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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# Memorandum

MIAMI-DADE COUNTY

**Date:** (Second Reading 9-1-09)
March 17, 2009

Agenda Item No. 7(N)
**Ordinance No. 09-81**

**To:** Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Ordinance Revising Zoning and other Land Development Regulations Pertaining to the Downtown Kendall Urban Center District

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**Recommendation**
It is recommended that the Board of County Commissioners (BCC) adopt the attached ordinance updating the Downtown Kendall Urban Center District Regulations.

**Scope**
This ordinance impacts the Downtown Kendall area in Commission District 7.

**Fiscal Impact/Funding Source**
The proposed ordinance creates no fiscal impact on Miami-Dade County.

**Track Record/Monitor**
Not applicable.

**Background**
Ordinance 99-166 was adopted on December 16, 1999 and created article XXXIII(I) of the Code of Miami-Dade County – Downtown Kendall Urban Center District Regulations (DKUCD). This article contains zoning regulations applicable to the Downtown Kendall area. The purpose of this proposed ordinance is to revise certain regulatory criteria within this article to address district regulation compliance issues surfacing during the administrative site plan review process as well as to streamline some of the criteria in line with the Standard Urban Center District Regulations (Article XXXIII(K) of the Code) that govern all other urban center districts.

Section 1 of this ordinance revises the Definitions section of the DKUCD in order to clarify the definition of colonnades.

Section 2 of this ordinance revises the Zoning Hearing Review section in order to allow variances of the signage regulations.

Section 3 of this ordinance revises the Regulating Plans section in order to provide for changes resulting from the administrative site plan review approval process for projects in the area. Specifically, the Street Frontage and the Designated Open Space Plans are revised to provide for reconfigured streets and open spaces.

Section 4 of this ordinance amends the Development Parameters section by:

- Deleting the development parameters summary chart. This chart summarized the building placement parameters included in the ordinance which was repetitive and confusing.
- Updating the placement diagrams or text for the Core Sub-District – A, B, C and D Streets; Center Sub-District – A, B, C, and D Streets. These updates are intended to clarify the buildings setback, spacing and expression lines.
- Revising the General Requirements sub-section by:

    1. Deleting the building placement priority criteria. This criteria forced development to be built along major corridors first. The deletion would allow development along any street regardless of its hierarchy. This would also benefit phased development.
    2. Revising Lots and Building criteria in order to clarify the language for floorplates, glazing and transparency.
    3. Revising Street, Alleys and Paseos criteria in order to require that all new "A," "B," and "D" streets be provided with curb, gutter and sidewalks on both sides.
    4. Revising Courtyard Gardens, Street and Garden Walls, Fences and Hedges criteria.
    5. Revising the Open Space criteria in order to clarify the requirement for private open spaces.
    6. Expanding the Open Space section in order to address recreation areas pertaining to child care/day care facilities.
    7. Updating the Parking criteria in order to provide for mechanized parking and exemption from auto-stacking requirement for daycare facilities.

Section 5 of this ordinance amends the Additional Parameters section by:

- Revising the landscape sub-section by requiring that 100% of canopy coverage for 80% of the area of squares be provided within five instead of two years of installation.
- Revising the signage sub-section in order to provide for zoning hearing approval of non-use variances related to signage. Without this update and the one in Section 2, signage regulation cannot be varied within DKUCD.

Section 6 of this ordinance amends Section 33-314 of the Code in order to provide that applications for development approval and modifications within the DKUCD be acted on by the Community Zoning Appeals Boards (CZABs) and the appeals from the CZABs be heard by the BCC. This is in response to requests from the neighboring communities of the DKUCD.

Assistant County Manager

# MEMORANDUM

**(Revised)**

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** September 1, 2009

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

**SUBJECT:** Agenda Item No. 7(N)

**Please note any items checked.**

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(N)
9-1-09

ORDINANCE NO. 09-81

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT ("DKUCD"), AMENDING SECTIONS 33-284.56 THROUGH 33-284.63 AND SECTION 33-314, CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

**Section 1.** Section 33-284.56 of the Code of Miami-Dade County, Florida is hereby amended as follows[1]:

**Sec 33-284.56. Definitions.**

Terms used throughout this Article 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:

* * *

(8) Colonnade: A roofed structure, extending over the sidewalk, open to the street [[~~except for supporting~~]] >>that is supported by<< columns or piers.

* * *

[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.

**Section 2.** Section 33-284.58 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-284.58. Zoning Hearing Review.**

Applications for zoning hearing which seek relief from the regulations contained within this Article shall be in accordance with the procedures set forth in Article XXXVI of this Code. In no event, however, shall the following provisions of this Article be varied:

Building height restrictions.

Habitable space regulations.

Colonnade regulations.

[[~~Signage regulations.~~]]

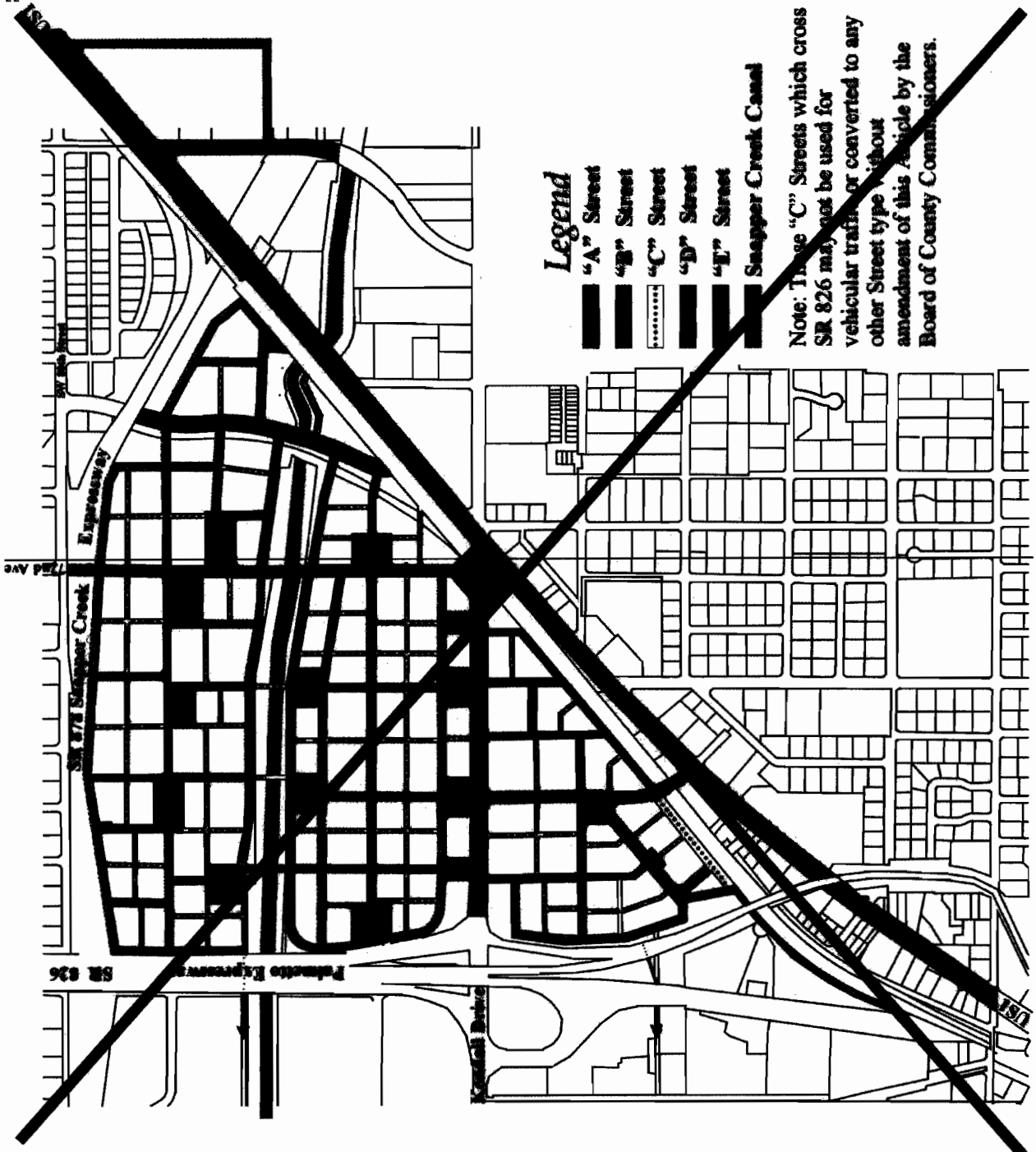
Landscape regulations for streets, squares, and medians.

**Section 3.** Section 33-284.61 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec 33-284.61. Regulating Plans.**

(B) Street Frontage Plan.

[[

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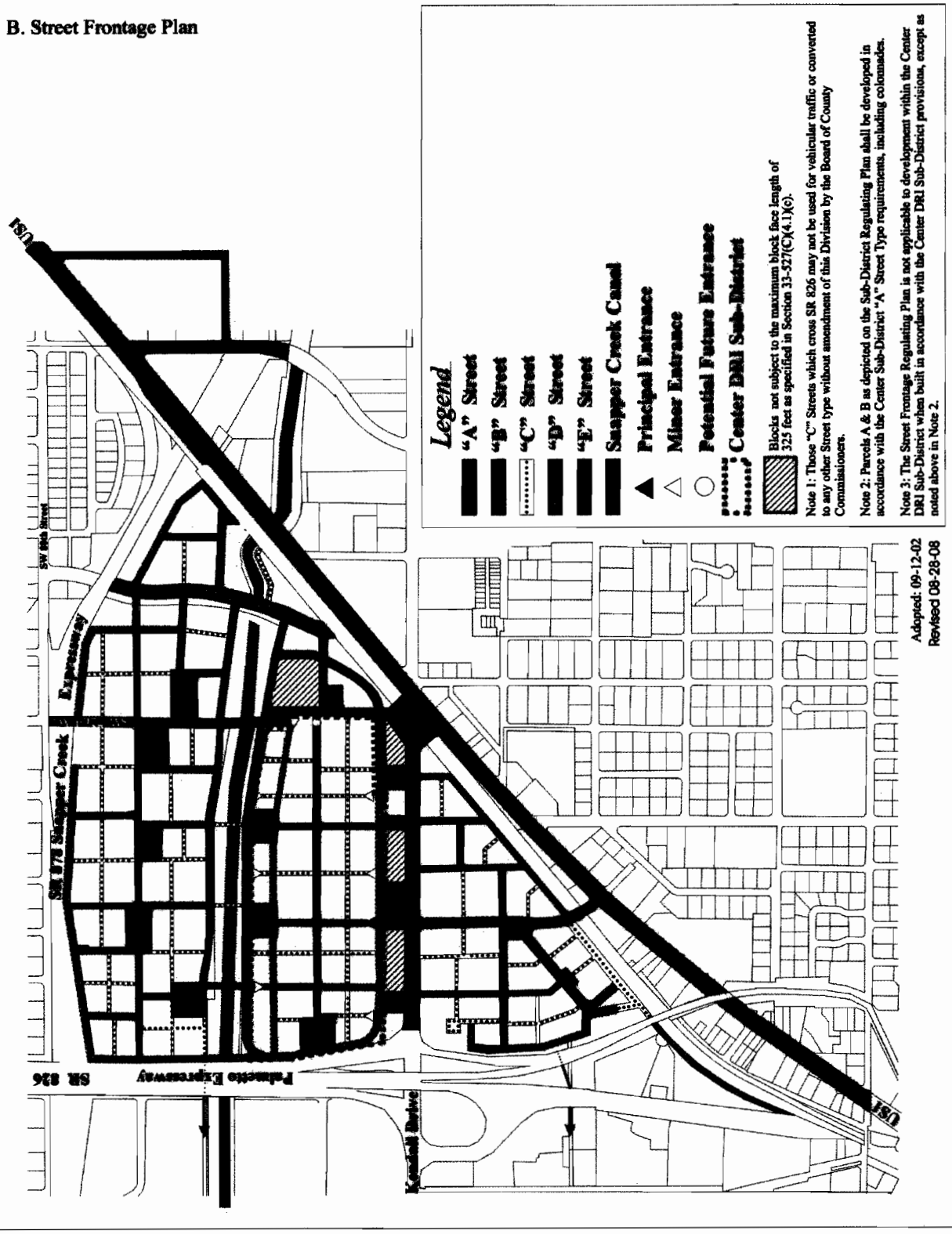
**B. Street Frontage Plan**

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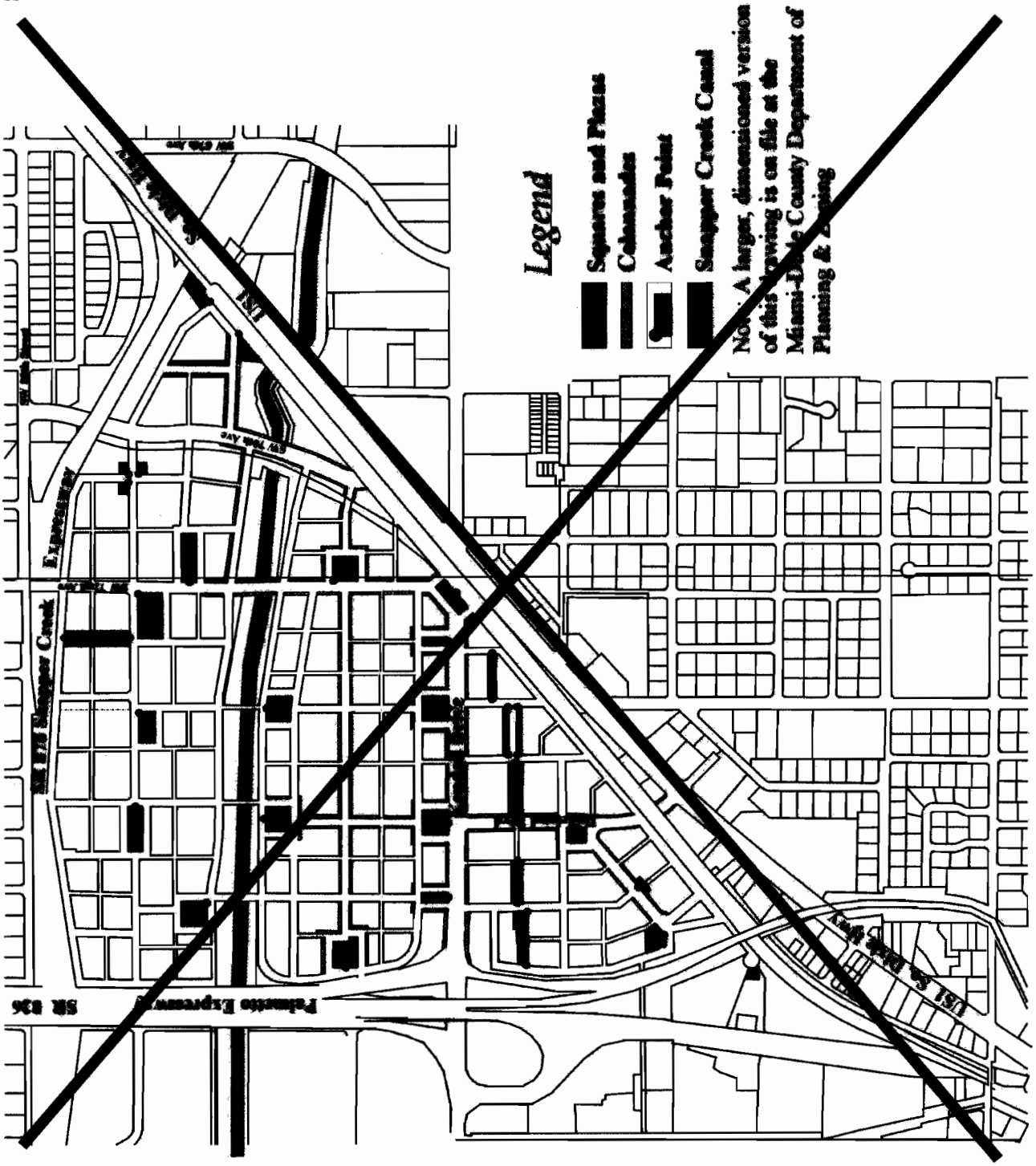
(C) Designated Open Space Plan.

[[

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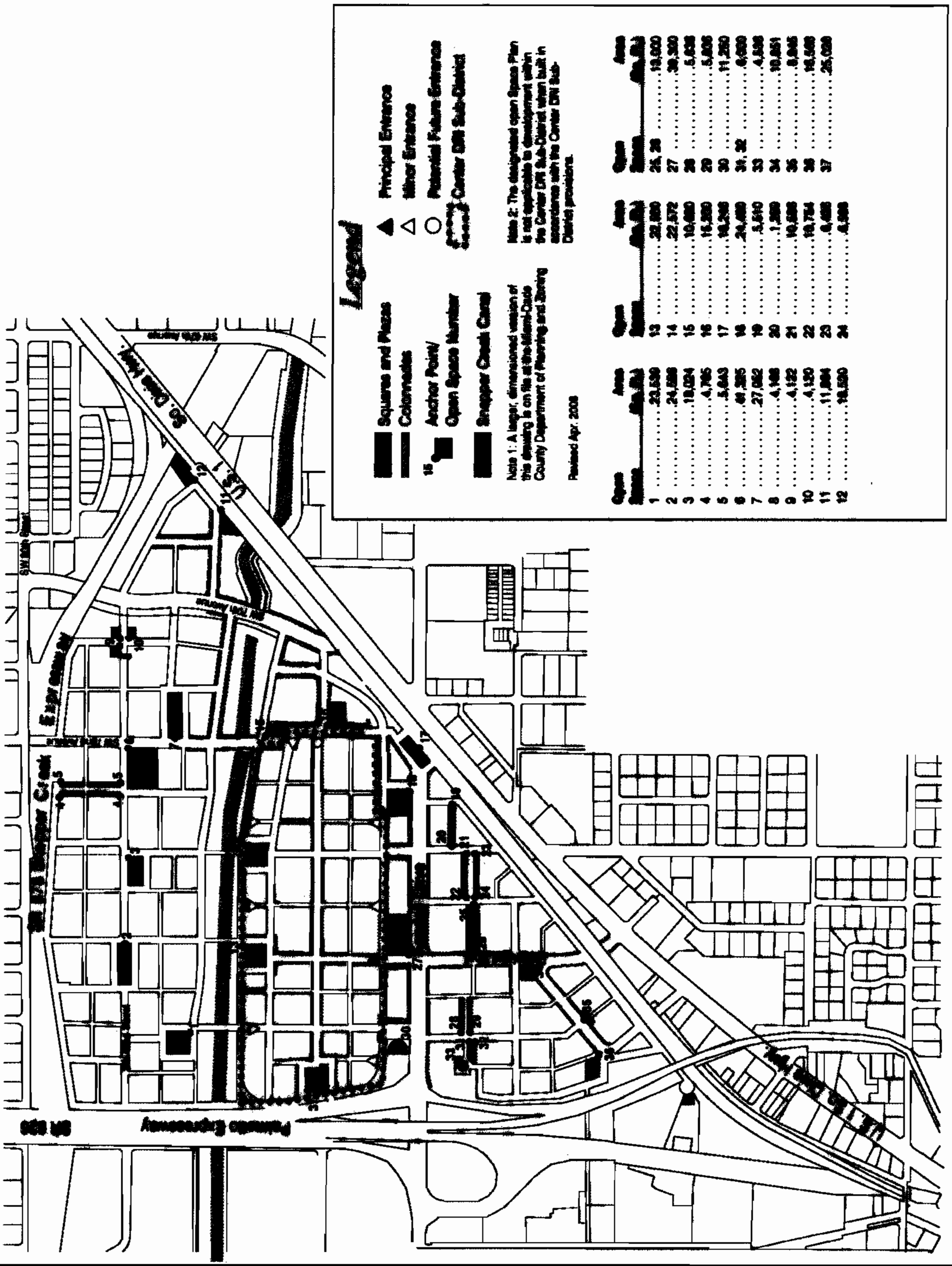

Legend
Squares and Plazas
Colonnades
Anchor Point/ Open Space Number
Snapper Creek Canal
Principal Entrance
Minor Entrance
Potential Future Entrance
Center DRI Sub-District
Note 1: A larger, dimensioned version of this drawing is on file at the Miami-Dade County Department of Planning and Zoning
Note 2: The designated open Space Plan is not applicable to development within the Center DRI Sub-District when built in accordance with the Center DRI Sub-District provisions.
Revised Apr. 2008
Open Space
Area
SW 69th Avenue
S. Dixie Hwy.
U.S. 1
SW 80th Street
SW 70th Avenue
SW 72nd Avenue
Snapper Creek
Palmetto Expressway
SR 826

<<

**Section 4.** Section 33-284.62 of the Code of Miami-Dade County, Florida is hereby amended as follows:

## Sec. 33-284.62. Development Parameters.

[[~~(A) Summary Chart - The chart below summarizes the parameters of the thirteen (13) zone and frontage type situations.~~

| | Building Element Height | | Build-To Line / Setback | Interior Side & Rear Setbacks | Building Frontage (Minimum Length)[3] | Habitable Space (Minimum Depth) | Driveway Access |
|---|---|---|---|---|---|---|---|
| | Minimum | Maximum | | | | | |
| [redacted] | | | | | | | |
| ***A Street*** | | | | | | | |
| Pedestal | 4 stories | 7 stories | 0 ft. Build-To Line | 0 ft. | 80% | 20 ft. min for 1st seven stories | restricted[1] |
| Tower | n/a | 13 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| Penthouse[2] | n/a | 5 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| ***B Street*** | | | | | | | |
| Pedestal | 3 stories | 7 stories | 0 ft. Build-To Line | 0 ft. | 75% | 20 ft. min for 1st seven stories | 33 ft. maximum width. 60 ft. min. habitable space between openings |
| Tower | n/a | 13 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| Penthouse[2] | n/a | 5 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| ***C Street*** | | | | | | | |
| Pedestal | 1 story | 7 stories | 0 ft. Build-To Line | 0 ft. | 75% | 20 ft. min for 1st two stories | 33 ft. maximum width. 60 ft. min. habitable space between openings |
| Tower | n/a | 13 stories | n/a | 30 ft. min. | n/a | | |
| Penthouse[2] | n/a | 5 stories | n/a | 30 ft. min. | n/a | | |
| ***D Street*** | | | | | | | |
| Pedestal | 1 story | 7 stories | 0 ft. Build-To Line | 0 ft. | 50% | No Limitations | No Limitations |
| Tower | n/a | 13 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| Penthouse[2] | n/a | 5 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| [redacted] | | | | | | | |
| ***A Street*** | | | | | | | |
| Pedestal | 3 stories | 5 stories | 0 ft. Build-To Line | 0 ft. | 80% | 20 ft. min for 1st five stories | restricted[1] |
| Tower | n/a | 3 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| Penthouse[2] | n/a | 2 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| ***B Street*** | | | | | | | |
| Pedestal | 3 stories | 5 stories | 0 ft. Build-To Line | 0 ft. | 75% | 20 ft. min for 1st five stories | 33 ft. maximum width. 60 ft. min. habitable space between openings |
| Tower | n/a | 3 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| Penthouse[2] | n/a | 2 stories | 20 ft. min. | 30 ft. min. | n/a | | |
| ***C Street*** | | | | | | | |
| Pedestal | 1 story | 5 stories | 0 ft. Build-To Line | 0 ft. | 50% | 20 ft. min for 1st two stories | 33 ft. maximum width. 60 ft. min. habitable space between openings |
| Tower | n/a | 3 stories | 0 ft. | 0 ft. min. | n/a | | |
| Penthouse[2] | n/a | 2 stories | 0 ft. | 30 ft. min. | n/a | | |
| ***D Street*** | | | | | | | |
| Pedestal | 1 story | 5 stories | 0 ft. Build-To Line | 0 ft. | 50% | No Limitations | No Limitations |
| Tower | n/a | 3 stories | 30ft. | 0 ft. min. | n/a | | |
| Penthouse[2] | n/a | 2 stories | 30ft. | 30 ft. min. | n/a | | |
| ***E Street*** | | | | | | | |
| Pedestal | 1story | 6 stories | 0 ft. | 20 ft. | 50% | 20 ft. min for 1st story | 33 ft. maximum width. 70 ft. min. habitable space between openings |
| Tower | n/a | 2 story | 0 ft. min. | 30 ft. min. | n/a | | |
| [redacted] | | | | | | | |
| ***B Street*** | | | | | | | |
| Pedestal | 2 stories | 5 stories | 10 ft. | 8ft.[4] | 75% | 20 ft. min for 1st five stories | 33 ft. maximum width. 60 ft. min. habitable space between openings |
| Tower | n/a | 2 stories | 18 ft. min. | 14ft. min. | n/a | | |
| ***C Street*** | | | | | | | |
| Pedestal | 1 story | 5 stories | 0 ft. Build-To Line | 0 ft. | 25% | 20 ft. min for 1st two stories | 33 ft. maximum width. 60 ft. min. habitable space between openings |
| Tower | n/a | 2 stories | 0 ft. | 30ft. min. | n/a | | |
| ***D Street*** | | | | | | | |
| Pedestal | 2 stories | 5 stories | 10 ft. | 8ft.[4] | 50% | No Limitations | No Limitations |
| Tower | n/a | 2 stories | 18 ft. min. | 14ft. min. | n/a | | |
| ***E Street*** | | | | | | | |
| Pedestal | 1 story | 6 stories | 75 ft. | 20 ft. | 50% | 20ft. min for 1st story | 33 ft. maximum width. 70 ft. min. habitable space between openings |
| Tower | n/a | 2 stories | 95 ft. min. | 30 ft. min. | n/a | | |

**Notes:**

[1] permitted only if lot has no subordinate Street access. When permitted, entry may be up to 33 ft. wide, with a minimum interval of 60 ft. of Habitable Space between each entry.

[2] Penthouse must occur above the tower level and is limited to 50% of the largest tower floorplate below.

[3] Minimum frontage buildout of a block or lot, whichever is smallest

[4] Each story above the second story must be set back on additional two (2) feet.

]]

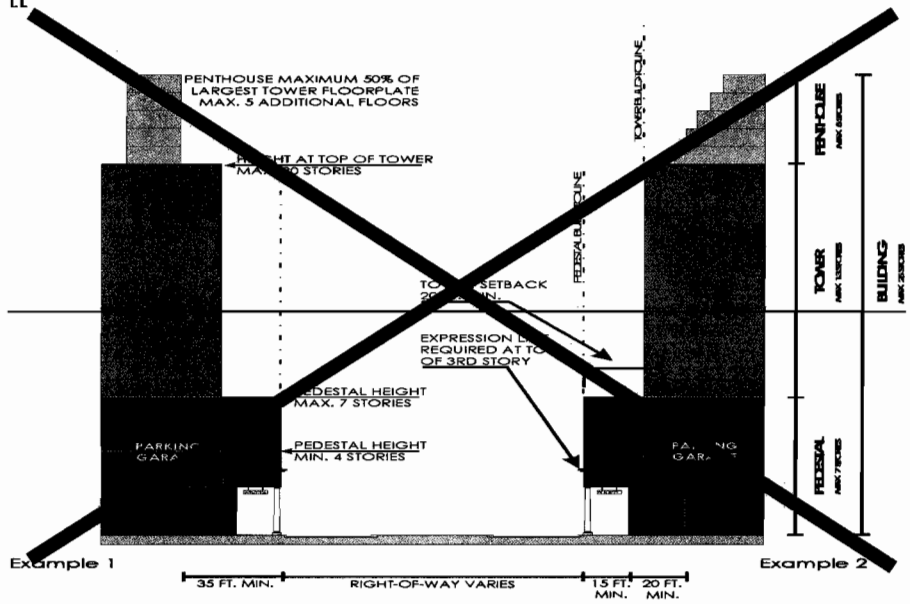
[[~~(B)~~]]>>(A)<< Placement Diagrams.

The following diagrams in this section identify design parameters specifically for the thirteen (13) Sub-district and frontage type situations.

* * *

**Core Sub-District – "A" Street**

[[

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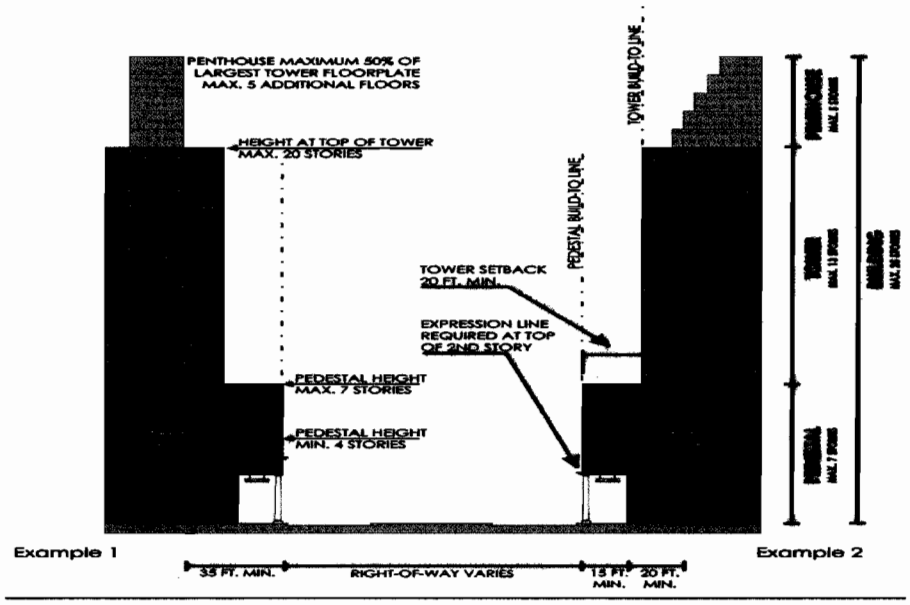


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**Building Placement**

**Front** – Zero (0) foot build-to line for pedestal / twenty (20) foot minimum setback for tower and penthouse.
**Interior Side/Rear** – Zero (0) foot >>minimum<< setback for pedestal>>,<< [[~~/thirty (30) foot minimum setback for~~]] tower and penthouse.
**Frontage Length** – Minimum eighty (80) percent of lot width. Free standing colonnades shall not count for frontage length.

**Streetwalls**

**Colonnade** – Two (2) story high for full required frontage at build-to line. Fifteen (15) foot minimum depth. Colonnade depth shall not exceed colonnade height. Exterior of colonnade shall be no closer than two (2) feet from curb line. [[~~Interior wall of colonnade shall be a minimum of sixty (60) percent clear glazed area except for jewelry stores, which may be a minimum of twenty (20) percent, and for residential uses which may be a minimum of forty (40) percent.~~]]
**Vehicular Entries** – Not permitted, except when not accessible from a street of lesser hierarchy. If other frontages do not permit vehicular entries, the maximum vehicular entry width permitted shall be thirty-three (33) feet.
**Habitable Space** – Twenty (20) foot minimum depth for full height and length of pedestal.
**Expression Line** – Required at the top of the [[~~third~~]] >>second<< story.

* * *

**Core Sub-District – "B" Street**

* * *

**Building Placement**

**Front** – Zero (0) foot build-to line for pedestal / twenty (20) foot minimum setback for tower and penthouse.
**Interior Side / Rear** – Zero (0) foot >>minimum<< setback for pedestal>>,<< [[~~/thirty (30) foot minimum setback for~~]] tower and penthouse.
**Frontage Length** – Minimum seventy-five (75) percent of lot width.

* * *

**Core Sub-District – "C" Street**

* * *

**Building Placement**

**Spacing** – A minimum clear width of twelve (12) feet is required between buildings. For vehicular access, a minimum clear width of sixteen (16) feet is required. [[~~For a minimum fifty (50) percent of its length, C street width shall be at a minimum thirty-three (33) percent of its abutting building height. If a C street abuts a property~~

~~line, there shall be a twelve (12) foot minimum setback for the pedestal and thirty (30) foot minimum setback for the tower.~~]]

**Interior Side / Rear** – [[~~Thirty (30)~~]] >>Zero (0)<< foot minimum setback for >>pedestal,<< tower and penthouse.

**Overhead Cover** – A maximum of twenty-five (25) percent of the street may be covered above the first floor with structures connecting buildings including roofs, upper story terraces, pedestrian bridges, or automobile bridges between parking garages.

**Frontage Length** – Minimum seventy-five (75) percent of lot width.

* * *

**Core Sub-District – "D" Street**

* * *

**Building Placement**

**Front** – Zero (0) foot build-to line for pedestal / twenty (20) foot minimum setback for tower and penthouse.

**Interior Side/Rear** – Zero (0) foot >>minimum<< setback for pedestal>>,<< [[~~/thirty (30) foot minimum setback for~~]] tower and penthouse.

**Frontage Length** – Minimum fifty (50) percent of lot width.

* * *

**Center Sub-District – "A" Street**

* * *

**Building Height**

**Pedestal** – At street front three (3) stories minimum / five (5) stories maximum.

**Tower** – Three (3) stories maximum.

**Penthouse** – Two (2) stories maximum. Floorplate maximum is fifty (50) percent of largest tower floorplate below.

**Building Placement**

**Front** – Zero (0) foot build-to line for pedestal / twenty (20) foot minimum setback for tower and penthouse.

**Interior Side/Rear** – Zero (0) foot >>minimum<< setback for pedestal>>,<< [[~~/thirty (30) foot minimum setback for~~]] tower and penthouse.

**Frontage Length** – Minimum eighty (80) percent of lot width. Free standing colonnades shall not count for frontage length.

**Streetwalls**

**Colonnade** – Two (2) story high for full required frontage at build-to line. Fifteen (15) foot minimum depth. Colonnade depth shall not exceed colonnade height. Exterior of colonnade shall be no closer than two (2) feet from curb line. [[~~Interior~~

~~wall of colonnade shall be a minimum of sixty (60) percent clear glazed area except for jewelry stores, which may be a minimum of twenty (20) percent, and for residential uses which may be a minimum of forty (40) percent.~~]]

**Vehicular Entries** – Not permitted, except when not accessible from a street of lesser hierarchy. If other frontages do not permit vehicular entries, the maximum vehicular entry width permitted shall be thirty-three (33) feet.

**Habitable Space** – Twenty (20) foot minimum depth for full height and length of pedestal.

**Expression Line** – Required at the top of the [[~~third~~]] >>second<< story.

**Off-Street Parking**

**Colonnade Levels** – Twenty (20) foot minimum setback from interior wall of colonnade.

**Other Levels** – Twenty (20) foot minimum setback from pedestal's build-to line.

**Center Sub-District – "B" Street**

* * *

**Building Height**

**Pedestal** – At street front three (3) stories minimum / five (5) stories maximum.

**Tower** – Three (3) stories maximum.

**Penthouse** – Two (2) stories maximum. Floorplate maximum is fifty (50) percent of largest tower floorplate below.

**Building Placement**

**Front** – Zero (0) foot build-to line for pedestal / twenty (20) foot minimum setback for tower and penthouse.

**Interior Side/Rear** – Zero (0) foot >>minimum<< setback for pedestal>>,<< [[~~/thirty (30) foot minimum setback for~~]] tower and penthouse.

**Frontage Length** – Minimum seventy-five (75) percent of lot width.

**Streetwalls**

**Vehicular Entries** – Allowed. Each entry may be up to thirty-three (33) feet wide, with a minimum interval of sixty (60) feet of habitable space between each vehicular entry along frontage.

**Habitable Space** – Twenty (20) foot minimum depth for full height and length of pedestal.

**Expression Line** – Required at the top of the second story.

**Off-Street Parking** **All Levels** – Twenty (20) foot minimum setback from pedestal's build-to line.

**Center Sub-District – "C" Street**

* * *

**Building Height**

**Pedestal** – At street front one (1) story minimum/ five (5) stories maximum .
**Tower** – Three (3) stories maximum.
**Penthouse** – Two (2) stories maximum. Floorplate maximum is fifty (50) percent of largest tower floorplate below.

**Building Placement**

**Spacing** – A minimum clear width of twelve (12) feet is required between buildings. For vehicular access, a minimum clear width of sixteen (16) feet is required. [[~~For a minimum fifty (50) percent of its length, C street width shall be at a minimum thirty-three (33) percent of its abutting building height. If a C street abuts a property line, there shall be a twelve (12) foot minimum setback for the pedestal and thirty (30) foot minimum setback for the tower and penthouse.~~]]
**Interior Side / Rear** – [[~~Thirty (30)~~]] >>Zero (0)<< foot minimum setback for >>pedestal,<< tower and penthouse.
**Overhead Cover** – A maximum of twenty-five (25) percent of the street may be covered above the first floor with structures connecting buildings including roofs, upper story terraces, pedestrians bridges, or automobile bridges between parking garages.
**Frontage Length** – Minimum fifty (50) percent of lot width.

**Streetwalls**

**Vehicular Entries** – allowed. Each entry may be up to thirty-three (33) feet wide, with a minimum interval of sixty (60) feet of habitable space between each vehicular entry along frontage.
**Habitable Space** – Twenty (20) foot minimum depth for first story and full length of pedestal.
**Expression Line** – None required.

**Off-Street Parking**

**Street Level** – Twenty (20) foot minimum setback from pedestal's build-to line.
**Other Levels** – No setback required from pedestal's build-to line.

**Center Sub-District – "D" Street**

**Building Height**

**Pedestal** – At street front one (1) story minimum / five (5) stories maximum.
**Tower** – Three (3) stories maximum.
**Penthouse** – Two (2) stories [[~~additional~~]] maximum. Floorplate maximum is fifty (50) percent of largest tower floorplate below.

**Building Placement**

**Front** – Zero (0) foot build-to line for pedestal / twenty (20) foot minimum setback for tower and penthouse.
**Interior Side/Rear** – Zero (0) foot >>minimum<< setback for pedestal>>,<< [[~~/thirty (30) foot minimum setback for~~]] tower and penthouse.
**Frontage Length** – Minimum fifty (50) percent of lot width.

**Streetwalls**

**Vehicular Entries** – Vehicular entries and utility entries are permitted.

**Habitable Space** – No limitations.
**Expression Line** – None required.

**Off-Street Parking** **Street Level** – Twenty (20) foot minimum setback from pedestal's build-to line.
**Other Levels** – No setback required from pedestal's build-to line.

* * *

[[~~(C)~~]]>>(B)<< **General Requirements.** All new >>development<< and [[~~renewal development~~]] >>redevelopment<< shall comply with the following parameters irrespective of Sub-District and frontage categories:

* * *

[[~~(2) Building Placement Priority.~~

~~Building placement shall give priority to the street of higher pedestrian quality. Building construction shall meet the regulations contained herein, with priority given in the order of "A", "B", "C" and "E" Streets as defined herein, and as applicable. Construction of each phase shall be directed first toward the street of higher pedestrian quality, according to the regulations herein; however, minimum building frontage length requirements may be disregarded in approving each individual phase.~~

~~(3)~~]] >>(2)<< Lots and Buildings.

* * *

(f) Maximum building floorplates above eight stories for all uses shall be twenty thousand (20,000) square feet. Cantilever balconies six (6) feet or less in depth >>shall not be counted towards the maximum building floorplate area<< [[~~, open on three (3) sides or more that have a combined aggregate length of no more than fifty (50) percent of each floor perimeter shall not be included in floorplate calculation~~]].

* * *

(i) Where an "A" "B" or "D" street intersects with another street, the corner of the building may need to be chamfered (angled) or rounded to satisfy view triangle and minimum sidewalk width requirements, and to make room for traffic signal poles (see diagram 1). The angled wall of the building shall count toward frontage requirements for both streets that it [[~~en~~]]fronts. In situations where the view triangle causes the front façade to "bend" at a shallow angle from the street, the angled or rounded wall may set back farther from the street intersection for esthetic and structural reasons. However, the setback shall not

be farther than twenty (20) feet measured from the intersection of the two (2) property lines perpendicularly to the front plane of the angled wall. For curved walls this will be measured to the midpoint of the curve. The depth of the colonnade underneath the angled wall of the building shall also be a minimum of fifteen (15) feet.

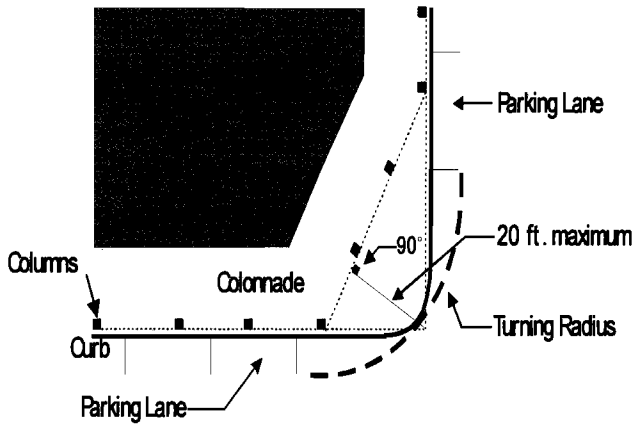


Diagram 1

* * *

(m) >>Glazing and Transparency Requirements:

(1)<< Building streetwall surfaces shall be a minimum thirty (30) percent glazed. 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 stories~~]], except where used for screening garages [[~~above the second floor~~]], where it may be translucent.

>>(2) Storefronts shall be provided on the first floor, directly accessible from Public Space. Storefronts shall be a minimum of sixty (60) percent clear-glazed except for jewelry stores, which may be a minimum of twenty (20) percent, and for residential uses which may be a minimum of forty (40) percent. Except for entrance doors, the bottom edge of the glazed areas shall be between eighteen (18) and thirty-six (36) inches above the sidewalk.

(3) Storefront security screens, if any, shall be of the mesh type that pedestrians can see through and shall be located behind storefront displays. Storefronts shall remain open to view and lit from within at night.

(4) Parking garage and loading area security<< [[~~Security~~]] screens and gates shall be a minimum of fifty (50) percent transparent.

>>(l)<< Colonnade column spacing, windows, and doors shall have a vertical proportion. The spacing of the columns of a colonnade, measured from the centerline of the columns,

shall not be greater than the height of the colonnade. [[~~The height of the colonnade shall be the vertical distance measured from the finished floor to the ceiling of the colonnade.~~

~~(n)~~]] >>(m)<< Cantilevers and mouldings shall not exceed three (3) feet in extension beyond the vertical wall surface, unless visibly supported by brackets or other supports.

[[~~(o) Storefronts shall be provided on the first floor, directly accessible from Public Space, and shall have a transparent clear glazed area of not less than seventy (70) percent of its facade area. Except for entrance doors, the bottom edge of the glazed areas shall be between eighteen (18) and thirty-six (36) inches above the sidewalk. Security enclosures, if any, shall be of the mesh type that pedestrians can see through and shall be located behind storefront displays. Storefronts shall remain open to view and lit from within at night.~~

~~(p)~~]] >>(n)<< Parking garages shall have all architectural expression facing public open space consistent and harmonious with that of habitable space. >>The architectural expression shall include vertically proportioned openings, balconies, glazing, awnings, or other similar architectural elements.<< Ramping is encouraged to be internalized wherever possible. Exposed spandrels are prohibited. The exposed top level of parking structures shall be covered a minimum of sixty (60) percent with a shade producing structure such as a vined pergola or retractable canvas shade structure. >>All garage lighting installations shall be designed to minimize direct spillage, sky glow and hazardous interference with vehicular traffic on adjacent rights-of-way and all adjacent properties; this may be achieved through the use of down-turned building beams, garage screening, landscaping, or other similar architectural elements.

(o) No building fixtures such as backflow preventers, pumps, underground ventilation exhausts, substations or similar shall be permitted above the ground within colonnades, sidewalks and open spaces.<<

[[~~(4)~~]] >>(3)<< Streets, Alleys, and Paseos.

New streets shall be located according to the Street Frontage Plan. These locations are schematic to allow flexibility in the design of the site plan. The design of new streets and modifications to existing streets shall follow the requirements below:

(a) Streets shall provide access to all building lots and tracts.

(b) All streets, alleys and paseos shall connect to other streets. Cul-de-sacs, and T-turnarounds are not permitted. Dead-end streets are only permitted for those shown on the Street Frontages Plan when the adjacent property has not been developed or redeveloped.

(c) No block face shall have a length greater than three hundred and twenty-five (325) feet without a street, paseo, courtyard garden or alley providing through access to another street, alley, or paseo.

(d) All new "A", "B" and "D" streets, both public and private, shall have a minimum right-of-way width of fifty-four (54) feet. All new "A" [[~~and~~]]>>,<< "B" >>and "D"<< [[~~S~~]] >>s<<treets shall have curb and gutter, and have sidewalks on both

side>>s<< of the travel lanes. Where possible, there shall be parking lanes which in addition to on-street parking may be used for "drop off" areas, valet stands, or bus stops. [[~~"D" Streets shall have a sidewalk on at least one side of the street.~~]]

i. All sidewalks shall have a minimum width of eight [[~~(8)~~]] >>(10)<< feet, and a continuous unobstructed area of a width no less than sixty (60) inches [[~~on "A" and "B" streets and no less than forty-two (42) inches on all other streets~~]]. This area shall be unobstructed by utility poles, fire hydrants, benches or any other temporary or permanent structures. Free and clear public use of sidewalk area outside of the right-of-way shall be protected by a public access easement.

* * *

[[~~(5)~~]] >>(4)<< Courtyard Gardens, Street and Garden Walls, Fences and Hedges.

Street and garden walls, fences and hedges may be placed along property lines, at a height not to exceed ninety-six (96) inches, except in the Edge Sub-District, where side and rear yard walls are limited to seventy-two (72) inches in height. At street frontages, street and garden walls[[~~,~~]] >>and<< fences [[~~and hedges~~]] shall be minimum fifty (50) percent transparent, and between thirty-six (36) inches and seventy-two (72) inches above grade for at least eighty (80) percent of the length. Pillars and posts shall average no more than ten (10) feet apart. Chain link fences are not permitted, except for temporary construction fences.

* * *

[[~~(6)~~]] >>(5)<< Open Space >>and Recreation Areas.

(a) Private Open Spaces<<

A minimum of fifteen (15) percent of each net site shall be reserved for >>private<< open space. >>Colonnades, greens, landscaped roof terraces on buildings or garage structures can be counted towards this requirement.

(b) Designated Open Spaces
Designated open<< [[~~Open~~]] space in the form of colonnades, squares and plazas shall be located according to the Designated Open Space Plan [[~~and shall not exceed fifteen (15) percent of the net site as recorded as of July 1, 1998~~]]. >>All designated open spaces<<[[~~It~~]] shall be at grade level and [[~~it~~]] shall be accessible to the public. [[~~The area required for designated open space includes colonnades, squares, and plazas.~~]] No replatting or other land division shall divide property in such a way that the provision of the required designated open space is avoided or its location changed. >>Designated open space areas provided in compliance with this section of the code shall count towards the private open space requirement provided herein.<<

Location, area and dimensions of the designated open spaces shall conform with the Designated Open Space Plan. [[~~Dimensions of the squares and plazas may be modified by up to fifteen (15) percent on each side; provided said squares and plazas remain wholly within the property in which they were designated.~~]] Total square area must be in accordance with the Designated Open Space Plan; and the square must include the anchor point specified on the Designated Open Space Plan. At least three (3) corners of a square shall have a street intersection; and squares shall have a minimum dimension of one hundred fifty (150) feet between surrounding vehicular access ways.

Squares and plazas shall be densely shaded and provide seating. Trees and shrubs (shrubs are not permitted in plazas) shall be of sufficient quantity and located as to define a specific geometry of open space and shall promote security by allowing visibility through all areas. Ground surface shall be a combination of paving, lawn or ground cover integrated in design with trees and shrubs. Fountains, sculpture, and works of art are encouraged. Street furniture in squares such as trash containers and bus benches shall be permanently secured to the sidewalk. Street furniture shall not obstruct sight visibility triangles at street intersections. [[~~Newspaper and other vending boxes shall be placed collectively in consultations with the Department.~~]]

>>(c) Recreation Areas

Educational and child care facilities located within an Urban Center District shall be exempt from the outdoor recreation area requirements of Section 33-151.18(a) of this Code and shall be required to provide indoor and/or outdoor recreation areas subject to the following requirements:

| Categories | Required Recreation Area (*) |
|---|---|
| Child care/day nursery/kindergarten and preschool and after-school care | 22.5 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time. |
| * Recreation Area consists of indoor and outdoor recreation areas. Indoor-recreation areas may consist of indoor playgrounds, indoor pools, gymnasiums and/or indoor ball courts and/or similar indoor recreation facilities. Outdoor recreation areas may include rooftop facilities.<< | |

[[~~(7)~~]] >>(6)<< Parking.

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

* * *

>>(l) Mechanized parking shall be allowed for residential multi-family and non-residential buildings and when provided it shall be exempt from the provisions of section 33-122 of this code. For the purpose of this article, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides for automobile storage or retrieval. A mechanized parking space may be counted as a parking space required in this section provided that:

a. A queuing analysis is submitted and approved during the Administrative Site Plan and Architectural Review.
b. Mechanized parking shall be located within an enclosed building/garage which shall be screened along all frontages, except along a service road or a pedestrian passage, by a liner building containing a minimum depth of 20 feet of habitable space.

(m) The provisions of Sec. 33-131 of this code shall not apply to the required parking for mixed-use developments.
(n) Child care facilities located within a mixed-use building shall be exempt from the auto-stacking requirements of section 33-151.18(c) of this code.<<

**Section 5.** Section 33-284.63 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-284.63. Additional Parameters.**

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

(A) Landscape.

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

* * *

(3) Square and Plaza Trees: Trees on squares and plazas shall have a minimum caliper of six (6) inches and shall have a minimum clear trunk of eight (8) feet. Trees on squares and plazas shall provide a one-hundred (100) percent canopy coverage for eighty (80) percent of the entire square within [[~~two (2)~~]] >>five (5)<< years of installation. Trees for squares

and plazas may be ten (10) percent palms of the following species: phoenix canariensis (Canary Island Date Palm); phoenix dactylifera (North African Date Palm); 'Medjool' (Date Palm); and 'Zahidi' (Date Palm); phoenix sylvestris (Wild Date Palm); roystonea elata (Florida Royal Palm) and regia (Cuban Royal Palm).

* * *

(8) To ensure quality and longevity, the following additional conditions for tree planting in streets, medians, squares, and plazas shall apply:

i. All trees shall be Florida Grade #1 or better.
ii. All trees shall be shaped and branched typical for the species and variety.
iii. A signed and sealed "Professional Preparer's Statement of Compliance" shall be submitted by the Project Landscape Architect at time of submission for Administrative Site Plan Approval (ASPR), zoning, or other approval.
iv. A signed and sealed "Professional Preparer's Certification at time of Final Inspection" shall be submitted by the project Landscape Architect before a Certificate of Occupancy may be issued.
v. A minimum of thirty (30) percent of the total of all trees or palms planted shall be of a native species.
vi. A minimum six (6) foot by six (6) foot opening, clear of utilities, shall be provided for all trees.
vii. Root barriers shall be provided for all tree plantings.
viii. Tree grates or other approved devices shall be provided around all trees in hard surfaced areas to ensure adequate water and air penetration.

[[~~Street furniture such as trash containers and bus benches shall be permanently secured to the sidewalk. Street furniture shall not obstruct sight visibility triangles at street intersections.~~]]

(B) Signage.

Three (3) types of signs are allowed: temporary 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~~]]. All signs shall not obstruct sight visibility triangles at street intersections.

* * *

**Section 6.** Section 33-314 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-314. Direct applications and appeals to the County Commission.**

* * *

(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:

(1) Applications for district boundary changes on individual pieces of property or on a neighborhood or area-wide basis.

(2) Applications for district boundary changes which also contain requests for unusual use, new use, variance or special exception which is incidental or related thereto, or where there is pending on the same property or portion thereof more than one (1) application for district boundary change, variance, special exception, unusual or new use. When possible an appeal containing such requests shall be acted upon at the same public hearing.

(3) All zoning applications by State and municipal entities and agencies.

(4) Applications for unusual uses or amendments or modifications thereto described in Section 33-13(e) when said unusual uses, amendments or modifications in connection with a class I or class IV permit application, as defined in Section 24-58.1.

(5) Any appeal filed by the County Manager from any action of the Community Zoning Boards where it is the opinion of the County Manager that a Community Zoning Appeals Board's resolution has either (a) an overall impact to the County or (b) is inconsistent with the Miami-Dade County Comprehensive Development Master Plan, or (c) is incompatible with aviation activity or aviation safety.

(6) Notwithstanding any provision contained in any section of this Code, the Board of County Commissioners shall have appellate jurisdiction whenever it is contended that a decision of a Community Zoning Appeals Board constitutes a taking or deprivation of vested rights and administrative remedies of Section 2-114 have been exhausted.

(7) Applications for appeals of administrative decisions pursuant to Section 33-311(A)(2).

(8) Applications for development approval or modifications thereof for projects located within the [[~~Center or Edge Districts of the~~]] Downtown Kendall Urban Center District.

(9) Applications for development approval or modifications thereof for projects located within the Center or Edge sub-districts of the Naranja Community Urban Center District and all other Urban Center zoning districts.

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

[[~~(4) Applications for development approval or modifications thereof for projects located within the Core District of the Downtown Kendall Urban Center District after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the project.~~]]

[[~~(5)~~]]>>(4)<< Applications for non-use variance from the requirements of Section 33-35(c) of this Code as to any structure subject to the provision of Article XXXIII(I) that is existing at the effective date of this Ordinance or approved as described in Section 33-284.64.

[[~~(6)~~]]>>(5)<< Applications for variances from the provisions of this chapter to permit development described in ground leases with the County in existence as of the effective date of this ordinance. Any variance granted pursuant to this provision shall satisfy the general intent of this chapter.

[[~~(7)~~]]>>(6)<< Applications for appeals of administrative decisions. Upon application for, hear and decide appeals where it is alleged there is an error in the any order, requirement, decision or determination made by an administrative official in the interpretation of any portion of the regulations, or of any final decision adopted by resolution, except appeals of administrative site plan review, or appeals of administrative variances pursuant to the provisions of Section 33-36.1 of the Code, said appeals first being under the jurisdiction of the Community Zoning Appeals Board. It is provided, however, that where zoning requests which would ordinarily be heard before the Community Zoning Appeals Board are joined with a request for an appeal of an administrative decision, the zoning requests shall remain pending before the Community Zoning Appeals Board until the appeal of the administrative decision has been determined by the Board of County Commissioners.

[[~~(8)~~]]>>(7)<< Applications to modify or delete declarations of restrictive covenants recorded prior to December 16, 1999, encumbering property wholly located within the Downtown Kendall Urban Center District, as defined in Section 33-284.55 of this code.

[[~~(9)~~]]>>(8)<< Any application seeking a variance from adult entertainment establishment spacing requirements imposed by State Statute, as specified in Section 33-259.1.

[[~~(10)~~]]>>(9)<< Applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution regulating any parcel of land located within the Downtown Kendall Urban Center District, or other Urban Center zoning district, where and to the extent that modification or elimination of the condition or part thereof is necessary to allow development conforming in all respects to the Downtown Kendall Urban Center District or other Urban Center zoning district regulations.

[[~~(11)~~]]>>(10)<< Upon application for, hear and decide appeals of decisions of the Rapid Transit Developmental Impact Committee pertaining to site plan approvals and related zoning actions issued pursuant to Section 33C-2(D)(9)(d) of the Code of Miami-Dade County.

[[~~(12)~~]]>>(11)<< Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311 (A)(3) of this code.

[[~~(12.1)~~]]>>(11.1)<< Applications for uses ancillary to bona fide rockmining pursuant to Section 33-154(c) of this Article.

[[~~(12.2)~~]]>>(11.2)<< Hear application for and, upon recommendation of the Airport Developmental Impact Committee Executive Council, grant or deny applications for those special exceptions and variances pursuant to Article XXXVII of this code (Miami International Airport (Wilcox Field) Zoning).

[[~~(13)~~]]>>(12)<< Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.

[[~~(14)~~]]>>(13)<< Applications for development approval or modifications thereof for projects located within the Core sub-district of the Naranja Community Urban Center District and all other Urban Center zoning districts after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the project.

[[~~(15)~~]]>>(14)<< Applications to modify or delete declarations of restrictive covenants recorded prior to July 27, 2005 (the effective date of this ordinance), encumbering property wholly located within any Urban Center zoning district, as defined in this code, where and to the extent that modification or elimination of the declaration of restrictive covenant or part thereof is necessary to allow development conforming in all respects to the applicable Urban Center District regulations.

[[~~(16)~~]]>>(15)<< Applications for zoning action on the property that is subject to a deed restriction or a restrictive covenant placed on the property in connection with its conveyance by the County, or in connection with a subsequent modification or release by the County of such restriction or covenant.

[[~~(17)~~]]>>(16)<< Except where permitted in the IU-3 district, applications for unusual use pertaining to electric power plants and ancillary uses.

[[~~(18)~~]]>>(17)<< Hear application for and grant or deny Director's applications for single-family and duplex lots owned by Miami-Dade County which have been designated for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this code.

**Section 7.** 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 8.** It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made a part of the Code of Miami-Dade County, Florida. The section of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article" or other appropriate word.

PASSED AND ADOPTED: **September 1, 2009**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel