MEMORANDUM

TMSC
Agenda Item No. 1(G)1

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	October 14, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance transferring to the City of Hialeah jurisdiction in connection with the Okeechobee Rapid Transit Zone station site; providing for the City to perform site plan review and building code enforcement; establishing an exception to section 33C-2 of the Code; establishing that terms and conditions of the delegation shall be contained in an Interlocal Agreement to be approved by the City and the County

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date:

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Transferring to The City of Hialeah Jurisdiction in Connection with the Okeechobee Rapid Transit Zone Station Site

---

The proposed ordinance is establishing an exception to Section 33C-2 of the Miami-Dade County Code to transfer jurisdiction in connection with Okeechobee Rapid Transit Zone station site from Miami-Dade County (County) to the City of Hialeah (City), providing the City to perform building and zoning approvals, including site plan approvals, issuance of building permits, building inspections, compliance with the South Florida Building Code and issuance of certificates of occupancy. The terms and conditions of the delegation shall be contained in an Interlocal Agreement between the City and the County.

Implementation of this ordinance would result in a slight reduction of revenue associated with Regulatory and Economic Resources Department's building and zoning, permitting and review functions specific to the "Rapid Transit Zone" project. However, we do not expect any potential loss of revenue from this specific transfer to affect overall expenditures. Therefore, it is anticipated that the implementation of this ordinance would have no additional fiscal impact.

Jack Osterholt
Deputy Mayor

fis08615

MEMORANDUM

(Revised)

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

DATE: July 14, 2015

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

SUBJECT: Agenda Item No. 4(C)

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(C)
7-14-15

ORDINANCE NO. _____

ORDINANCE TRANSFERRING TO THE CITY OF HIALEAH JURISDICTION IN CONNECTION WITH THE OKEECHOBEE RAPID TRANSIT ZONE STATION SITE; PROVIDING FOR THE CITY TO PERFORM SITE PLAN REVIEW AND BUILDING CODE ENFORCEMENT; ESTABLISHING AN EXCEPTION TO SECTION 33C-2 OF THE CODE OF MIAMI-DADE COUNTY; ESTABLISHING THAT TERMS AND CONDITIONS OF THE DELEGATION SHALL BE CONTAINED IN AN INTERLOCAL AGREEMENT TO BE APPROVED BY THE CITY AND THE COUNTY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Section 33C-2 of the Code of Miami Dade County (the "Code"), which established a Rapid Transit Zone that runs through unincorporated and incorporated areas, the County established within the City of Hialeah (the "City") the "Okeechobee Rapid Transit Zone" governing the Okeechobee Metrorail Station, Metrorail guideway and station platform, structure parking garage, bus bay area, and surface parking area and driveways; and

WHEREAS on June 3, 2014, this Board adopted R-532-14, approving a joint development with the City for construction of elderly affordable rental units to be located within the Okeechobee Rapid Transit Zone; and

WHEREAS, pursuant to the process set forth in Section 33C-2(D) of the County Code, the County's Rapid Transit Developmental Impact Committee (RTDIC) and the City approved development standards governing development of the Okeechobee Rapid Transit Zone Station Site, as reflected in the RTDIC Recommendation, attached hereto as Exhibit 1, and City Ordinance No. 06-76, attached hereto as Exhibit 2; and

WHEREAS, Section 33C-2(C) of the Code provides that jurisdiction for purposes of building and zoning approvals throughout the Rapid Transit Zone shall vest in the County, even where the Rapid Transit Zone is within a municipality; and

WHEREAS this Board believes that the transfer of jurisdiction to the City in the manner and subject to the conditions set forth below will promote the coordinated and expeditious construction of the development of the Okeechobee Rapid Transit Zone Station Site and is otherwise in the best interest of Miami-Dade County,

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

Section 1. Notwithstanding Section 33C-2(C) of the Code of Miami-Dade County, jurisdiction for site plan approvals, issuance of building permits, building inspections, compliance with the Florida Building Code, and issuances of certificates of completion, use, and occupancy in connection with the Okeechobee Rapid Transit Zone Station Site, as identified in the attached Exhibit 1, shall be and are hereby vested in the City, subject to the express conditions set forth below. The grant of jurisdiction set forth in this ordinance shall expire on July 1, 2021, or, in the event that on such date there is an active building permit for the Okeechobee Rapid Transit Zone Station Site, upon the expiration of such permit or the issuance of the certificate of use or occupancy in connection with the structure that is the subject of such active permit. The Interlocal Agreement described in Section 2 of this resolution may provide for an earlier expiration of the grant of jurisdiction in the event the project is completed prior to July 1, 2021. Upon expiration of the grant of jurisdiction, jurisdiction shall vest with the County in the manner set forth in Section 33C-2(C). Nothing in this ordinance shall affect any of the decisions of the Rapid Transit Developmental Impact Committee or the development standards previously adopted for the Okeechobee Rapid Transit Zone Station Site, as identified in the attached Exhibits 1 and 2.

Section 2. The effectiveness of the grant of jurisdiction set forth in Section 1 above shall be expressly conditioned upon the approval and execution by the County and the City of an interlocal agreement (the "Interlocal Agreement"). The Interlocal Agreement shall contain such provisions as the parties deem necessary to give effect to the transfer set forth in paragraph 1 above, including but not limited to any provision required to address any need by the City to amend its applicable legislation, the schedule for transition, or the collection, use and disposition of fees.

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. The provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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:

Hugo Benitez

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.

Recommendation on Master Plan Development Standards for the Okeechobee Rapid Transit Zone

REQUEST

In accordance with Chapter 33C-2(D) of the Code of Miami-Dade County, the Miami-Dade County Rapid Transit Developmental Impact Committee (RTDIC), consisting of municipal and County representatives, has reviewed the Master Plan Development Standards for the Okeechobee Rapid Transit Zone Station Site. The site is located within the Rapid Transit Zone and depicted in the attached Exhibit A. The Miami-Dade County Rapid Transit Developmental Impact Committee (RTDIC) Executive Council has reviewed the standards as submitted and requests approval of these standards as indicated herein.

RECOMMENDATION

Adoption, by the City of Hialeah Commission, of the following master plan development standards for the Okeechobee Rapid Transit Zone station site.

BACKGROUND

In accordance with Chapter 33C-2(D), this application seeks approval of development standards for the Okeechobee Rapid Transit Zone site. The 11.89-acre site contains an area for the potential development of a mixed-use multi-family development with parking garage. The subject property lies north of West 19th Street and northeasterly of Okeechobee Road in the City of Hialeah. The entire site lies within the Rapid Transit Zone as provided for in Chapter 33C of the Code of Miami-Dade County. Section 33C-2(D)(9)(d) provides:

> Whenever uses authorized by subparagraph (a) above are proposed within portions of the Rapid Transit Zone passing through municipalities, the Station Area Design and Development Program process, a joint municipal-County program, shall prepare proposed master plan development standards for such a proposed use. Such proposed master plan development standards shall be submitted to the appropriate municipality for review and adoption as the Master Land Use Plan for such uses. Once adopted, said land use plans shall control all public actions involving or affecting land use or development, including action on applications for zoning relief...

Jubilee Community Development Corporation of Miami and The Gatehouse Group, Inc. prepared and submitted standards similar to those contained herein. In accordance with the above procedure, the RTDIC held a public meeting on September 27, 2006 to review these standards. Comments from both County and City departmental staff regarding the site development standards were received and then reviewed by the RTDIC Executive Council. As a result of the RTDIC review, changes have been incorporated into the station site master plan development standards submitted by the applicants. The following standards are recommended by the RTDIC:

OKEECHOBEE RAPID TRANSIT ZONE MASTER PLAN DEVELOPMENT STANDARDS

(A) Purpose and Intent:

The purpose of these development standards is to provide guidelines governing the use, site design, building mass, parking, circulation, and signage for all non-Metrorail development at the Okeechobee Station Rapid Transit Zone Site (the "Site") with the intent of fulfilling the goals, objectives and policies of the County's Comprehensive Development Master Plan urban center provisions and the City's applicable comprehensive plan and regulations. Unless specified to the contrary, these regulations supersede all conflicting requirements in Chapter 33 and Chapter 18A of the Code of Miami-Dade County.

(B) Boundaries: These Master Plan Development Standards shall apply to development in the Site, defined as the area labeled Parcels 1 and 2 on the plan attached hereto as Exhibit A.

(C) Definitions: Terms used in this section shall take their commonly accepted meaning unless otherwise defined in Chapter 33, Chapter 33C or Chapter 28 of the Code of Miami-Dade County, or already defined herein. Terms requiring interpretation specific to this section are as follows:

(1) **arcade/colonnade:** A roofed structure, extending over the sidewalk, open to the street except for supporting columns and piers. An arcade/colonnade's depth shall be measured from face of column to face of building and shall have a minimum depth of 10' or such greater distance as may be required by the Florida Department of Transportation (FDOT) along Okeechobee Road.

(2) **block**: A combination of building lots, the perimeter of which abuts streets.

(3) **build-to-line**: A line parallel to the block face, along which a building shall be built.

(4) **building height**: A limit to the vertical extent of a building measured in stories above grade, not including chimneys, antennas, elevator shafts, mechanical rooms or other non-habitable areas.

(5) **f.a.r.**: The floor area of the building or buildings, excluding parking structures divided by the lot area of the development site.

(6) **habitable space**: Building space whose use involves human presence with direct views of the enfronting street or open space, excluding parking garages, self service storage facilities, warehouses, and display windows separated from retail activity.

(7) **Housing for the elderly:** As defined in the U.S. Fair Housing Act, housing where at least one (1) member of the household is at least 55 years of age or older.

(8) **open space:** An outdoor, at grade space which may be designated on a site plan as accessible to the public, including parks, plazas, squares, colonnades, greens, promenades, pedestrian paths and/or associated ornamental or shaded landscaped areas, and accessory buildings related to active or passive recreational uses. A maximum of 20% of the area of parking lot buffers abutting public streets may count as open space.

(9) **plaza:** An open space with a majority of paved surface. Plazas are fronted with buildings that continue the adjacent street frontage requirements and uses. A minimum of 50 percent and a maximum of 75 percent of the plaza's area, exclusive of dedicated rights-of-way, shall be hard surfaced.

(10) **square:** An outdoor open space that shall be flanked by streets or drives on at least 3 sides and shall not be hard-surfaced for more than 50 percent of the area exclusive of dedicated rights-of-way.

(11) **story:** A floor level within a building as described in these development regulations. Each story shall have a maximum height of 16', as measured from floor to ceiling, except that a single story may have a maximum height of 30 feet, provided no mezzanine area exceeds ten (10) percent of the floor area of that story. Any height above 16 feet shall count as an additional story.

(12) **Metrorail development:** Consists of the transit station, the fixed guideway, a parking garage containing 1090 parking spaces with a structural connection to the transit station, and such transit related structures as may be added in the future.

(D) Development Parameters: The following parameters shall apply to all non-Metrorail development within the Site provided such uses are compatible with transit uses and operations as determined by the Miami-Dade Transit Agency:

(1) Permitted Uses:

At total buildout a **minimum of two** of the following uses shall be included in the completed development of the Site:

(a) Business and civic uses allowed in the BU-1, BU-1A and BU-2 zoning districts. Drive-thru services are permitted and shall be concealed from the adjoining street network.

(b) Multi-family residential uses including housing for the elderly.

(2) **Accessory Uses:**

(a) Outside food sales and services including but not limited to outdoor-dining, cart vendors, and merchandise displays.

(b) The provisions of Section 33-150(A) and (B) of the Code of Miami-Dade County regarding alcoholic beverage uses shall not apply.

(3) **Setbacks:** The setbacks for all development shall be as follows:

(a) Build-to-line from streets: 0' when colonnade is provided; 10' when colonnade is not provided, unless a greater amount is required by FDOT along Okeechobee Road. The build-to-line setback shall be hard surfaced (except as to provide landscape and street tree buffer areas) and finished to match the adjoining sidewalk when a colonnade is not provided.

(b) Interior and rear sides: 0' or as determined to be appropriate to the area and adjoining land uses, not to exceed 6 feet.

(4) **Floor Area Ratio (f.a.r.)**: The floor area ratio shall be a minimum of 1.5.

(5) **Density**: The maximum density shall be 30 units per gross acre of the Site.

(6) **Building Height**: The maximum building height shall be 9 stories.

(7) **Building Frontage**: A minimum of 80 percent of the building shall be constructed at the build-to-line abutting each public streets.

(8) Parking:

Minimum parking requirements for the non-Metrorail development at the site shall be as follows:

(a) Residential – two (2) parking spaces per dwelling unit or 0.75 parking spaces per dwelling unit for housing for the elderly.
(b) Office and retail – one (1) parking space per two hundred (200) square feet of gross floor area.
(c) Hotel – one (1) parking space for every two (2) guest rooms.
(d) Ancillary uses incidental to a primary use of a building, such as, management/leasing/maintenance offices or recreational uses not open to the general public will not require additional parking spaces.

If developed in phases, required parking may be provided within 600' of the development phase on any portion of the Site.

Parking garages shall be screened at all street frontages by a minimum setback of twenty (20) feet of habitable space or screened from view from the street or from any public open space by decorative materials consistent and harmonious with that of the building architecture.

Surface parking shall be located twenty (20) feet from all property lines abutting streets, provided, however, that ten (10) feet shall be allowed if parking is screened from view by walls, landscaping or openings designed to complement the building's façade allows for pedestrian access to the development.

(9) **Encroachments**: Awnings, balconies, roof eaves, signs, porches, stoops and ramps may encroach into setbacks but shall not encroach into public rights-of-way. Encroachments shall not be taller than the building or pedestal, whichever is lower. Cantilevers and mouldings shall not exceed three (3) feet in extension beyond the vertical wall surface, unless visibly supported by brackets or other supports.

(10) **Building Facades and Security Fences:**

(a) Building streetwall surfaces enclosing habitable space shall be a minimum thirty (30) percent glazed fenestration. Mirror-type glass shall not be allowed. All glazing shall be of a type that permits view of human activities and spaces within. The first floor streetwall shall be a minimum thirty (30) percent glazed. Glazing shall be clear or very lightly tinted for the first five (5) stories, except where used for screening garages where it may be translucent.

(b) Perimeter security screens and gates shall be a minimum fifty (50) percent transparent. Chain link fences shall not be permitted.

(11) **Open Space:** A minimum of fifteen (15) percent of the lot area shall be reserved for open space.

(12) **Landscape**: Landscape shall be provided in accordance with Chapter 18A (Landscape Code) of Miami-Dade County with the following exceptions:

(a) Street trees shall be placed along all streets at an average spacing of twenty-five (25) feet on center with a minimum 4-inch diameter at breast height at planting but shall not interfere with the safe site distance triangle area.

(b) Street trees shall not be required when colonnades are being provided along the street.

(c) Tree requirements for non-Metrorail development shall be sixteen (16) trees per net acre.

Individual development phases shall comply with the above requirements.

(13) Pedestrian Passage: a pedestrian passage is required every 400 linear feet of street frontage to allow public access through the site. The passage shall be unobstructed and shall be a minimum of six (6) feet.

(14) Signage:

Signage shall comply as follows:

Four (4) types of signs are allowed: temporary signs, special event signs, point of sale signs, and directional signs. Outdoor advertising signs, automatic electric changing signs, and entrance features are not permitted, and shall not be the subject of a public hearing. No signs shall obstruct sight visibility triangles at street intersections.

(1) **Temporary Signs.**

(a) Real Estate for sale, lease, or rent.

(i) Size: One hundred fifty (150) square inches maximum.

(ii) Number: One (1) sign per street frontage.

(iii) Setback and Spacing: The outer edge of real estate signs shall be no closer than: five (5) feet to an official right-of-way line unless attached to an existing building; fifteen (15) feet to an interior side property line; or they shall be centered on a lot between interior side property lines.

(iv) Illumination: Section 33-96, Illumination, of the Miami-Dade County Code, shall apply, except that revolving, rotating and otherwise moving signs shall be prohibited.

(v) Maximum Height: Maximum height to top of sign shall be six (6) feet above grade for detached signs. For attached signs, minimum height shall be five (5) feet above grade.

(vi) Special Conditions: No permit shall be required for signs that are no larger than one hundred fifty (150) square inches and which are not electrically illuminated. Real estate signs shall only be permitted on premises advertised for lease or sale. Upon sale or lease, the sign shall be immediately removed.

(b) Construction Signs.

(i) Size: Thirty-two (32) square feet maximum for a detached sign. When construction signs are painted on an approved construction shed or trailer, there is no size limitation.

(ii) Number: one (1) per street frontage.

(iii) Setback and Spacing: The outer edge of the sign shall be no closer than zero (0) feet from official right of way, and five (5) feet minimum from property under different ownership.

(iv) Illumination: Section 33-96, Illumination, of the Miami-Dade County Code, shall apply, except that revolving, rotating and otherwise moving signs shall be prohibited.

(v) Maximum Height: Maximum height to top of sign shall be six (6) feet above grade for detached signs.

(vi) Special Conditions: No permit shall be required for signs that are no larger than thirty-two (32) square feet and which are not electrically illuminated. Construction signs shall only be permitted on premises visibly under construction. Upon sale or lease, the sign shall be immediately removed.

(2) **Special Event Signs.**

(a) Size: Thirty-two (32) square feet maximum for a detached sign.

(b) Number: one (1) per street frontage.

(c) Setback and Spacing: The outer edge of the sign shall be no closer than zero (0) feet from official right-of-way and five (5) feet minimum from property under different ownership.

(d) Illumination: Section 33-96, Illumination, of the Miami-Dade County Code, shall apply, except that revolving, rotating and otherwise moving signs shall be prohibited.

(e) Maximum Height: Maximum height above grade to top of sign shall be six (6) feet for detached signs, except for suspended fabric signs.

(c) Special Conditions: Back lit awnings and balloon signs are not allowed. Special event signs require permits and shall be removed within five (5) days after the special event or last election which candidate or issue was on ballot. Promoters, sponsors and candidates shall be responsible for compliance with the provisions of this section and shall remove signs promoting or endorsing their respective special events or candidacies when such signs are displayed or used in violation of this section. Additionally, any private owner who fails to remove an unlawful special

events sign from his or her property shall be deemed in violation of this section.

(d) No sign shall exhibit thereon any lewd or lascivious matter.

(3) **Permanent Point of Sale Signs.**

(a) Permanent point of sale signs: Detached, flat, awning, projecting, monument signs are all allowed:

(i) Size: Maximum six (6) square feet except as specified for residential uses in Section (3)(b). Cantilever projecting signs shall be mounted perpendicular to buildings.

(ii) Number: One (1) wall sign per tenant per street frontage.

(iii) Setback and spacing: The outer edge of the sign shall be no closer than zero (0) feet from right-of-way, and five (5) feet minimum from interior side property.

(iv) Illumination: Section 33-96, Illumination, of the Miami-Dade County Code, shall apply, except that revolving, rotating and otherwise moving signs shall be prohibited.

(v) Maximum Height: Three (3) feet maximum height above grade to top of sign for detached signs; nine (9) feet minimum from bottom of sign to grade for awning and projecting signs; no limits for flat attached signs, or signs painted on the facade of a building.

(vi) Special Conditions: No permit required for awnings following these regulations. Letters attached or painted to fabric shall be limited to the identification of the occupant and/or use of the property. Back-lit awnings and balloon signs are not allowed. Decorative neon may be used only inside windows. Building name and quotations carved in stone or stucco relief may occupy up to ten (10) percent of facade.

(vii) No sign shall exhibit thereon any lewd or lascivious matter.

(b) For residential uses no more than three (3) detached signs, one sign of up to 24 square feet in size and two additional signs of up to 18 square feet in size identifying the name of the development shall be permitted for the site.

(4) **Directional Signs:** Additional directional signage to provide clear directional information to users of the Okeechobee Metrorail Station and to residents and visitors to the development shall be permitted. Directional signs shall be reviewed pursuant to Site Plan Review Standards and Criteria,

but shall not be placed in the public right-of-way or within any safe sight distance triangle area. Traffic directional signs shall be reviewed by the Miami-Dade County Public Works Department.

Maintenance: In addition to the general maintenance requirements for this section, the owner and/or the tenant of the sign shall be responsible for maintaining the landscaping and the signs concerned in good condition and appearance and the site free from trash or debris. Failure to do so shall constitute cause for cancellation of the permit and removal of the sign, if owner and/or tenant fails to correct same within ten (10) days after written notice of nonconformance.

Removal of dilapidated signs: The City may cause to be removed any sign which shows neglect or become dilapidated or where the area around such sign is not maintained as provided herein after due notice has been given. The owner and/or tenant of the sign and/or the property shall be financially responsible for the removal of the sign.

(E) **Site Plan Review Standards and Criteria**: The purpose of the site plan review is to encourage logic, imagination and variety in the design process in an attempt to ensure congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards shall be utilized as a guide by the Miami-Dade Rapid Transit Development Impact Committee, the Miami-Dade Department of Planning and Zoning and by the Board of County Commissioners in the consideration for site plan approval for all Rapid Transit Zone stations: All development in the Rapid Transit Zone shall be designed to contribute to the creation of a high-quality pedestrian environment within the zone and along its perimeter and provide direct logistical connections between the transit station and the adjacent neighborhood.

(1) Design considerations shall include: the placement, orientation and scale of buildings and building elements particularly at street level, sidewalks and connections, and provisions of weather protection, landscape and lighting.

(2) All buildings shall have their main entrance opening to a street or meaningful open space, such as, squares, parks, greens, plazas and promenades. In addition, for non-residential development there shall be pedestrian entrances at maximum intervals of seventy-five (75) feet along the street.

(3) All developments shall have sidewalks or pedestrian paths a minimum six (6) feet wide providing pedestrian linkages between the transit station and anticipated destinations in the Okeechobee Rapid Transit Zone and the adjacent neighborhoods.

(4) To the extent practicable, buildings and their pedestrian accommodations, landscapes and parking facilities shall be oriented and arranged respective of the street, contribute to spatial enclosure of street space in and around the Sub-zone, blocks and pedestrian

pathways within the Site produce coherent, direct connections within the site and to the adjacent streets, sidewalks and paths.

(5) Building architecture, exterior finish materials and textures, architectural elements and ornamentation shall be selected to produce enhanced pedestrian-friendly design and functionality at street level.

(6) Open spaces and landscaping should be incorporated into the design of all development projects to allow sufficient light and air to penetrate the project, to direct wind movements, to shade and cool, to visually enhance architectural features and relate the structure design to the site, and to functionally enhance the projects; outdoor graphics and exterior art displays and water features should be encouraged to be designed as an integral part of the open space and landscaped areas.

(7) All development projects should be designed so as to reduce energy consumption. Energy conservation methods may include, but not limited to, the natural ventilation of structures, the sitting of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.

(8) Public open spaces in the form of squares, plazas greens, etc., shall be connected to the station and proposed development, so as to provide easy access thereto. A sprinkler system shall be installed in all of the proposed landscaped areas to maintain said areas in good, healthy condition.

(9) Service areas shall be located and screened to minimize negative visual impacts from the street.

(10) Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements.

(11) Trees shall be used as a design element to provide visual identity to the property and reinforce the street edge. Tree grates or other approved devices shall be provided around all trees in hard surface areas to ensure adequate water and air penetration.

(12) All utilities on-site shall be buried underground.

(13) Adequate circulation throughout the development project shall be provided to accommodate emergency vehicles.

(14) The development shall be designed with a coordinated outdoor pedestrian scaled lighting system that is adequate, integrated into the project and compatible and harmonious with the surrounding areas.

(15) Street furniture such as trash containers and benches shall be permanently secured to the sidewalk. Street furniture shall not obstruct sight visibility triangles at street intersections.

(16) Dumpsters shall not be visible from the public street.

(17) Architectural elements at street level shall have human scale, abundant windows, openings, doors and design variations to create interest for the pedestrian. Blank walls at street level and above the ground floor of buildings are not permitted.

(18) Parking garages shall have all architectural expressions facing public open spaces consistent and harmonious with that of the building's architecture.

(F) **Site Review Procedure and Exhibits:** Development proposal shall be submitted and reviewed as provided in Section 33-304, Code of Miami-Dade County, and herein:

(1) Pre-application conference:

Prior to the filling of an application for site plan approval, the prospective applicant shall schedule a pre-application conference with the Miami-Dade County Department of Planning and Zoning for preliminary review of a conceptual plan development. The Department of Planning and Zoning shall notify the Miami-Dade Transit Agency and other Miami-Dade County and municipal agencies as appropriate for the site, and Miami-Dade County and affected municipal Departments of Public Works which shall be requested to provide current information about any government-planned street improvements, and any street section standards that would be applicable, in adjoining the proposed development site. The applicant shall bring to the conference a schematic development plan illustrating fundamentals of the proposed site design and architecture, addressing locations of existing and planned property lines, property ownership, public right-of-way, streets, transit platform, buildings and open spaces, and other essential elements of the proposed development with sufficient information to demonstrate an understanding of the intent, standards and criteria established in this section.

(2) Application Exhibits:

The exhibits listed below shall be submitted with the formal application for site plan review. The Department of Planning and Zoning shall review the application including these exhibits for completeness as required to determine compliance with all requirements of this Section. The Director of the Department of Planning and Zoning shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review, provided the Director determines that the information is not necessary for a determination of conformance with the requirements of this Section. The exhibits shall include the following:

(a). Site plan(s) at a scale of not less than 1 inch equals 60 feet containing the following information:

(i) Location and dimension of existing and planned streets and curb lines.

(ii) Location of lot lines and setbacks.

(iii) Location, shape, size and height, as applicable, of existing and proposed buildings, open spaces, fencing, walls, projections, signage and landscaping.

(iv) Location of on-street and off-street parking, loading facilities, and waste collection areas.

(v) Phase lines, if applicable.

(vi) Landscape plans including specification of plant material, location and size.

(vii) Floor plans and elevations of all structures, including total gross square foot area of each floor and all dimensions relating to the requirements of this Section.

(viii) Figures indicating gross and net acreage, and area to be dedicated for public right-of-way.

(ix) Square footage of each land use and total for the development.

(x) Total number of dwelling units and hotel guest rooms if applicable.

(xi) Amount of building coverage at ground level in square feet and percentage of net lot area.

(xii) Amount of open space required and provided, in square feet and percentage of net lot area.

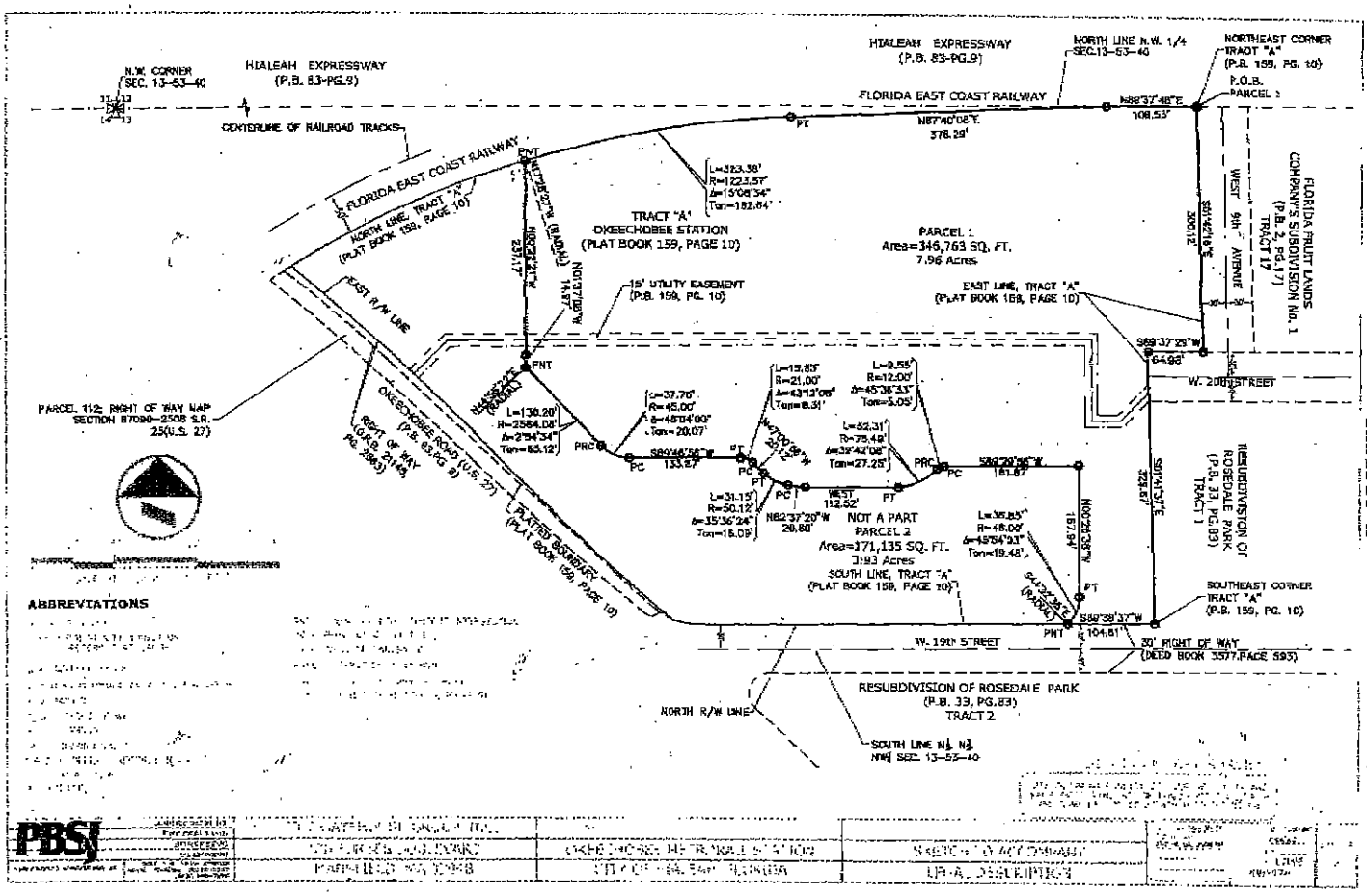
(xiii) Number of parking spaces required and provided.

(G) Conflicts with other chapters and regulations: This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of the Miami-Dade County Code, or with the Miami-Dade County Public Works Department Manual, or with the regulations of the City of Hialeah.

(H) Phasing and Unified Development- Development may occur in phases in substantial compliance with the site plans approved by the County Commission. Plans for individual phases must provide the required off street parking, open space, and in the first phase of the development, retail space, but need not provide the minimum Floor Area Ratio until all

phases have been developed. All property owners and/or lessees shall provide cross access easement and other agreements as may be required by Miami-Dade County pursuant to Sections 33-31 and 33-257 of the Miami-Dade County Code to insure that the property is developed and maintained with a unified development theme and that access for vehicular and pedestrian traffic and access by public safety vehicles and personnel is maintained at all times.

EXHIBIT A


HIALEAH EXPRESSWAY (P.B. 83-PG.9)
N.W. CORNER SEC. 13-53-40
HIALEAH EXPRESSWAY (P.B. 83-PG.9)
NORTH LINE N.W. 1/4 SEC.13-53-40
NORTHEAST CORNER TRACT "A" (P.B. 159, PG. 10)
P.O.B. PARCEL 1
FLORIDA EAST COAST RAILWAY
N88°37'48"E 108.53'
N87°40'08"E 378.29'
CENTERLINE OF RAILROAD TRACKS
FLORIDA EAST COAST RAILWAY
NORTH LINE, TRACT "A" (PLAT BOOK 159, PAGE 10)
L=323.38' R=1223.57' Δ=15°08'34" Tan=162.64'
TRACT "A" OKEECHOBEE STATION (PLAT BOOK 159, PAGE 10)
PARCEL 1 Area=346,763 SQ. FT. 7.96 Acres
NORTHERLY R/W LINE
15' UTILITY EASEMENT (P.B. 159, PG. 10)
EAST LINE, TRACT "A" (PLAT BOOK 159, PAGE 10)
WEST 9th AVENUE
FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1 (P.B. 2, PG.17) TRACT 17
S89°37'23"W 64.93'
W. 20th STREET
EAST R/W LINE
PARCEL 112, RIGHT OF WAY MAP SECTION 87090-2508 S.R. 25(U.S. 27)
OKEECHOBEE ROAD (U.S. 27) (S.R. 25)
80' R/W (O.R.B. 21145, PG. 2845)
OKEECHOBEE ROAD (U.S. 27) (P.B. 83, PG. 9)
PLATTED BOUNDARY (PLAT BOOK 159, PAGE 10)
L=130.20' R=2564.08' Δ=2°54'34" Tan=65.12'
L=37.76' R=45.00' Δ=48°04'00" Tan=20.07'
L=15.85' R=21.00' Δ=43°13'06" Tan=8.31'
L=9.55' R=12.00' Δ=45°36'33" Tan=5.05'
L=53.31' R=75.49' Δ=39°42'08" Tan=27.25'
S89°46'56"W 133.67'
N87°00'58"W 29.12'
WEST 112.52'
L=31.15' R=50.12' Δ=35°36'24" Tan=16.09'
N62°37'20"W 26.60'
NOT A PART PARCEL 2 Area=171,135 SQ. FT. 3.93 Acres
SOUTH LINE, TRACT "A" (PLAT BOOK 159, PAGE 10)
L=36.85' R=48.00' Δ=45°54'23" Tan=19.48'
S89°29'06"W 61.87'
SOUTH 343.43'
NORTH 178.94'
RESUBDIVISION OF ROSEDALE PARK (P.B. 33, PG.83) TRACT 1
SOUTHEAST CORNER TRACT "A" (P.B. 159, PG. 10)
S89°39'37"W 104.81'
W. 19th STREET
30' RIGHT OF WAY (DEED BOOK 3577,PAGE 593)
RESUBDIVISION OF ROSEDALE PARK (P.B. 33, PG.83) TRACT 2
NORTH R/W LINE
SOUTH LINE N½ NW¼ SEC. 13-53-40
ABBREVIATIONS

APPLICATION NO. R06-2
OKEECHOBEE RAPID TRANSIT STATION

Respectfully Submited,

DIC Executive Council
September 27, 2006

Alex Munoz Assistant County Manager	Absent
Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department	AYE
Irma San Roman, Deputy Director Metropolitan Planning Organization Secretariat	AYE
Diane O'Quinn Williams, Director Department of Planning and Zoning	Absent
Esther Calas, P.E., Director Public Works Department	Absent
Jose Gonzalez, P.E., Assistant Director Department of Environmental Resources Mgmt	AYE
Jorge S. Rodriguez, P.E., Assistant Director Miami-Dade Water and Sewer Department	AYE

Julio Robaina
Mayor

Esteban Bovo
Council President

Eduardo Gonzalez
Council Vice President

City of Hialeah

Council Members

Jose F. Caragol
Luis Gonzalez
Carlos Hernandez
Cindy Miel
Jose Yedra

November 2, 2006

Nicholas D. Nitti
DIC Coordinator
Zoning Evaluation Section
Miami-Dade County Department of Planning & Zoning
111 NW 1st Street, 11th Floor, Miami, FL 33128

Re: Okeechobee Rapid Transit Zone Master Plan Development Standards

Dear Mr. Nitti:

Please accept this memo as a confirmation that Debora Storch, Planning and Zoning Official and Lorena Bravo, Assistant City Attorney, both representing the City of Hialeah, have attended the Rapid Transit DIC Executive Council hearing on September 27th, 2006 and voted in favor to approve the Okeechobee Rapid Transit Zone Master Plan Development Standards.

Sincerely,

Debora Storch
Planning and Zoning Official

Lorena Bravo
Assistant City Attorney

cc: Jerry Proctor
Bilzin, Sumberg, Baena, Price & Axelrod, LLP

Raul L. Martinez Government Center
501 Palm Avenue, Hialeah, FL 33010-4789
www.ci.hialeah.fl.us

EXHIBIT 2

ORDINANCE NO. 06-76

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, OF THE CODE OF ORDINANCES BY ADDING A NEW DIVISION, DIVISION 32 ENTITLED "OKEECHOBEE RAPID TRANSIT ZONE", TO PROVIDE DEVELOPMENT STANDARDS IN COMPLIANCE WITH THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN FOR THE OKEECHOBEE STATION AREA; TO PROVIDE FOR PURPOSE AND INTENT; BOUNDARIES, DEFINITIONS, DEVELOPMENT PARAMETERS, PERMITTED USES, FLOOR AREA RATIO, DENSITY, BUILDING HEIGHT, BUILDING FRONTAGE, PARKING, SIGNAGE, SITE PLAN STANDARDS AND PROCEDURE, PRECEDENCE OVER CONFLICTING REGULATIONS, AND OTHER MISCELLANEOUS REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 11, 2006 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, pursuant to Miami-Dade County Code § 33C-2, Miami-Dade County established a Rapid Transit Zone that was necessary for the construction of the Metrorail System, including all station sites, parking areas, yard and maintenance facilities and other commercial, office and residential uses compatible with the operation

of the Metrorail System and accordingly, vested jurisdiction for building and zoning approvals, etc. in the Miami-Dade County, regardless of any municipal code, charter or ordinance to the contrary; and

WHEREAS, pursuant to Miami-Dade County Code § 33C-2(D)(9)(d), Miami-Dade County provided for commercial, office and residential uses or subzone at the site of the Metrorail stations, located within the various municipalities, pursuant to master plan development standards for such proposed uses; and

WHEREAS, pursuant to Miami-Dade County Code § 33C-2(D)(9)(d), the proposed master plan development standards developed by Miami-Dade County have been submitted to the City of Hialeah for the Okeechobee Rapid Transit Zone (Okeechobee Station area) for review and adoption by the City of Hialeah; and

WHEREAS, the City of Hialeah has no objection and further supports the proposed development standards that are being presented for adoption and codification.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by adding a new division, Division 32 entitled "Okeechobee Rapid Transit Zone", to read as follows:

Chapter 98

ZONING

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

DIVISION 32. OKEECHOBEE RAPID TRANSIT ZONE.

Sec. 98- . Purpose and intent.

The purpose of the development standards is to provide guidelines governing the site, site design, building mass,

parking, circulation and signage for all non-Metorail development at the Okeechobee Station Rapid Transit Zone Site ("Site") with the intent of fulfilling the goals, objectives and policies of the county comprehensive development plan urban center provisions and the city's applicable comprehensive plan and regulations. Unless specified to the contrary, these regulations supersede all conflicting requirements in chapter 33 and chapter 18A of the Code of Miami-Dade County.

Sec. 98- . Boundaries.

These master plan development standards shall apply to the development in the Site as generally described as irregularly-shaped parcels identified as Parcel 1 and Parcel 2, comprising of square footage and boundaries depicted on a map on file with the office of the city clerk.

Sec. 98- . Definitions.

The terms used in this division shall take their commonly accepted meaning unless otherwise defined in chapter 33, chapter 33C or chapter 28 of the Code of Miami-Dade County, or already defined herein. Terms requiring interpretation specific to this section are as follows:

Arcade or colonnade means a roofed structure over the sidewalk, open to the street except for supporting columns and piers. An arcade or colonnade's depth shall be measured from the face of the column to the face of the building and shall have a minimum depth of 10 feet or such greater distance as may be required by the state department of transportation along Okeechobee road.

Block means a combination of building lots, the perimeter of which abuts streets.

Build-to-line means a line parallel to the block face, along which a building shall be constructed.

Building height means a limit to the vertical extent of a building measured in stories above grade, not including chimneys, antennas, elevator shafts, mechanical rooms or other non-habitable areas.

Floor area ratio (f.a.r.) means the floor area of the building or buildings, excluding parking structures divided by the lot area of the development site.

Habitable space means building space whose use involves human presence with direct views of the enfronting street or open space, excluding parking garages, self-service storage facilities, warehouses and display windows separated from retail activity.

Housing for the elderly is defined in the United States Fair Housing Act as housing where at least one member of the household is at least 55 years of age or older.

Open space means an outdoor at grade space that may be designated on a site plan as accessible to the public, including parks, plazas, squares, colonnades, greens, promenades, pedestrian paths and/or associated ornamental or shaded landscaped areas, and accessory buildings relative to active or passive recreational uses. A maximum of 20% of the area of parking lot buffers abutting public streets may count as open space.

Plaza means an open space with a majority of paved surface. Plazas are fronted with buildings that continue the adjacent street frontage requirements and uses. A minimum of 50 percent and a maximum of 75 percent of the plaza's area, exclusive of dedicated rights-of-way, shall be hard surfaced.

Square means an outdoor open space that shall be flanked by streets or drives on at least three sides and shall not be hard-surfaced for more than 50 percent of the areas, exclusive of dedicated rights-of-way.

Story means a floor area level within a building as described in these development regulations. Each story shall have a maximum height of 16 feet, as measured from floor to ceiling, except that a single story may have a maximum height of 30 feet, provided no mezzanine area exceeds ten percent of the floor area of that story. Any height above 16 feet shall count as an additional story.

Metrorail development consists of the transit station, the fixed guideway, a parking garage containing 1,090 parking

spaces with a structural connection to the transit station, and such transit-related structures as may be added in the future.

Sec. 98- . Development regulations.

The following regulations or parameters shall apply to all non-Metrorail development with the Site; provided, however, that such uses are compatible with transit uses and operations as determined by the Miami-Dade Transit Agency.

(a) *Permitted uses.* At total build-out, a minimum of two of the following uses shall be included in the development of the Site:

(1) Business and civic uses allowed in the county BU-1, BU-IA and BU-2 zoning districts. Commercial retail space shall consist of a minimum of 1,000 square feet. Drive-thru services are permitted and shall be concealed from the adjoining street network.

(2) Multiple family residential uses including housing for the elderly.

(b) *Accessory uses.*

(1) Outside food sales and services including, but not limited to outdoor dining, cart vendors and merchandise displays.

(2) The provisions of section 33-150(A) and (B) of the Code of Miami-Dade County regarding alcoholic beverages shall not apply.

(c) *Setbacks.* The setbacks for all development shall be as follows:

(1) Build-to-line from streets: No setback when colonnade is provided; 10 feet when colonnade is not provided, unless a greater amount is required by the state department of transportation along Okeechobee road. The build-to-line setback shall be hard surfaced (except as to provide landscape and street tree buffer areas) and finished to match the adjoining sidewalk

when a colonnade is not provided.

(2) No setback for interior and rear sides or as determined to be appropriate to the area and adjoining land uses, not to exceed six feet.

(d) *Floor Area Ratio (f.a.r).* The floor area ration shall be a minimum of 1.5.

(e) *Density.* The maximum density shall be 30 units for each gross acre of the Site.

(f) *Building height.* The maximum building height shall be nine stories.

(g) *Building frontage.* A minimum of 80 percent of the building shall be constructed at the build-to-line abutting each public street.

(h) *Parking.* Minimum parking requirements for the non-Metrorail development at the Site shall be as follows:

(1) Residential – Two parking spaces for each dwelling unit and 0.75 parking spaces for each dwelling unit for housing for the elderly.

(2) Commercial uses – One parking space for each 200 square feet of gross floor area.

(3) Hotel – one parking space for every two guest rooms.

(4) Ancillary uses incidental to a primary use of a building, such as management/leasing/maintenance offices or recreational uses not open to the general public will not require additional required parking spaces.

(5) If developed in phases, required parking may be provided within 600 feet of the development phase on any portion of the Site.

(6) Parking spaces shall be screened at all street frontages by a minimum setback of 20 feet of habitable space or screened from view from the street

or from any public open space by decorative materials consistent and harmonious with that of the habitable space.

(7) Surface parking shall be located 20 feet from all property lines abutting streets, provided, however, that ten feet shall be allowed if parking is screened from view by walls, landscaping or openings designed to complement the building's façade and allows for pedestrian access to the development.

(i) *Encroachments.* Awnings, balconies, roof eaves, signs, porches, stoops and ramps may encroach into setbacks but shall not encroach into public rights-of-way. Encroachments shall not be higher than the building or pedestal, whichever is lower. Cantilevers and moldings shall not exceed three feet in extension beyond the vertical wall surface, unless visibly supported by brackets or other supports.

(j) *Building façades and security fences.*

(1) Building streetwall surfaces enclosing habitable space shall be a minimum of 30 percent glazed fenestration. Mirror-type glass shall not be allowed. All glazing shall be of a type that permits view of human activities and spaces within. The first floor streetwall shall be a minimum 30% glazed. Glazing shall be clear or very lightly tinted for the first five stories, except where used for screening garages where it may be translucent.

(2) Perimeter security screens and gates shall be a minimum 50 percent transparent. Chain link fences shall be prohibited.

(k) *Open space.* A minimum of 15 percent of the lot area shall be reserved for open space.

(m) *Landscape.* Landscape shall be provided according to chapter 18A (Landscape Code) of Miami-Dade County with the following exceptions:

(1) Street trees shall be placed along all streets at an average spacing of 25 feet on center with a minimum four-inch diameter at breast height at planting but shall

not interfere with the safe site distance triangle area.

(2) Street trees shall not be required when colonnades are being provided along the street.

(3) Tree requirements for non-Metrorail development shall be 16 trees for each net acre.

Individual development phases shall comply with the landscape requirements provided in this subsection.

(n) *Pedestrian passage.* A pedestrian passage is required every 400 linear feet of street frontage to allow public access through the site. The passage shall be unobstructed and shall be a minimum of six feet.

(o) *Signage.* Signage shall comply as follows:

Four types of signs are allowed: Temporary signs, special event signs, point of sale signs and directional signs. Outdoor advertising signs, automatic electric changing signs and entrance features are not permitted, and shall not be the subject of a public hearing or variance. No signs shall obstruct sight visibility triangles at street intersections.

(1) Temporary signs.

a. Real estate for sale, lease or rent.

1. Size: Maximum size is 150 square inches.
2. Number: One sign for each street frontage.
3. Setback and spacing. The outer edge of real estate signs shall be no closer than five feet to an official right-of-way line unless attached to an existing building; 15 feet to an interior side property line; or such signs shall be centered on a lot between interior side property lines.
4. Illumination: Section 33-96 (Illumination) of the Miami-Dade County Code shall apply, except that revolving, rotating or otherwise moving signs shall be prohibited.
5. Height: Maximum height to top of sign shall be six feet above grade for detached signs. For attached signs, minimum height shall be

five feet above grade.

6. Special conditions: No permit shall be required for signs that are no larger than 150 square inches and that are not electrically illuminated. Real estate signs shall only be permitted on premises advertised for lease or sale. Upon sale or lease, the sign shall be immediately removed.

b. Construction signs.

1. Size: 32 square feet is the maximum size for a detached sign. When construction signs are painted on an approved construction shed or trailer, there is no size limitation.
2. Number: One sign for each street frontage.
3. Setback and spacing: The outer edge of the sign shall be no closer than zero feet from official right-of-way, and a minimum of five feet from property under different ownership.
4. Illumination: Section 33-96 (Illumination) of the Miami-Dade County Code shall apply, except that revolving, rotating and otherwise moving signs shall be prohibited.
5. Maximum height: Maximum height to top of sign shall be six feet above grade for detached signs.
6. Special conditions: No permit shall be required for signs that are no larger than 32 square feet and that are not electrically illuminated. Construction signs shall only be permitted on premises visibly under construction. Upon or sale, the sign shall be immediately removed.

(2) Special event signs.

a. Size: 32 square feet is the maximum size for a detached sign.

b. Number: One sign for each street frontage.

c. Setback and spacing: The outer edge of the sign shall be no closer than zero feet from official right-

of-way, and a minimum of five feet from property under different ownership.

d. Maximum height: Maximum height above grade to top of sign shall be six feet for detached signs, except for suspended fabric signs.

e. Special conditions: Back-lit awnings and balloon signs are not allowed. Special event signs require permits and shall be removed within five days after the special event or last election that a candidate or issue is on the ballot. Promoters, sponsors and candidates shall be responsible for compliance with the provisions of this section and shall remove signs promoting or endorsing their respective special events or candidacies when such signs are displayed or used in violation of this section. Additionally, any private owner who fails to remove an unlawful special events sign from his or her property shall be deemed in violation of this section.

f. No sign shall exhibit thereon any lewd or lascivious matter.

(3) Permanent point of sale signs.

a. Permanent point of sale signs. Detached, flat, awning, projecting, monument signs are allowed.

1. Size: Maximum size is six square feet, except as specified for residential uses. Cantilever projecting signs shall be mounted perpendicular to buildings.
2. Number: On wall sign for each tenant for each street frontage.
3. Setback and spacing: The outer edge of the sign shall be no closer than zero feet from right-of-way, and a minimum of five feet from interior side property.
4. Illumination: Section 33-96 (Illumination) of the Miami-Dade County Code shall apply, except that revolving, rotating and otherwise moving signs shall be prohibited.
5. Maximum height: A maximum height of

three feet above grade to top of sign for detached signs; nine feet minimum from bottom of sign to grade for awning and projecting signs; no limits for flat attached signs, or signs painted on the façade of a building.

6. Special conditions: No permit required for awnings following these regulations. Letters attached or painted to fabric shall be limited to the identification of the occupant and/or use of the property. Back-lit awnings and balloon signs are not allowed. Decorative neon may be used only inside windows. Building name and quotations carved in stone or stucco relief may occupy up to ten percent of façade.

7. No sign shall exhibit thereon any lewd or lascivious matter.

b. For residential uses only, no more than three detached signs, with one sign no larger than 24 square feet in size and two additional signs no larger than 18 square feet each in size, identifying the name of the development shall be permitted for the site.

(4) Directional signs. Additional directional signage to provide clear directional information to users of the Okeechobee Metrorail Station and to residents and visitors to the development shall be permitted. Directional signs shall be reviewed pursuant to site plan review standards and criteria, but shall not be placed in the public right-of-way or within any safe sight distance triangle area. Traffic directional signs shall be reviewed by the Miami-Dade County Public Works Department.

(5) Sign maintenance. In addition to the general maintenance requirements for this subsection, the owner and/or tenant of the sign shall be responsible for maintaining the landscaping and the signs concerned in good condition and appearance and the site free from trash or debris. Failure to do so shall constitute cause for cancellation of the permit and removal of the sign. If the owner and/or tenant fails to correct within ten days after written notice of noncompliance.

(6) Removal of dilapidated signs. The city may cause to be removed any sign that shows neglect or becomes dilapidated or where the area around such sign is not maintained as provided herein after due notice has been given. The owner and/or tenant of the sign and/or the property owner shall be financially responsible for the removal of the sign.

Sec. 98- . Site plan review standards and criteria.

The purpose of site plan review is to encourage logic, imagination and variety in the design process in an attempt to ensure congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards shall be utilized as a guide by the Miami-Dade Rapid Transit Development Impact Committee, the Miami-Dade Department of Planning and Zoning and by the Board of County Commissioners in the consideration for site plan review for all Rapid Transit Zone stations. All development in the Rapid Transit Zone shall be designed to contribute to the creation of a high-quality pedestrian environment within the zone and along its perimeter and provide direct logistical connections between the transit station and the adjacent neighborhood.

(a) Design considerations shall include the placement, orientation and scale of buildings and building elements particularly at street level, sidewalks and connections, and provisions of weather protection, landscape and lighting.

(b) All buildings shall have their main entrance opening to a street or meaningful open space, such as squares, parks, greens, plazas and promenades. For non-residential development, there shall be pedestrian entrances at maximum intervals of 75 feet along the street.

(c) All developments shall have sidewalks or pedestrian paths having a minimum width of six feet providing pedestrian linkages between the transit station and anticipated designations in the Okeechobee Rapid Transit Zone and the adjacent neighborhoods.

(d) To the extent practicable, buildings and their

pedestrian accommodations, landscapes and parking facilities shall be oriented and arranged respective of the street and contribute to spatial enclosure of street space in and around the subzone, blocks and pedestrian pathways with the Site in order to produce coherent, direct connections within the Site and to the adjacent streets, sidewalks and paths.

(e) Building architecture, exterior finish materials and textures, architectural elements and ornamentation shall be selected to enhance pedestrian friendly design and functionality at street level.

(f) Open spaces and landscaping should be incorporated into the design of all development projects to allow sufficient light and air to penetrate the project, to direct wind movements, to shade and cool, to visually enhance architectural features and relate the structure design to the site, and to functionally enhance the projects; outdoor graphics and exterior art displays and water features should be encouraged to be designed as an integral part of the open space and landscaped areas.

(g) All development projects should be designed so as to reduce energy consumption. Energy conservation methods may include, but not limited to, the natural ventilation of structures, the location of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.

(h) Public open spaces in the form of squares, plazas, greens and other public open spaces shall be connected to the station and the proposed development in order to provide easy access. A sprinkler system shall be installed in all of the proposed landscaped areas to maintain such areas in good, healthy condition.

(i) Service areas shall be located and screened to minimize negative visual impacts from the street.

(j) Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements.

(k) Trees shall be used as a design element to provide visual identity to the property and reinforce the street edge. Tree grates or other approved devices shall be provided around all trees in hard surface areas to ensure adequate water and air penetration.

(l) All utilities on-site shall be buried underground.

(m) Adequate circulation throughout the development project shall be provided to accommodate emergency vehicles.

(n) Street furniture such as garbage containers, trash containers and benches shall be permanently secured to the sidewalk. Street furniture shall not obstruct sight visibility triangles at street intersections.

(o) Dumpsters shall not be visible from the public street.

(p) Architectural elements at street level shall have dimensions, abundant windows, openings, doors and design variations to create interest for the pedestrian. Blank walls at street level and above the ground floor of buildings are not permitted.

(q) Parking garages shall have all architectural expressions facing public open spaces consistent and harmonious with that of the building's architecture.

Sec. 98- . Site review procedure and exhibits.

A development proposal shall be submitted and reviewed as provided in section 33-304, Code of Miami-Dade County, and herein.

(a) *Pre-application conference.* Prior to filing an application for site plan approval, the prospective applicant shall schedule a pre-application conference with the Miami-Dade County Department of Planning and Zoning for preliminary review of a conceptual plan development. The Department of Planning and Zoning shall notify the Miami-Dade Transit Agency and other Miami-Dade County and municipal agencies as appropriate for the site, and Miami-Dade County and the city building and zoning

divisions, and the streets, water and sewer and fire departments, which shall be requested to provide current information about any government-planned street improvements, and any street section standards that would be applicable, in adjoining the proposed development site. The applicant shall bring to the conference a schematic development plan illustrating the fundamentals of the proposed site design and architecture, addressing locations of existing and planned property lines, property ownership, public right-of-way, streets, transit platform, buildings and open spaces, and other essential elements of the proposed development with sufficient information to demonstrate an understanding of the intent, standards and criteria established in this section.

(b) *Application exhibits.* The exhibits listed below shall be submitted with the formal application for the site plan review. The Miami-Dade County Department of Planning and Zoning shall review the application including these exhibits for completeness as required to determine compliance with all requirements of this subsection. The Director of the Department of Planning and Zoning shall have the right to waive any of the items required because of the nature of timing of the development or because the information cannot be furnished at the time of this review, provided the Director determines that the information is not necessary for a determination of compliance with the requirements of this subsection. The site plan shall be at a scale of not less than 1 inch equals 60 feet containing the following exhibits and information:

1. Location and dimensions of existing and planned streets and curb lines.

2. Location of lot lines and setbacks.

3. Location, shape, size and height, as applicable, of existing and proposed buildings, open spaces, fencing, walls, projections, signage and landscaping.

4. Location of on-street and off-street parking, loading facilities and waste collection areas.

5. Phase lines, if applicable.

6. Landscape plans including specification of plant material, location and size.

7. Floor plans and elevations of all structures, including total gross square foot area of each floor and all dimensions relating to the requirements of this subsection.

8. Figures indicating gross and net acreage, and area to be dedicated for public right-of-way.

9. Square footage of each land use and total footage for the development.

10. Total number of dwelling units and hotel guest rooms, if applicable.

11. Amount of building coverage at ground level in square feet and percentage of net lot area.

12. Amount of open space required and provided, in square feet and percentage of net lot area.

13. Number of parking spaces required and provided.

Sec. 98- . Conflicts with other chapters and regulations.

This section shall govern in the event of conflicts with other zoning, subdivision or landscape regulations of the Miami-Dade County Code, or with the Miami-Dade County Public Works Department Manual, or with city zoning and land use regulations.

Sec. 98- . Phasing and unified development.

Development may occur in phases in substantial compliance with the site plans approved by the County Commission. Plans for individual phases must provide the required off-street parking, open space and, in the first phase of the development, retail space, with an area of no less than 1,000 square feet, excluding outdoor dining areas, but need not provide the minimum floor area ratio until all

phases have been developed. All property owners and/or lessees shall provide a cross-access easement and other agreements, as may be required by Miami-Dade County pursuant to sections 33-31 and 33-257 of the Miami-Dade County Code, to insure that the property is developed and maintained with a unified development theme and that access for vehicular and pedestrian traffic and access by public safety vehicles and personnel is maintained at all times.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed $500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 14th day of November, 2006.

THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

Esteban Bovo
Council President

Attest:

Approved on this 16 day of November, 2006.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

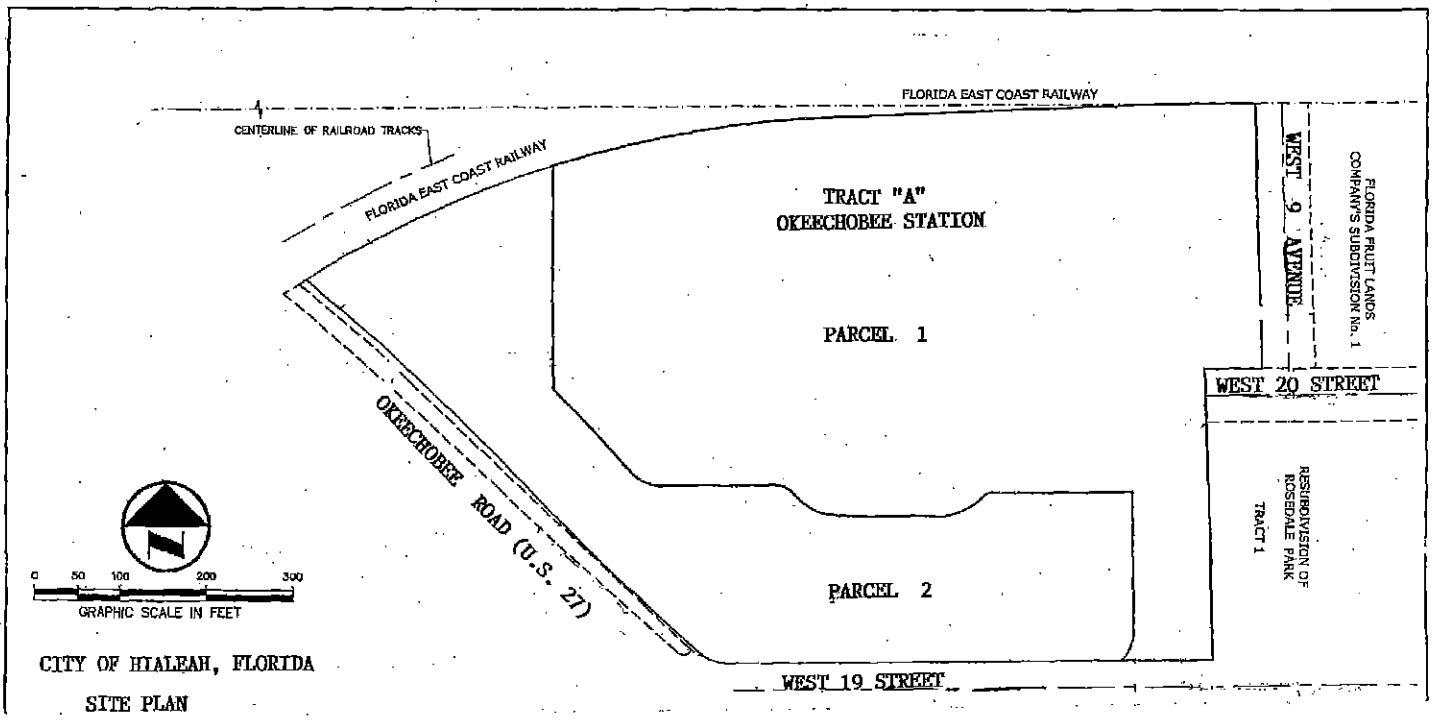
Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

s:\wmg\legis\ord-2006/ch98amndokeechobeerapidtransitzone.doc

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, L. Gonzalez, Hernandez, Miel and Yedra voting "Yes".



CITY OF HIALEAH, FLORIDA

SITE PLAN