

MEMORANDUM

Agenda Item No. 7(J)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 5-5-15)
March 3, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance related to zoning;
amending Sections 33-284.47,
33-284.48, and 33-284.51 of the
Code of Miami-Dade County,
Florida; amending provisions
governing traditional
neighborhood development
(TND) districts, including
provisions related to streetwalls,
streetedges, and swimming
pools; amending definitions,
design criteria, and development
parameters

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum



Date: May 5, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

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

Subject: Ordinance Related To Zoning; Amending Provisions Governing Traditional
Neighborhood Development (TND) Districts

The proposed ordinance relating to zoning amends sections 33-284.47, 33-284.48 and 33-284.51 of the code, amending provisions governing traditional neighborhood development (TND) districts, related to streetwalls, streetedges, and swimming pools amending definitions, design criteria and development parameters. Implementation of this ordinance will not have a fiscal impact on the County.

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

Jack Osterholt
Deputy Mayor

fis04715



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 5, 2015

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(J)

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. 7(J)
5-5-15

ORDINANCE NO. _____

ORDINANCE RELATED TO ZONING; AMENDING SECTIONS 33-284.47, 33-284.48, AND 33-284.51 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PROVISIONS GOVERNING TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) DISTRICTS, INCLUDING PROVISIONS RELATED TO STREETWALLS, STREETEDGES, AND SWIMMING POOLS; AMENDING DEFINITIONS, DESIGN CRITERIA, AND DEVELOPMENT PARAMETERS; 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 33-284.47 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-284.47. Design criteria.

- (A) The following design criteria and requirements shall be applicable in the TND District. Terms used throughout this ordinance shall take their commonly accepted meaning unless otherwise defined in Chapter 33 or Chapter 28 of the Code of Miami-Dade County. Terms requiring interpretation specific to this ordinance are as follows:

* * *

- (12) *Frontage line:* The ~~[[shorter]]~~ building lot line which coincides to the right-of-way of the street or square. In the case of a building lot abutting upon only one (1) street, the frontage line is the line parallel to and

¹ 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.

common with the edge of >>the<< sidewalk. In the case of a corner lot, that part of the building lot having ~~[[the narrowest]]~~ frontage on any street shall be considered the frontage line.

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(33) Streetedge: >>In the Civic, Rowhouse and House land use categories, a<< ~~[[A]]~~ masonry ~~[[or wood]]~~ wall, >>wood fence, vinyl/PVC fence,<< ~~[[or electrostatic plated black]]~~ aluminum >>fence,<< or wrought iron fence, ~~[[no less than fifty percent (50%) opaque, or a]]~~ >>or<< hedge ~~[[on thirty inch centers, between two and one half (2½) and four (4) feet in height, at time of planting]]~~ positioned along the frontage line. >>When located between the setback and the frontage line, a masonry wall, wood fence, vinyl/PVC fence, aluminum fence, or wrought iron fence shall not exceed four (4) feet in height, except they may reach up to six (6) feet in height when setback a minimum of two-and-one-half (2½) feet from the frontage line and if a hedge or continuous extensively landscaped buffer, in accordance with section 33-284.48(C)(6), is planted between the walls or fences and the frontage line. Hedges and landscape buffers planted along the frontage line and between the frontage line and the setback shall have no height limitations.<< ~~[[Any wall, or fence built or hedge planted built between the frontage line and a point even with the nearest enclosed edge of the house shall not be of greater height than the streetedge.]]~~

(34) Streetwall: >>In the Shopfront and Workshop land use categories, a<< ~~[[A]]~~ masonry ~~[[or wood]]~~ wall, >>wood fence, vinyl/PVC fence,<< ~~[[or]]~~ ~~[[electrostatic plated black]]~~ aluminum >>fence,<< or wrought iron fence between six (6) feet and ~~[[twelve (12) feet]]~~ >>eight (8) feet<< in

height ~~[[, no less than twenty five percent (25%) and no more than fifty percent (50%) opaque, except for service yards which require no less than fifty percent (50%) opacity,]]~~ built along the frontage line. Any openings shall be gated. ~~[[The percent opacity shall be calculated including the openings.]]~~

* * *

Section 2. Section 33-284.48 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-284.48. Development parameters.

All applications for a TND shall comply with the following development parameters:

- (A) *Size and location of site.* The minimum size of the neighborhood proper shall be forty (40) acres and the maximum size shall not exceed two hundred (200) acres. Larger parcels shall be developed as multiple TND's, each individually subject to all the provisions. A TND may be located adjacent to, but shall not be bisected by a through street.
- (B) *Density.* The requested densities, in terms of number of units per gross residential acre and total number of dwelling units shall be made at time of application. Said number of dwelling units and densities shall be in conformance with the Comprehensive Development Master Plan (Ordinance No. 88-110), as amended from time to time, including any density bonus as provided herein.
- (C) *General development criteria.*

* * *

(3) *Lots and buildings.*

- (a) All lots shall share a frontage line

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with a street, square or green.

- (b) All buildings shall have their main entrance opening to a street or square (except outbuildings).
- (c) All uses shall be conducted within completely enclosed buildings, unless otherwise specified herein.
- (d) Stoops[[,]] and front porches may encroach up to ten (10) feet into the front setbacks.

>>(e) Swimming pools shall be setback five (5) feet from any interior side or rear property line, ten (10) feet from a side street property line, and constructed no closer than eighteen (18) inches to any wall or any enclosure. Swimming pools shall be constructed no closer than five (5) feet to any building foundation, unless both the design and construction are approved by the Director as safe and will not possibly result in a weakening of, or damage to, the building foundation.<<

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(6) *Landscape.* Landscaping shall be provided in accordance with Chapter 18A of this Code >>in addition to the following:

- (a) In the Civic, Rowhouse and House land use districts, when a six (6) foot high wall or fence is provided between the setback and the frontage line pursuant to section 33-284.47(A)(33), landscape buffers must be maintained in a good healthy condition and shall contain one (1) or more of the following planting materials:

1. Hedges or Shrubs. Hedges or shrubs shall be planted at a minimum spacing of thirty (30) inches on center, have a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
2. Vines. Climbing vines shall be planted at a minimum spacing of eighteen (18) inches on center and have a minimum of thirty-six (36) inches in height immediately after planting.<<

* * *

Section 2. Section 33-284.51 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-284.51. Land use categories.

(A) *Public and/or semi-public use.*

* * *

(B) *Civic use.*

(1) *Land use.*

* * *

(3) *Lots and buildings.*

(a) Buildings located on civic use lots shall not exceed ~~[[forty (40)]]~~ >> fifty (50)<< feet in height excluding spires, cupolas, monuments, flag poles, and chimneys.

>>(b) When provided, walls and fences shall follow the streetedge criteria indicated in section 33-284.47.

(c) A masonry wall, wood fence, aluminum fence, wrought iron fence, or vinyl/PVC fence not exceeding six (6) feet in height may be placed along the rear and interior side property lines. Heights for hedges and any landscape plants placed along the rear and interior side property lines are not limited. Notwithstanding anything stated herein, where alleys are provided, walls, fences, and hedges shall be setback a minimum two-and-one-half (2½) feet from the alley.<<

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(C) *Shopfront use.*

(1) *Land use.*

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(3) *Lots and buildings.*

(a) Shopfront use lots shall have a maximum width of fifty (50) feet and a minimum width of sixteen (16) feet.

(b) Street-front entries shall be at grade to allow access for people with disabilities.

(c) Buildings on shopfront use lots shall have the façade, including colonnades if provided, built directly on the frontage line along at least seventy percent (70%) of its linear

frontage. For lots at street intersections, the building shall be built directly on the side street frontage for at least fifty percent (50%) of its linear frontage.

(d) The unbuilt portion of the frontage line shall have a streetwall built directly upon it >>in accordance with section 33-284.47.<<

(e) >>A masonry wall, wood fence, aluminum fence, wrought iron fence, or vinyl/PVC fence not exceeding six (6) feet in height may be placed along the rear or interior side property lines. Heights for hedges and any landscape plants placed along the rear and interior side property lines are not limited. Notwithstanding anything stated herein, where alleys are provided, walls, fences, and hedges shall be setback a minimum of two-and-one-half (2½) feet from the alley.

(f)<< Buildings on shopfront use lots shall have a setback of zero (0) feet along at least one (1) side property line. For buildings without a side setback, a perpetual four foot maintenance easement shall be provided on the lot adjacent to the shopfront property line. There shall be no required setback.

>>(g)<< Buildings on shopfront use lots shall cover no more than fifty percent (50%) of the net lot area. Outbuildings shall not count against lot coverage.

>>(h)<< Buildings on shopfront use lots shall not be less than twenty-four

(24) feet in height and shall not exceed forty (40) feet in height (excluding chimneys and elevator towers). When fronting a square, buildings shall be no less than thirty (30) feet in height. A cornice line shall define the first floor.

[[~~(h)~~]]>>(i)<<At least twenty-five percent (25%) of the net lot area shall be reserved for private open space.

[[~~(h)~~]]>>(j)<<Unenclosed balconies with a minimum of nine (9) feet of clearance above grade shall be permitted to extend up to six (6) feet over the sidewalk.

[[~~(h)~~]]>>(k)<<Colonnades, are required when shopfront use lots front on the mandatory square. Enclosed space shall be permitted directly above the sidewalk.

* * *

(D) *Rowhouse use.*

(1) *Land use.*

* * *

(3) *Lots and buildings.*

(a) Rowhouse use lot shall have a maximum width of thirty-two (32) feet.

* * *

(l) Rowhouse use lots shall have a streetedge built along the unbuilt parts of the frontage line ~~[[.]]~~ >>in accordance with section 33-284.47 <<

- (m) >>A masonry wall, wood fence, aluminum fence, wrought iron fence, or vinyl/PVC fence not exceeding six (6) feet in height may be placed along the rear or interior side property lines. Heights for hedges and any landscape plants placed along the rear and interior side property lines are not limited. Notwithstanding anything stated herein, where alleys are provided, walls, fences, and hedges shall be setback a minimum of two-and-one-half (2½) feet from the alley.

(n)<< A minimum of twenty-five percent (25%) of the buildings on rowhouse use lots shall have front porches. Said front porches may encroach into the front setback and shall not count against lot coverage requirements but shall count towards private open space requirements.

* * *

(E) *House use.*

(1) *Land use.*

* * *

(3) *Lots and buildings.*

- (a) Houses on house use lots shall be raised a minimum of eighteen (18) inches from finished exterior sidewalk grade. At least one (1) entrance shall be accessible for people with disabilities either by grading or ramping, and the other entrance shall have sufficient space to construct a possible future ramp.

* * *

(i) Buildings on house use lots shall have a streetedge built along the frontage line ~~[[.]]~~ >>in accordance with section 33-284.47.<<

(j) >>A masonry wall, wood fence, aluminum fence, wrought iron fence, or vinyl/PVC fence not exceeding six (6) feet in height may be placed along the rear or interior side property lines. Heights for hedges and any landscape plants placed along the rear and interior side property lines are not limited. Notwithstanding anything stated herein, where alleys are proposed, walls, fences, and hedges shall be setback a minimum of two-and-one-half (2½) feet from the alley.

(k)<<A minimum of twenty-five percent (25%) of the buildings on house use lots shall have front porches which may encroach into the front setback not closer than eight (8) feet from the inside edge of the sidewalk.

* * *

(F) *Workshop use.*

(1) *Land use.*

* * *

(3) *Lots and buildings.*

(a) Buildings on workshop use lots shall have a setback of zero (0) or five (5) feet from the frontage line. The setback at street intersections shall

not exceed five (5) feet from the frontage line and the side street line.

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(f) Workshop use lots shall be separated from other use types at the side and rear lot lines (excepting an entry on the alley) by a continuous masonry wall no less than six (6) feet in height. >>Where alleys are provided, the wall shall be setback a minimum of two-and-one-half (2½) feet from the alley.<<

(g) >>The unbuilt portion of the frontage line shall have a streetwall built directly upon it in accordance with section 33-284.47.

(h)<< Workshop use lots shall have a maximum width of three hundred (300) feet.

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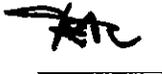
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. 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.

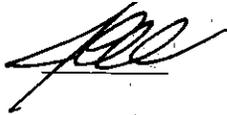
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



James Eddie Kirtley
Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Juan C. Zapata