

# MEMORANDUM

UMSA  
Agenda Item No. 1G2

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

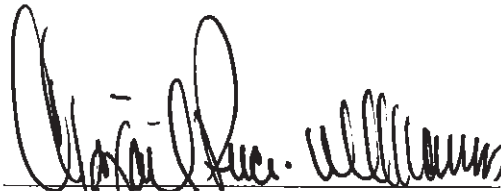
**DATE:** December 13, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to zoning;  
amending section 33-49 and  
article XIVB of chapter 33 of the  
Code; amending development  
standards and creating site plan  
review criteria for RU-1M(a),  
modified single-family  
residential zoning districts, in  
certain Sections of Township 54  
South, Range 39 East, and of  
Township 55 South, Range 39  
East, to enhance aesthetics and  
emphasize smart growth  
principles

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



Abigail Price-Williams  
County Attorney

APW/cp

# Memorandum



**Date:**

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in cursive script, likely belonging to Carlos A. Gimenez, the Mayor mentioned in the 'From' field.

**Subject:** Social Equity for Ordinance Amending Development Standards and Creating Site Plan Review Criteria in Certain Single-Family Residential Zoning Districts

The proposed ordinance amends Section 33-49 and Article XIVB of Chapter 33 of the Code to set development standards within the developable areas of Commission District 11. Under the proposed ordinance, subdivisions of ten (10) acres or more in RU-1M(a) zoned districts – single family homes with a minimum lot size of 5,000 square feet - will have greater flexibility in developing varying lot sizes as long as the entire subdivision averages 5,000 square feet per lot size. Furthermore, the proposed ordinance requires an Administrative Site Plan Review for those aforementioned subdivisions within the developable areas of Commission District 11 without an already approved site plan or plat to ensure compliance with specific zoning regulations, such as buffering elements, the inclusion of energy or water conservation methods, landscaping, pedestrian and automobile circulation, and open spaces. The proposed amendment will also require that these developments install energy or water conservation systems and to provide greater buffers along roadways.

Any new construction costs associated with the specific design, conservation systems and construction criteria in the RU-1M(a) zoned district in the developable areas of Commission District 11 without an already approved site plan or plat will be borne by the development entity and possibly passed on to the home buyer. The cost of going through the Administrative Site Plan Review process, which is a minimum of \$1,467.75, will also be borne by the development entity.

A handwritten signature in cursive script, likely belonging to Jack Osterholt, the Deputy Mayor mentioned in the caption below.

\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

162562



# MEMORANDUM

(Revised)

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

**DATE:** November 15, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(2)

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
- Statement of social equity 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. 14(A)(2)  
11-15-16

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

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-49 AND ARTICLE XIVB OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING DEVELOPMENT STANDARDS AND CREATING SITE PLAN REVIEW CRITERIA FOR RU-1M(A), MODIFIED SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS, IN CERTAIN SECTIONS OF TOWNSHIP 54 SOUTH, RANGE 39 EAST, AND OF TOWNSHIP 55 SOUTH, RANGE 39 EAST, TO ENHANCE AESTHETICS AND EMPHASIZE SMART GROWTH PRINCIPLES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, development patterns in Commission District 11 have historically reflected suburban designs that created significant separation between residential and other uses and that resulted in monolithic, sprawling, and automobile-dependent residential areas, particularly in the RU-1M(a) zoning districts; and

**WHEREAS**, this Board now seeks to encourage modern principles of development that emphasize walkability, sustainability, enhanced aesthetics, and smart growth principles; and

**WHEREAS**, one way to enhance aesthetics is by providing for a mix of lot sizes within a single subdivision, adding to a more varied design, which can be accomplished by providing an average minimum lot width and lot size over a large area, rather than requiring uniform lots; and

**WHEREAS**, enhanced landscaping also improves the aesthetics of the area; and

**WHEREAS**, these modern principles require amending the RU-1M(a) zoning district regulations to employ an administrative site plan review process that encourages logic, imagination, innovation, and variety in the design process and thereby ensures the congruity of proposed developments and their compatibility with the surrounding area, particularly in the following sections of District 11: Sections 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29,

30, 31, 32, and 33, those parts of Sections 1, 2, 3, 4, 5, and 6 lying south of the Tamiami Trail, that part of Section 12 lying north of Coral Way, and that part of Section 34 lying west of SW 137 Avenue and south of Kendale Lakes Drive, all lying in Township 54 South, Range 39 East, and all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, all lying in Township 55 South, Range 39 East,

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

**Section 1.** Section 33-49 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: <sup>1</sup>

**Sec. 33-49. - Table of minimum widths, area of lots; maximum lot coverage, and minimum building sizes.**

The minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be in effect for the districts enumerated in the following table:

<i>District</i>	<i>Families</i>	<i>Min. Width</i>	<i>Min. Lot Area (Sq. Ft.)</i>	<i>Max. Lot Coverage (% of Lot Area)</i>	<i>Min. Bldg. Size (Cu. Ft.)</i>
RU-1	1	New sub.-75'	7,500	35% for subdivisions platted on or before March 8, 2002; 40% for subdivisions platted after March 8, 2002	8,500
		Old sub.-50'	5,000	35%	8,500

<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.

RU-1M(a)	1	>>As set forth in article XIVB<< [[50' ]]	>>As set forth in article XIVB<< [[5,000]]	>>As set forth in article XIVB<< [[40% for subdivisions platted on or before March 8, 2002; 45% for subdivisions platted after March 8, 2002]]	>>As set forth in article XIVB<< [[8,500]]
RU-1M(b)	1	60'	6,000	40% for subdivisions platted on or before March 8, 2002; 45% for subdivisions platted after March 8, 2002	8,500
* * *					

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

**ARTICLE XIVB. - RU-1M(a), MODIFIED SINGLE-FAMILY RESIDENTIAL DISTRICT**

**Sec. 33-200.3. - Uses permitted.**

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered for any purpose in an RU-1M(a) District which is designed, arranged, or intended to be used or occupied for any purpose other than those uses specifically provided in the RU-1 District.

**>>Sec. 33-200.3.1. - Table of minimum widths, area of lots; maximum lot coverage, and minimum building sizes.**

- (a) Except as provided in subsection (b) herein, the minimum width and area of lots, maximum lot coverage, and minimum building sizes for the RU-1M(a) District shall comply with the following table:

<u>Min. Width</u>	<u>Min. Lot Area (Sq. Ft.)</u>	<u>Max. Lot Coverage (% of Lot Area)</u>	<u>Min. Bldg. Size (Cu. Ft.)</u>
<u>50'</u>	<u>5,000</u>	<u>40% for subdivisions platted on or before March 8, 2002; 45% for subdivisions platted after March 8, 2002</u>	<u>8,500</u>

- (b) For development in all of Sections 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, those parts of Sections 1, 2, 3, 4, 5, and 6 lying south of the Tamiami Trail, that part of Section 12 lying north of Coral Way, and that part of Section 34 lying west of SW 137 Avenue and south of Kendale Lakes Drive, all lying in Township 54 South, Range 39 East, and all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, all lying in Township 55 South, Range 39 East, the minimum width and area of lots, maximum lot coverage, and minimum building sizes for the

RU-1M(a) District shall comply with the following table:

<u>Min. Width</u>	<u>Min. Lot Area (Sq. Ft.)</u>	<u>Max. Lot Coverage (% of Lot Area)</u>	<u>Min. Bldg. Size (Cu. Ft.)</u>
<u>50' for subdivisions platted on or before July 1, 2016; 50' average for subdivisions 10 acres or greater platted after July 1, 2016 (See Note 1)</u>	<u>5,000 for subdivisions platted on or before July 1, 2016; 5,000 average for subdivisions 10 acres or greater platted after July 1, 2016 (See Note 1)</u>	<u>40% for subdivisions platted on or before March 8, 2002; 45% for subdivisions platted after March 8, 2002</u>	<u>8,500</u>

NOTE 1. The average width and area of lots shall be calculated by dividing the total width or area of each lot in the subdivision by the total number of lots.

**Sec. 33-200.3.2. - Site plan review**

For development in the RU-1M(a) district located in all of Sections 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, those parts of Sections 1, 2, 3, 4, 5, and 6 lying south of the Tamiami Trail, that part of Section 12 lying north of Coral Way, and that part of Section 34 lying west of SW 137 Avenue and south of Kendale Lakes Drive, all lying in Township 54 South, Range 39 East, and all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, all lying in Township 55 South, Range 39 East, the following shall apply:

- (1) Purpose and intent. The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this section. The purpose of the site plan review is to encourage logic, imagination, innovation, and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area.





- (2) Time for review and appeals. All plans submitted to the Department shall be reviewed and approved or denied within 21 days from the date of submission. The applicant shall have the right to extend the 21-day period by an additional 21 days upon timely request made in writing to the Department. The Department shall have the right to extend the 21-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decisions as set forth in article XXXVI of this chapter.
- (3) Applicability. Site plan review shall be required prior to the subdivision or re-subdivision of property in RU-1M(a) district. Site plan review shall not be required for development on an individual lot.
- (4) Required Exhibits. Exhibits prepared by design professionals, such as architects and landscape architects, shall be submitted to the Department and shall include a narrative describing how the development satisfies the site plan criteria herein. Exhibits shall include at least the following:
- (a) Site plan including the following information:
    - (i) Lot lines and setbacks.
    - (ii) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.
    - (iii) Landscaping in accordance with this article and chapter 18A.
    - (iv) Location of off-street parking, loading facilities, and waste collection areas.
    - (v) Indication of exterior graphics, as required.
    - (vi) Indication of any site design methods used to conserve energy.

- (b) Floor plans and elevations of all structures, including total gross square foot area of each floor.
- (c) Figures indicating the following:
  - (i) Gross and net acreage.
  - (ii) Amount of landscaped open space in square feet provided.
  - (iii) Amount of building coverage at ground level in square feet.
  - (iv) Total trees required and provided in accordance with chapter 18A.
  - (v) Parking required and provided.
  - (vi) Total amount of paved area in square feet.
  - (vii) Such other design data as may be needed to evaluate the project.
- (5) Site Plan Review Criteria. the following criteria shall be utilized in the plan review process:
  - (a) Purpose and intent: The proposed development fulfills the purpose and intent set forth in Sec. 33-200.3.2(a).
  - (b) Planning studies: Design, planning, or neighborhood area studies accepted or approved by the Board that include development patterns or environmental design criteria that would apply to the development proposals under review shall be utilized.
  - (c) Landscape: Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen dissimilar land uses, and block noise generated by the major roadways and intense use areas.

- (d) Buffers: Buffering elements, in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses, shall be provided.
- (e) Scale: Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
- (f) Circulation: Pedestrian and automobile circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems and roadways outside the development.
- (g) Site design: Methods to reduce energy consumption, including the siting of structures in relation to prevailing breezes and sun angles and the use of landscape materials for shade and transpiration, shall be encouraged.
- (h) Conservation considerations: Building design should include the use of Leadership in Energy and Environmental Design (LEED) or equivalent standards for efficiency and sustainability. In addition, one or more of the following energy or water conservation methods shall be required:
  - (i) Gray water collection and reuse systems;
  - (ii) Rain water collection and reuse systems;
  - (iii) Solar reflective roof systems;
  - (iv) Green roof systems;
  - (v) Solar energy collection and reuse systems; or
  - (vi) An alternative energy or water conservation method providing an equivalent benefit approved by the Director.
- (i) Parking areas: Building wall extensions, planting, berms, or other innovative methods shall be used to minimize the visual impacts of parking areas. This requirement is in addition to the landscape regulations of this code.
- (j) Open spaces: Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.

- (k) Graphics: Graphics, as required, shall be designated as an integral part of the overall design of the project.
- (l) Art display: Permanent interior and exterior art displays and water features in the overall design of the project are encouraged.
- (m) Landscaped buffers along roadways: At the sides and rear of lots adjoining zoned or dedicated rights-of-ways or frontage roads, continuous landscaped buffers with a minimum width of 5 feet shall be required. Such landscaped buffers shall be maintained in a good healthy condition, without expense to the general taxpayer of Miami-Dade County, by the property owner or, where applicable, by a homeowners association or other legal entity. The landscaped buffer shall contain the following:
  - (i) For each 100 linear feet of landscaped buffer area, a minimum of 4 shade trees, each a minimum 15 feet in height measured at planting and with a minimum spread of 6 feet, shall be installed or preserved. Where overhead utility lines are located so as to prevent the installation of trees within the landscaped buffer, the required number of trees may be placed elsewhere within the development.
  - (ii) For each 100 linear feet of landscaped buffer area, a minimum of 25 shrubs shall be installed.
  - (iii) No walls or fences shall be located within the required landscaped buffer.<<

**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 this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made 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 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:

APW  
DAK

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Juan C. Zapata