub-districts and street frontage plans. On December 3, 2013, the BCC adopted Ordinance No. 13-119, establishing a formal process to change land use categories or regulating plans in urban center or urban area districts.

**RECOMMENDATION:**

The applicant, 9180 LLC and 9200 LLC, is proposing amendments to the Downtown Kendall Urban Center (DKUC) zoning district by changing the sub-district plan designation from Center to Core and the street frontage plan from Center Sub-district "A" Street to the new Core Sub-district street type of "F" and from Center Sub-district "E" Street to Core Sub-district "E" Street as it pertains to the subject parcels. The change to the sub-district plan from Center to Core

would allow buildings to reach 20 stories where only 8 stories are currently permitted in the Center Sub-district for the subject parcels located on the west side of US1. In the DKUCD, Core buildings up to 25 stories are already allowed on properties north of the Metrorail line and south of Kendall Drive. Text changes to the ordinance are also requested to address the change of intensity and street requirements for the subject parcels.

The properties, including the subject parcels, currently designated Center Sub-district "E" Street and which lie between US1 and the Metrorail line are narrow, of reduced area, and bisected by a number of local streets which provide access from US1 to Kendall Drive. As now adopted, the DKUCD regulations require the pedestal portion of 8-story buildings to setback 40' from the front property line and 20' from the rear property line. A 60' setback is required for the tower portion of the 8-story building from the front property line and 30' from the rear property line. When applying the current setback regulations, redevelopment options on the subject parcels, as well as all properties located on the west side of US1, are limited by the width of the parcels. Amending the street frontage plan from its current Center Sub-district "A" designation to the proposed Core Sub-district "F" designation and from Center Sub-district "E" designation to the proposed Core Sub-district "E" designation would allow developments to be built closer to the street and property lines than currently permitted. In this regard, the subject property would be developed similar to Core Sub-district properties north of the Metrorail line and south of Kendall Drive, which require buildings to address the street in a manner that is pleasant and friendly to pedestrians. The current Center "E" Street regulations requiring buildings to setback away from the street discourage the formation of pedestrian friendly streets in this portion of the DKUCD.

The Miami-Dade County adopted 2020-2030 Comprehensive Development Master Plan (CDMP) urban center policies provides that design of developments and roadways within the centers emphasize pedestrian activity, safety and comfort, as well as pedestrian movement. Emphasis in design and development of centers and all of their individual components shall be to create active pedestrian environments through high quality design of public spaces (streets) as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. The street system shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The proposed change to the regulating plans and standards as it applies to the subject properties from Center Sub-district "E" Street to the proposed Core Sub-district "F" Street and Core Sub-district "E" Street would be **compatible** with the street network requirements for properties located in the Core Sub-district on the north side of the Metrorail line and more in keeping with urban center text policies of intensification of properties near transit stations. As proposed, the new proposed street standards are **consistent** with the CDMP urban center text policies addressing urban center intensification and pedestrian scale environments.

Further, RER staff completed two shadow simulation analyses for the subject property showing 20-story buildings and the shadows they would cast on properties within close proximity. The first study shows shadows casted between March 21 at 12 Noon and December 21 at 12 Noon and the second study indicates shadows casted between March 21 at 5 PM and December 21 at 5 PM. The first study referred to as the 12 Noon study, which places the sun at its highest position above the District, shows shadows casted off the subject property to the north (March 21 and September 21), west/northwest (June 21), and north/northeast (December 21). The longest shadow casted by the Noon study occurs on December 21, directed northeast of the subject property; however, all of the shadows casted in the Noon study impact developments to the north of the subject property located within the Core Sub-district area of the DKUCD. The second study shows 20-story buildings on the subject property at 5 PM between March 21 and

December 21. In the afternoon and early evening when the sun is lower in the horizon and located directly west in Spring and Summer and southwest in Fall and Winter, the shadows casted fall as follows: on March 21 and September 21 at 5PM, the shadows are casted to the east; on June 21 the shadow is casted to the southeast; and on December 21 the shadow is casted to the east/ northeast. The shadows casted at 5 PM are long but mostly impact the US1 Corridor and those commercial properties which adjoin it. Residential properties east of US1 were not impacted in any of the shadow simulations.

Staff notes the subject properties adjoin the Dadeland South Metrorail Station. The CDMP urban center policies provide for properties adjoining or in close proximity to transit stations and with direct accessibility, to have development with higher intensities and densities than properties located further away from such facilities. The CDMP indicates that the core of the urban centers should contain business, employment, civic, high or moderate density residential uses within walking distance from the transit station. In staff's opinion, increased intensity of development in and around stations promotes the County's transit ridership, permits a more efficient use of land by vertically mixing uses in one building, and encourages a variety of transportation modes. Further, the additional height and intensification that would be permitted by the amendments will contribute to a reduction of noise generated by the Metrorail trains as they pass through the area and stop at the two stations near the subject property. The increased intensity on the subject properties would also be compatible with existing and emerging development in the Core Sub-district area on the north side of the Metrorail guideway which now permits 25 story buildings. The amendments to this ordinance would permit 20 story buildings on the subject properties, which is **compatible** with properties in close proximity to transit and, as such, **consistent** with the intensification policies provided by the CDMP urban center text. Staff notes that there are parcels other than the subject properties located on the west side of US1, between the Palmetto and North Kendall Drive currently designated "Center Sub-district E Street", that should be considered for intensification and higher residential density due to their close proximity to the Metrorail Station. Accordingly, staff recommends approval of the modification to the sub-districts plan of the DKUCD and building standard provisions.

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Eric Silva, AICP, Development Coordinator  
Development Services Division  
Miami-Dade County  
Department of Regulatory and Economic Resources

# ZONING RECOMMENDATION ADDENDUM

9180 LLC AND 9200 LLC  
Z14-038

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<b>Urban Centers</b> (Pg. I-46-48)	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and <b>Community Centers</b> which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the <b>Community Centers</b> shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below. Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.</i></p> <p><i><b>Uses and Activities.</b> Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while <b>Community-scale Urban Centers</b> will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in</i></p>
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# ZONING RECOMMENDATION ADDENDUM

9180 LLC AND 9200 LLC  
Z14-038

	<p>areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.</p> <p><b>Streets and Public Spaces.</b> Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.</p> <p><b>Buildings.</b> Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.</p>
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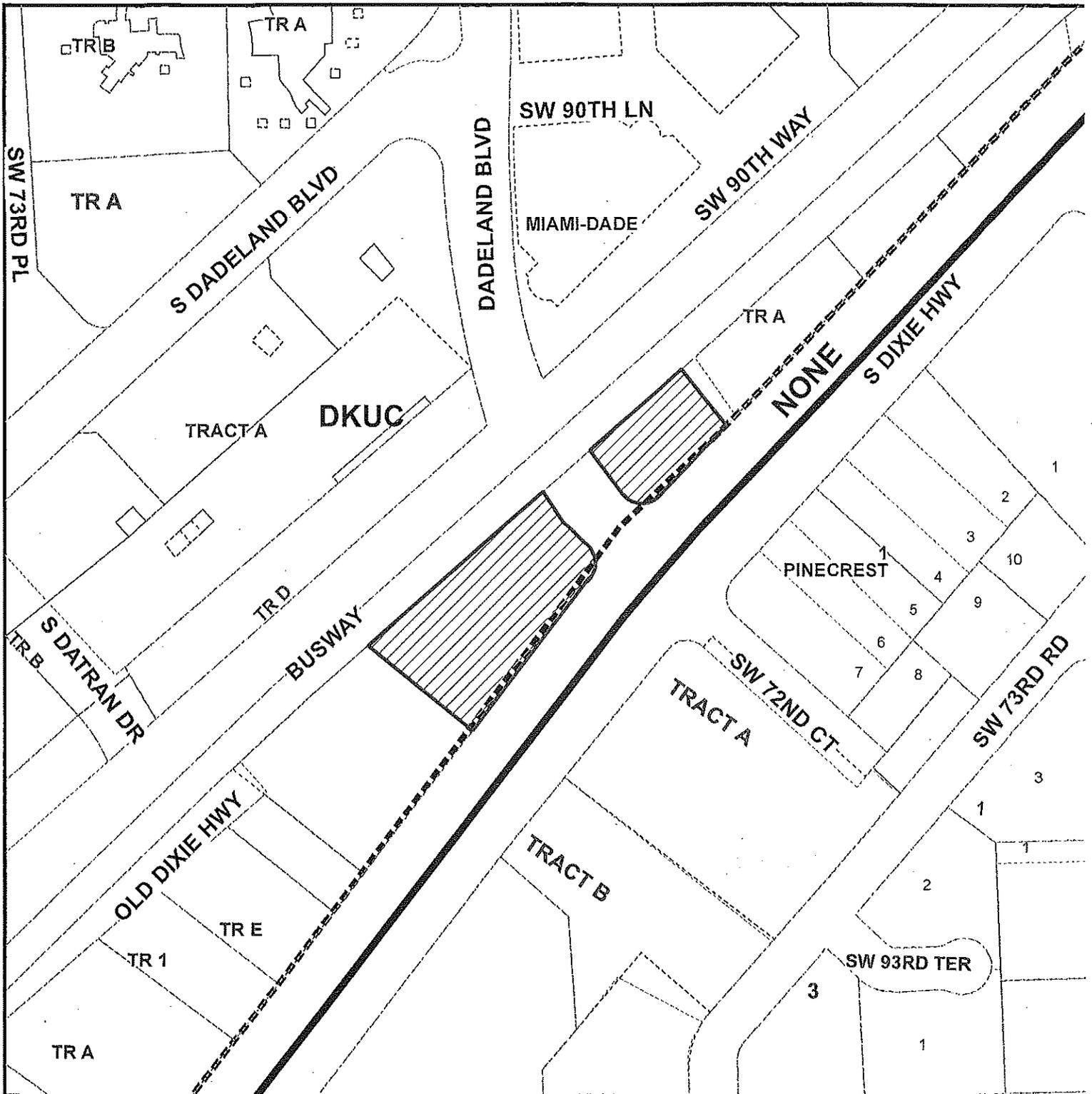
## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-310 Notice and hearing prerequisite to action by the Community Zoning Appeals Boards or Board of County Commissioners.</b></p>	<p>Applications filed hereunder shall be promptly transmitted to the appropriate board, together with the written recommendation of the Director. Where applicable the Developmental Impact Committee shall issue its recommendation, which shall include a statement of the Director as to the application's relationship to the Comprehensive Development Master Plan. All such recommendations shall state all facts relevant to the application, including an accurate depiction of known living, working, traffic and transportation conditions in the vicinity of the property that is the subject of the application, and also a description of all projected effects of the proposed zoning action on those conditions. Before reaching a conclusion, each recommendation shall list all known factors both in favor of and against each application. All such recommendations shall be signed and considered final no earlier than thirty (30) days prior to the public hearing to give the public an opportunity to provide information to the staff prior to the recommendations becoming final. This shall not preclude earlier, preliminary recommendations. All documents of</p>
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# ZONING RECOMMENDATION ADDENDUM

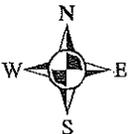
9180 LLC AND 9200 LLC  
Z14-038

	<i>the County departments evaluating the application, which documents pertain to the application, are open for public inspection to applicants or other interested persons.</i>
<b>Section 33-284.89.3 Amendments to Urban Center District Land Use Plan Category or Other Regulating Plan</b>	<i>Notwithstanding any other provision of this code, for properties that have a zoning classification of urban center district, the following procedures shall govern (i) any amendment to an urban center district land use plan to change the land use category to which a specific property is designated; or (ii) any amendment to other urban center regulating plan as applicable to the particular property:</i>



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2014000038**



Section: 02 Township: 55 Range: 40  
 Applicant: 9180 LLC AND 9200 LLC  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

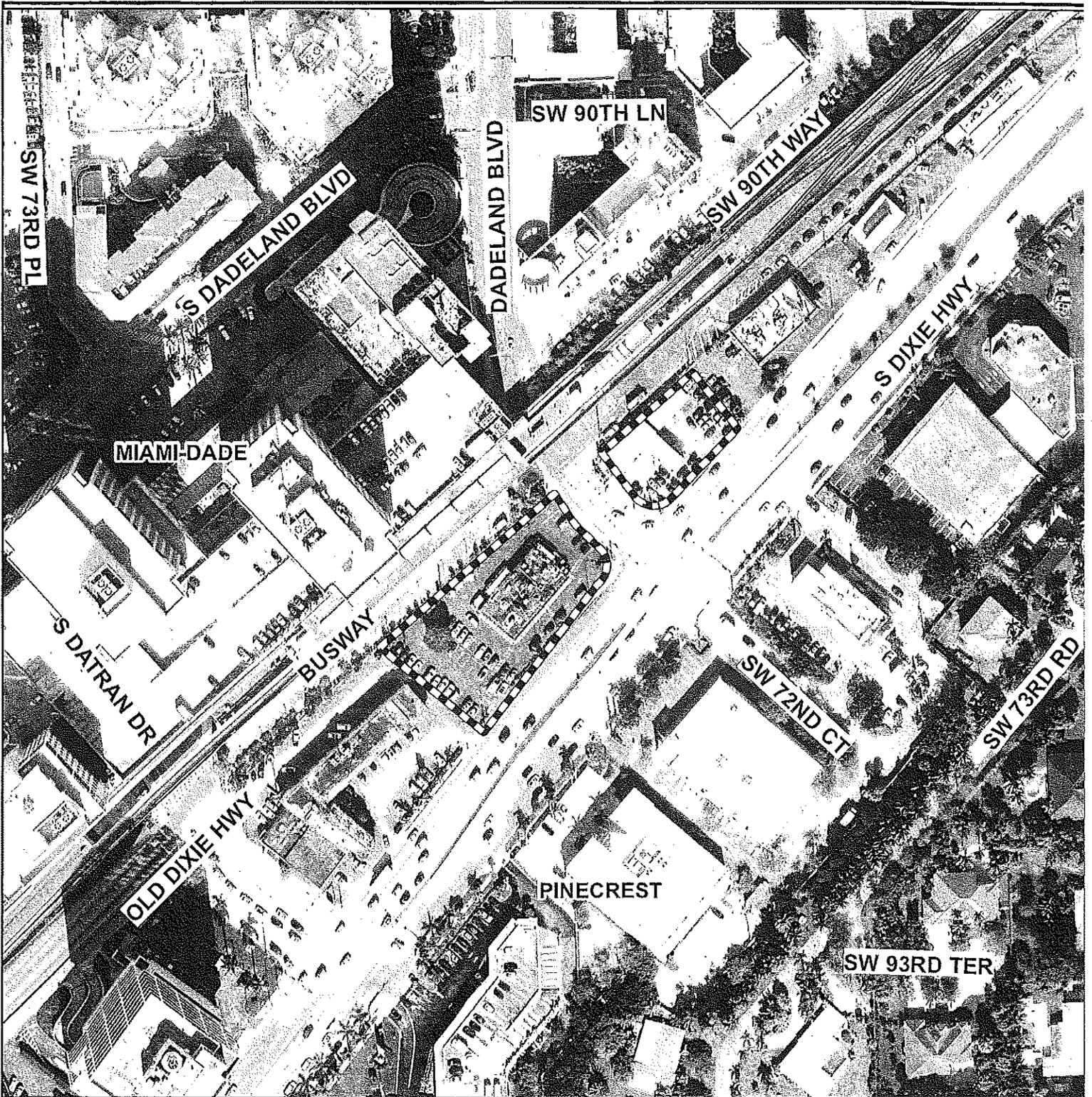
 Subject Property Case



SKETCH CREATED ON: Wednesday, April 30, 2014

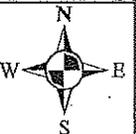
22

REVISION	DATE	BY



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2013**

Process Number  
**Z2014000038**



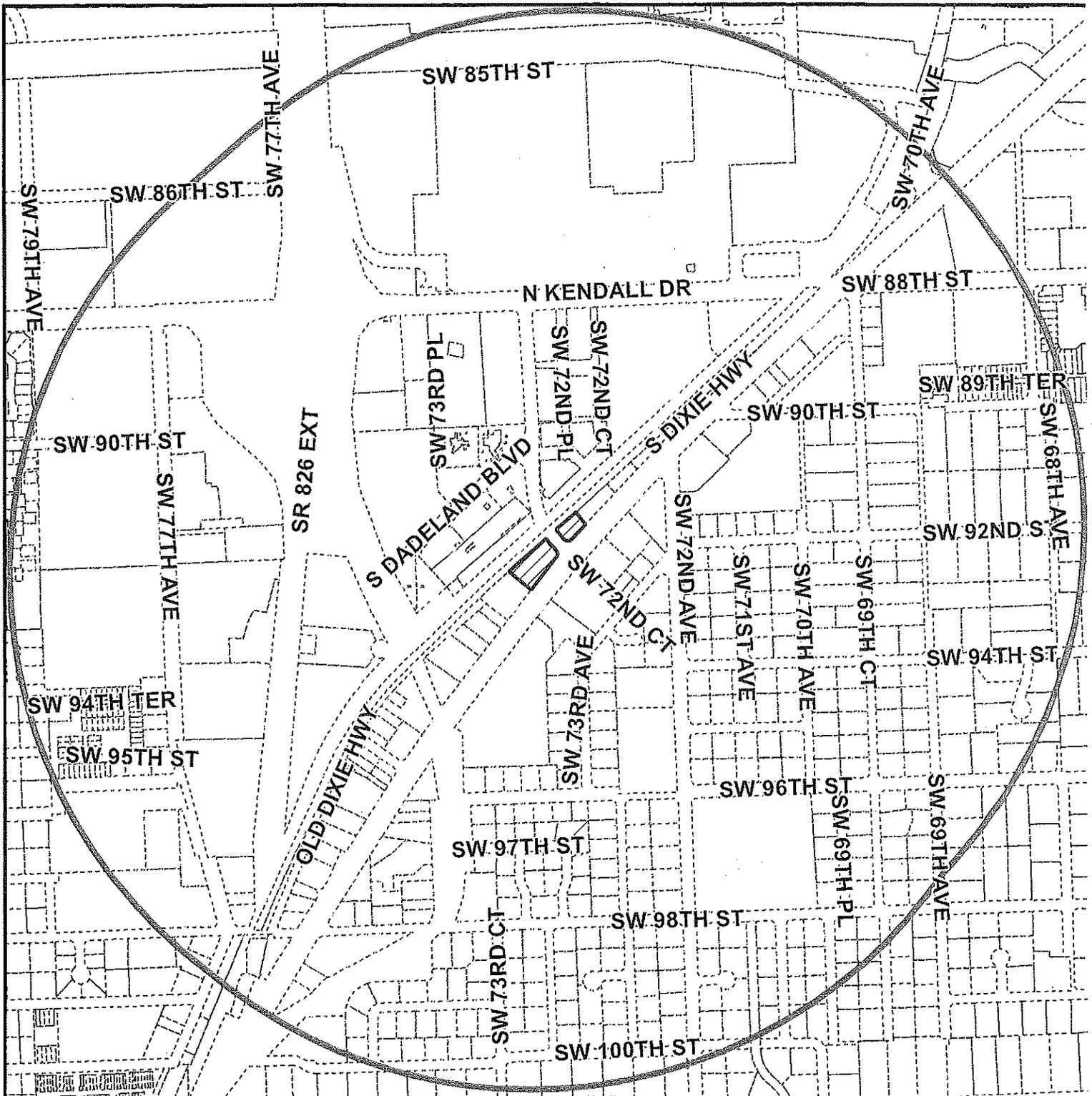
Section: 02 Township: 55 Range: 40  
 Applicant: 9180 LLC AND 9200 LLC  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property



REVISION	DATE	BY



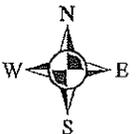
**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Section: 02 Township: 55 Range: 40  
 Applicant: 9180 LLC AND 9200 LLC  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number

**Z2014000038**

RADIUS: 2640

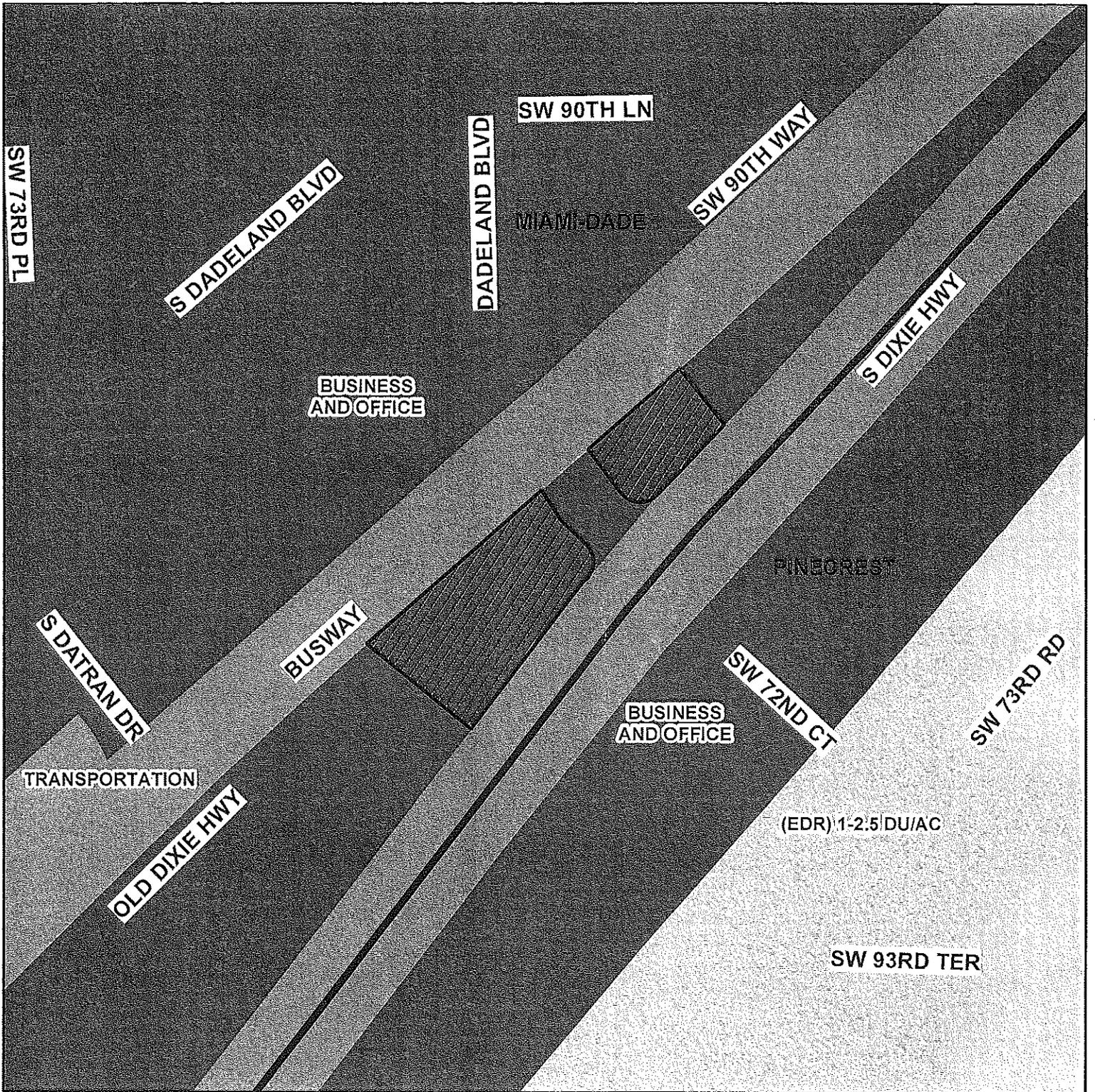


**Legend**

-  Subject Property
-  Buffer

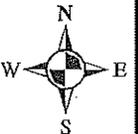


REVISION	DATE	BY



**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number  
**Z2014000038**



Section: 02 Township: 55 Range: 40  
 Applicant: 9180 LLC AND 9200 LLC  
 Zoning Board: C12  
 Commission District: 7  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



25

REVISION	DATE	BY



miamidade.gov

**Regulatory and Economic Resources**

Executive Offices  
11805 SW 26th Street (Coral Way) • Room 209  
Miami, Florida 33175-2474  
T 786-315-2440 F 786-315-2929

May 19, 2014

Ms. Roberta Galan  
Member-Lord of Life Lutheran Church  
9805 SW 132<sup>nd</sup> Ct.  
Miami, Florida 33186

Dear Ms. Galan:

Your letter submitted to the Honorable Mayor Carlos Gimenez regarding special events and the required permits needed for such events that are being conducted by the Lord of Life Lutheran Church located at 9225 SW 137 Avenue was forwarded to the Department of Regulatory and Economic Resources for appropriate review and response.

Please be advised that Section 33-18 of the Zoning Code of Miami-Dade County designates certain zoning districts to be permitted to have a religious facility or church as a matter of right. For other zoning districts listed within this section, public hearing approval would be required before a church or religious facility could be established on a specific site. According to the department's records, Zoning Resolution No. Z-205-78 approved the re-zoning of your site from RU-TH, Townhouse District, to RU-3 and RU-3M, Four Unit Apartment House District and Minimum Apartment House District, respectively. RU-3 and RU-3M permit a church or religious facility as a matter of right.

Staff did review the conditions set forth by this resolution and other resolutions that are relevant to this property and did not find any that would prohibit special events in accordance with Section 33-13(g). There was a covenant proffered to Miami-Dade County stating that the property would only be used for church purposes. This covenant was required to ensure that the property would not be developed for any other use but a church and its related activities. Therefore, the Lord of Life Lutheran Church can have four special events as set forth under Section 33-13 (g). These special events include carnivals, circuses and festivals. Fundraisers that are sponsored by the church and are intended for the general public are also considered special events.

Additionally, you stated that the Certificate of Use was a local tax receipt and that a church is exempt from such a tax receipt. A Certificate of Use (CU) is a zoning permit issued by Miami-Dade County's Department of Regulatory and Economic Resources. It is not a business tax receipt. The CU is required for all land uses other than a single-family residence or duplex. The CU ensures that the current land use is a permitted use within a respective zoning district and that the use is in compliance with standards set forth by the Zoning Code of Miami-Dade

County. In the case of your church, a CU would be required for a special event that generates revenue from open lot sales or ticket sales from admission and rides. A CU would be required for each event with the maximum number of events being four. Therefore, if you have your events on the weekends then you would be limited to four weekends per calendar year.

As for the citation, T038769 that was issued to the church on July 16, 2013 for not having a CU, the department will void this citation because of the confusion created by the zoning district information provided in the CU's that were issued in the past.

If you have any further questions or need additional information, please do not hesitate to contact me at (786) 315-2334. Thank you for bringing this matter to our attention.

Sincerely,

  
Juliana Salas, P.E.  
Building Official

c: Jack Osterholt, Deputy Mayor/Director, Dept. of Regulatory & Economic Resources  
Lourdes Gomez, Deputy Director, Dept. of Regulatory & Economic Resources  
James Byers, Chief-Zoning Permitting Division, Dept. of Regulatory & Economic Resources  
Chavell Moreno, Neighborhood Regulations Div. Dir., Dept. of Regulatory & Economic Resources



10/6  
2:00

10577 SW 109<sup>TH</sup> COURT  
MIAMI, FL 33176  
TEL. (305) 752-0044  
FAX. 1(888) 741-6298

Silvae@miamidade.gov  
byersj  
ext 2842 Eric Silva  
786-315-2649 Jim Byers  
ext 2842 Nathan Kagan  
786-315-2334 Juliana Salas

September 18, 2014

Honorable Xavier Suarez  
Miami-Dade County Commission – District 7  
111 NW 1<sup>st</sup> Street, Suite 220  
Miami, FL 33128

Re: Miami-Dade County Taxation of Religious Institutions

Dear Commissioner Suarez:

I represent Lord Of Life Church, located at 9225 SW 137<sup>th</sup> Avenue, Miami, FL 33186 and other charitable institutions in Miami Dade County. I am writing to you today to bring to your attention a problem, which is plaguing this religious charitable institution and many others in the County. The problem is the County's practice of imposing taxes on charitable institutions despite the fact that the County has a series of ordinances in its Code that prohibit the taxation of the County's religious institutions. People in ministerial positions also abuse Miami-Dade County Ordinances to interfere with the ability of local charitable organizations to function in the way they are intended to function. I believe, with modest modifications to existing language of the Miami-Dade County Codes, the situation can be ameliorated.

Permit me to explain what is happening and how I believe the problem can be remedied. For your convenience, I will attach the full language of the problematic ordinances in a supplement to this letter.

Under a number of Miami-Dade County Ordinances, such as: §§8A-173, 8A-187, 8A-188 and 8A-230.4, charitable and religious institutions are excluded from the definition of "businesses" and are exempt from having to pay taxes to the County when they are operating to further their religious and/or charitable functions. However, when the institutions actually attempt to engage in their charitable activities, such as raising funds on their grounds for their institutional purposes, the County insists that these organizations pay taxes, which are deemed "fees" or suffer the imposition of substantial fines if they have not paid the taxes demanded by the County. Further, there are ministerial personnel in the County who use the language of Miami Dade County Ordinance §33-13(3)(g) to limit the number of charitable events the charities may have to four (4) events, even if the events are not "carnivals or circuses."

Honorable Commissioner Xavier Suarez  
Miami-Dade County Commission – District 7  
Re: Miami-Dade County Taxation of Religious Institutions  
September 18, 2014  
Page 2 of 2

In order to get around the plain language of §§8A-173, 8A-187, 8A-188 and 8A-230.4, ministerial functionaries in the Miami-Dade County office of "Regulatory and Economic Resources," require charitable institutions to pay fees, which is just another word for taxes, for "special certificates of use" when the charitable institutions are conducting fund-raising events on their lots.

For example, please see the enclosed "Local Business Tax Receipt" for Two Hundred Ninety Three and 25/100 (\$293.25) Dollars for the tax imposed on the Lord of Life Church, so that it could have a rummage sale on its grounds for the purpose of raising funds for the Church's charitable purposes.

If the charities fail to pay these taxes, officers from the Department of Regulatory and Economic Resources issue citations that impose substantial fines on the charities. For example see the following items:

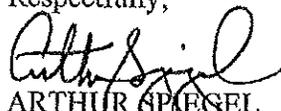
- The imposition of a fine of \$500.00 plus costs and other surcharges imposed on Lord of Life Lutheran church for the "crime" of having a "yard sale/flea market" (Citation no.: T036664 – Case No.: 201302003813) without paying Miami-Dade County's tax to operate this "business."
- The imposition of a fine of \$500.00 plus costs and other surcharges imposed on Miami Baptist Church for the "crime" of raising funds by selling flowers on Mother's Day Weekend (Citation number T046406 – Case no.: 2014020049117) without paying Miami-Dade County's tax to operate this "business."

These citations for fines imposed upon the charitable institutions for not paying business taxes to the County are issued against these charitable institutions despite that fact that Miami Dade County's ordinance §8A-173(1) specifically excludes churches from the definition of businesses.

The solution: an amendment must be made to Miami-Dade County Ordinances to specifically exempt religious and/or charitable institutions from having to pay taxes/fees for special "certificates of use" so that they may carry on their charitable fund-raising activities.

I would very much like to meet with you to discuss such a modest amendment to the Miami-Dade County Code, which would remove the confusion that exists in the minds of some of the County's ministerial functionaries and causes them to believe that it is appropriate to impose taxes on charitable institutions even though existing ordinance language would appear to preclude such taxation.

Respectfully,

  
ARTHUR SPIEGEL  
Enclosures