

## MEMORANDUM

Agenda Item No. 7(J)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** June 4, 2019

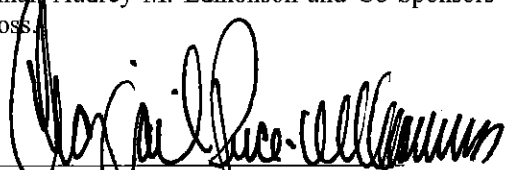
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to zoning; amending Article I of Chapter 33 of the Code; streamlining criteria pertaining to subdivision of lots; allowing legally nonconforming lots to be combined; revising the administrative adjustment procedures; amending section 33-49; revising the minimum width and lot size table; amending sections 33-50 and 33-51; revising the setback regulations for residential, business and industrial properties; amending section 33-52; revising the building height regulations; amending sections 33.202.3, 33-202.10, 33-203.1, 33-203.2, 33-203.7, 33-203.8, 33-207.2.1, 33-207.2.2, 33-207.4, 33-207.5, 33-208.1, 33-208.2, 33-217.1, 33-217.2, 33-223.5.1, 33-223.11, 33-245.2, 33-251.5, 33-253.9, 33-256.8, 33-261.1, 33-263.2, 33-266.3, 33-278.2, and 33-284.38, and creating section 33-310.4; creating a standardized administrative site plan review process for all RU-RH, RU-TH, RU-3, RU-3M, RU-4L, RU4M, RU-4, RU-4A, RU-5, BU, OPD, and IU zoning districts; amending section 33-284.88; revising purpose, intent, and compatibility standards for administrative site plan review in urban center and urban area districts; amending section 33-310.1; revising the notice requirement for substantial compliance determinations in connection administrative site plan review and revising procedures for review and notice of administrative modifications; amending section 33-311 and creating section 33-311.1; deleting the alternative site development option provisions from 33-311(A)(14) through (A)(21) and inserting them into section 33-311.1 as subsections (1) through (8); amending sections 28-18, 28-19, and 33-314 of the Code; amending procedures for approval of variances from subdivision regulations; making technical modifications

### Ordinance No. 19-51

**This item was amended from the original version as stated in the County Mayor's memorandum.**

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Chairwoman Audrey M. Edmonson and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Dennis C. Moss.

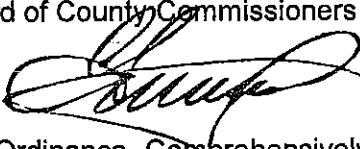
  
Abigail Price-Williams  
County Attorney

# Memorandum



**Date:** June 4, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Proposed Zoning Ordinance Comprehensively Amending Chapter 33 of the Code of Miami-Dade County to Expand the Applicability of Administrative Approvals and Streamline Certain Administrative Processes

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**The item was amended at committee to incorporate the amendments to section 33-50 (Section 4 of the proposed ordinance) that the Board adopted on May 7, 2019 in Ordinance No. 19-41, and to renumber the subsections accordingly.**

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) adopt the attached zoning ordinance comprehensively updating the County's Zoning Code, Chapter 33 of the Code of Miami-Dade County (Code).

## **Scope**

Areas located in unincorporated Miami-Dade County.

## **Fiscal Impact/Funding Source**

The fiscal impact, resulting from the implementation of the proposed ordinance, to the Department of Regulatory and Economic Resources (RER) is estimated at approximately negative (\$77,000) per year. Said reduction in revenue is due to more complex zoning hearing applications being converted into simpler administrative ones. Although there will be a slight reduction in revenue, these applications will require less staff review time. Therefore, this impact can be absorbed by RER current staffing levels.

## **Social Equity Statement**

Implementation of the proposed ordinance would benefit the constituency in general. Under the conditions specified in the proposed ordinance, property owners may avail themselves of administrative procedures that would otherwise require costly and time-consuming public hearings.

## **Track Record/Monitor**

Nathan Kogon, Assistant Director, of the Development Services Division within the Department of Regulatory and Economic Resources.

## **Background**

Over the past five years, the Department of Regulatory and Economic Resources has been identifying initiatives to streamline regulatory processes to facilitate economic development within Miami-Dade County as well as provide for efficiencies

within RER. As a result of those efforts, the Board has already approved Code changes that have helped to simplify the regulatory process and reduce the time needed to obtain approvals. The proposed ordinance seeks to continue the streamlining of additional zoning processes by addressing the administrative adjustment process and consolidating the administrative site plan review regulations. Additionally, the proposed ordinance seeks to continue modernizing sections of the Code by addressing changing conditions. The following is a brief explanation of the proposed changes:

#### Administrative Adjustments

The procedural section of the Code contains a process whereby property owners for single-family and duplex lots can apply for the administrative approval of slight adjustments to setbacks and lot coverage, thus avoiding costly and time consuming public hearings. To garner approval, the adjustment must be in harmony with the character of the area, must not have a negative impact to public safety, and must not adversely impact adjacent properties. This longstanding administrative process requires consent of all abutting and adjacent property owners and it is also subject to the administrative appeals section of the Code. This process cannot be used for adjustments in height, uses, density, floor area ratio, spacing, parking, or landscaping. In essence, the proposed ordinance seeks to:

- (1) Revise or introduce adjustment thresholds that may be administratively approved. For instance, in the case of residential single-family residences, the current Code allows up to a 10 percent adjustment of the maximum lot coverage allowed, whereas the proposed ordinance increases the thresholds to 15 percent. The proposed ordinance also introduces an adjustment of heights of walls, fences or hedges behind the build-to-line of up to 2 feet.
- (2) Revise review standards in order to remove certain impediments such as limitations on the number of sides of the building/structure that the adjustments could be made to and the eligibility of sites that had already been subject of a variance or adjustment.

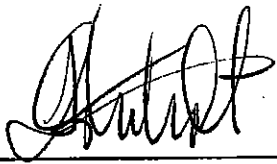
#### Modernization of the Code

In continuing efforts to modernize the Code, the proposed ordinance removes certain obsolete requirements, consolidates/clarifies certain processes and update certain regulatory criteria. In essence, the proposed ordinance seeks to:

- (1) Remove or update certain provisions that conflict with or are already covered by other sections of the Code.
- (2) Remove certain obsolete requirements, such as minimum setbacks between buildings within the same property.
- (3) Consolidate the ASPR-review processes scattered through the Code, into a single new site plan review section within the zoning procedure section, providing uniform criteria and standards, and update urban center ASPR standards accordingly.

Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners  
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Additionally, the proposed ordinance amends the County's subdivision regulations (Chapter 28 of the Code) to authorize the Board to hear applications for variances or appeals of administrative decisions related to subdivision regulations for properties located in the incorporated areas of the County. Under the current Code, variances and appeals related to subdivision regulations are heard only by the Community Zoning Appeals Boards, but because those boards only have jurisdiction over the unincorporated area, no County board can currently hear such applications for properties within incorporated areas. The proposed ordinance would close that jurisdictional gap. The proposed ordinance was developed in consultation with the development community and various County Departments involved in the process.



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Jack Osterholt  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** June 4, 2019

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

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

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(J)

Veto \_\_\_\_\_

6-4-19

Override \_\_\_\_\_

ORDINANCE NO.      19-51

ORDINANCE RELATING TO ZONING; AMENDING ARTICLE I OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; STREAMLINING CRITERIA PERTAINING TO SUBDIVISION OF LOTS; ALLOWING LEGALLY NONCONFORMING LOTS TO BE COMBINED; REVISING THE ADMINISTRATIVE ADJUSTMENT PROCEDURES; AMENDING SECTION 33-49; REVISING THE MINIMUM WIDTH AND LOT SIZE TABLE; AMENDING SECTIONS 33-50 AND 33-51; REVISING THE SETBACK REGULATIONS FOR RESIDENTIAL, BUSINESS AND INDUSTRIAL PROPERTIES; AMENDING SECTION 33-52; REVISING THE BUILDING HEIGHT REGULATIONS; AMENDING SECTIONS 33-202.3, 33-202.10, 33-203.1, 33-203.2, 33-203.7, 33-203.8, 33-207.2.1, 33-207.2.2, 33-207.4, 33-207.5, 33-208.1, 33-208.2, 33-217.1, 33-217.2, 33-223.5.1, 33-223.11, 33-245.2, 33-251.5, 33-253.9, 33-256.8, 33-261.1, 33-263.2, 33-266.3, 33-278.2, AND 33-284.38, AND CREATING SECTION 33-310.4; CREATING A STANDARDIZED ADMINISTRATIVE SITE PLAN REVIEW PROCESS FOR ALL RU-RH, RU-TH, RU-3, RU-3M, RU-4L, RU4M, RU-4, RU-4A, RU-5, BU, OPD, AND IU ZONING DISTRICTS; AMENDING SECTION 33-284.88; REVISING PURPOSE, INTENT, AND COMPATIBILITY STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEW IN URBAN CENTER AND URBAN AREA DISTRICTS; AMENDING SECTION 33-310.1; REVISING THE NOTICE REQUIREMENT FOR SUBSTANTIAL COMPLIANCE DETERMINATIONS IN CONNECTION ADMINISTRATIVE SITE PLAN REVIEW AND REVISING PROCEDURES FOR REVIEW AND NOTICE OF ADMINISTRATIVE MODIFICATIONS; AMENDING SECTION 33-311 AND CREATING SECTION 33-311.1; DELETING THE ALTERNATIVE SITE DEVELOPMENT OPTION PROVISIONS FROM 33-311(A)(14) THROUGH (A)(21) AND INSERTING THEM INTO SECTION 33-311.1 AS SUBSECTIONS (1) THROUGH (8); AMENDING SECTIONS 28-18, 28-19, AND 33-314 OF THE CODE; AMENDING PROCEDURES FOR APPROVAL OF VARIANCES FROM SUBDIVISION REGULATIONS; MAKING TECHNICAL MODIFICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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WHEREAS, this Board desires to accomplish the purposes set forth in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

**Section 1.** The Board ratifies and adopts the matters set forth in the accompanying justification memorandum as if fully set forth herein.

**Section 2.** Article I of Chapter 33 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

ARTICLE I. - IN GENERAL

\* \* \*

**Sec. 33-7. – ~~[[Minimum lot areas and yards]]~~>>Subdivision of land and re-subdivision or refacing of lots<<.**

- (a) ~~[[Septic tanks in rear yards. Unless the plumbing system of the residential building on such lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a rear yard with an area of at least twenty-five (25) percent of the total lot area, provided that sufficient rear lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure.~~
- (b) ~~Lot frontage in RU Districts; lot area exceptions for certain lots recorded prior to August 2, 1938. No building shall be erected or used as a residence in any RU District unless it is erected on a lot having the minimum frontage and square feet of land area required by the applicable zoning classification; unless the lesser frontage and square foot area thereof was caused by a conveyance or device of record prior to August 2, 1938, or by a platting of an unrevoked subdivision recorded~~

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<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.

~~prior to August 2, 1938, in which case the same may only be used:~~

- ~~(1) For single family residential use, providing the same complies with the following conditions and restrictions:~~
  - ~~a. The lot is zoned RU 1, RU 2, RU 3 or RU 3B, and~~
  - ~~b. The lot is not less than fifty (50) feet in width, and has a total square foot area of not less than five thousand (5,000) square feet, or is a combination of two (2) or more lots totaling the same in width and in square foot area, or~~
  - ~~c. The lot is not less than thirty five (35) feet in width, and has a total square foot area of not less than three thousand seven hundred fifty (3,750) hundred square feet; provided it is at least the same width and depth as the other lots in use in the same subdivision; and provided further, the residence does not exceed one (1) story and does not cover more than thirty (30) percent of the total lot area. Two (2) or more lots may be combined to provide such a lot, subject to the same provisions.~~
- ~~(2) For duplex use (two family residential dwelling), providing the same complies with the following conditions:~~
  - ~~a. The lot is zoned RU 2, RU 3, or RU 3B, and~~
  - ~~b. The lot is not less than (40) feet in width and contains at least five thousand five hundred fifty (5,550) square feet of lot area. Two or more lots may be combined to provide such a lot, subject to the same provisions.~~
- ~~(e) *Business lots in new subdivisions.* Lots in all new subdivisions which are to be zoned for business shall have a width of not less than fifty (50) feet except on corners where two (2) highways intersect. Corner lots shall have a frontage of not less than seventy five (75) feet on each highway and not less than seven thousand five hundred (7,500) square feet of area. Lots having an area of less than seven thousand five hundred (7,500) square feet shall be plat and deed restricted against residential use.~~

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(d)] *Subdivision of land.* >>In addition to any applicable requirements regarding the subdivision of land in the unincorporated area as set forth in chapter 28, no<< [[Nø]] lot or portion thereof shall be separated for a new use which would reduce the lot area or width required for an existing use below the minimum required by this chapter. Nor shall a lot or portion thereof be separated below the minimum standards required by the applicable zone classification.

[[e)]>>(b)<< *Resubdividing or refacing of lots.* >>In addition to any other applicable requirements regarding the subdivision of land in the unincorporated area as set forth in chapter 28, no<< [[Nø]] land contained in a platted subdivision, whether or not the same is described by lot, tract or parcel, or has reverted to acreage, shall be resubdivided or refaced if, in the opinion of the Director, the same would be incompatible with or detrimental to the surrounding area or neighborhood. In making his determination he shall take into consideration the effect such would have on such area and neighborhood when considering the following:

- (1) Whether or not through lots would be established, and their effect on adjacent property;
- (2) Whether or not the character of the neighborhood would be changed;
- (3) Whether or not the width or area of the lots would be less than those existing;
- (4) Whether or not the front, side, or rear yards, or setbacks would be compatible with the remaining area or neighborhood, or change the yards or setbacks on immediately adjacent property;
- (5) Whether or not such would detrimentally increase the density of population or traffic.

~~[[If the said Director is in doubt, he will not permit such resubdivision or refacing unless the same is approved after public hearing.]]~~ >>The Director's determination pursuant to this section may be appealed in the manner provided in section 33-311 for appeals of administrative variances and administrative adjustments.<<

\* \* \*

**Sec. 33-13. – Unusual Uses.**

\* \* \*

(e) *Unusual and new uses.*

- (i) Unless approved upon public hearing, the following unusual uses or uses similar thereto shall not be permitted in any district *save* and except in those districts that permit such uses without a public hearing:

\* \* \*

(69) Water use facilities; ~~[[and]]~~

(70) Wireless Supported Service Facilities except as provided for in Section 33-63.2 and 33-63.3;

~~>>(71) Wood<< [[wøød]]~~ burning barbecue  
(commercial); ~~>>and~~

~~(72) Zoo<< [[zøø]]~~ (except in public park).

\* \* \*

**Sec. 33-35. - Nonconforming Lots, Uses and Structures.**

(A) Purpose/Applicability

\* \* \*

- (4) For the purposes of this ~~>section<< [[Section]]~~, "legally established" shall apply to the following circumstances:

- (a) A lot that does not meet the lot frontage, lot width, lot depth, and/or lot area requirements of the applicable zoning district, provided that such lot met the regulations in effect at the time of platting ~~>>~~, was caused by a conveyance or device of record prior to August 2, 1938, ~~<<~~ or at the time the lot was otherwise lawfully created.

\* \* \*

(B) Nonconforming Lots, Uses and Structures

(1) Nonconforming Lots

- (a) Development on a legally established, nonconforming lot that does not meet the lot frontage and/or lot area requirements of the applicable zoning district shall be permitted, provided that the development meets all other requirements of the applicable zoning district. >>Two or more legally established nonconforming lots may be combined, subject to the same provisions herein.<<

\* \* \*

**Sec. 33-36. - Variances and conditional permits.**

The Director, as herein provided, shall have the power to grant variances in the application of any provision of this chapter, where no adjoining property rights are interfered with, under the conditions stated in this section, and to issue conditional permits therefor for the following purposes. Each conditional permit shall state a time limit for the fulfillment of the condition governing its issue and shall be revokable where said conditions are not met, and a reasonable bond may be required to assure fulfillment of such conditions.

\* \* \*

- (e) ~~[[Setbacks; lot area. Variation, the purpose of which is to conform to front line requirements of the rest of the block; to allow a reduction in the minimum lot area requirements or setback where the shape of the building lot or location of existing nearby buildings justifies such variance.~~

~~(f)]~~ Pending survey to verify distances. Issuance of a permit conditional upon the owner's submitting a certified survey to verify distances shown on the plans filed with the application.

~~[(g)]~~ >>(f)<< Special uses. Other special types of special usage, such as temporary stands, landing fields, public buildings or structures for temporary use, temporary refuse dumps, etc. For other special or unusual uses permitted herein, where any question exists regarding the possibility of said special or

unusual use conflicting with or encroaching upon other legally existing uses in any district.

**Sec. 33-36.1. - Administrative adjustment procedure.**

\* \* \*

(c) *Limitations and exclusions.* Applications for administrative adjustment shall be subject to the following limitations and exclusions:

(1) ~~>>Setbacks and lot coverages.<<~~ Administrative adjustment approvals shall be limited to those lots within an area where at least ~~>>75<<~~ ~~[[seventy-five (75)]]~~ percent of the lots in the immediate vicinity, as defined in section 33-1~~[[58.1]]~~, have already been developed or platted. ~~>>The maximum allowed administrative adjustments for setbacks and lot coverage shall be as follows:~~

|   |  |
|---|--|
| <u>Zoning Districts</u>   | <u>AU, GU, EU-1, EU-1C, EU-2, EU-S, EU-M, RU-1, RU-1Ma, RU-1Mb, RU-1Z, RU-2</u>  |
| <u>Setback - Maximum reduction</u>  | <u>50% (i.e., if minimum required setback is 10 feet, then setback could not be reduced below 5 feet administratively)</u>                                 |
| <u>Lot Coverage – maximum increase for a principal and/or accessory structure</u> | <u>15% (i.e., if maximum lot coverage in the district is 30%, then total lot coverage that could be approved administratively is 34.5 percent)&lt;&lt;</u> |

- (2) ~~[[A setback shall not be adjusted below fifty (50) percent of that required by the underlying district regulations.~~
- (3) ~~Lot coverage for a principal and/or accessory structure shall not be increased by more than ten (10) percent of that required by the underlying district regulations.~~

(4) ~~Spacing between structures on the same lot may be reduced; provided, however, in no event shall such spacing be less than 5 feet.~~

(5)] >>Accessory buildings.<< Unless specifically permitted by the underlying zoning regulations, no accessory building shall be placed in front of the front building line of the principal building.

[[~~(6)~~]]>>(3) Canopy carports.<< Under this section, no application shall be made for nor shall approval be granted for an adjustment to canopy carport regulations.

>>(4) Walls, fences, and hedges. In all districts, the maximum height of walls, fences, and hedges located behind the build-to-line may be adjusted up to two feet, provided that an affidavit is submitted indicating consent from the owner of the property that directly abuts the property boundary where the fence is to be located.<<

(d) *Application.*

(1) *Filing.* An application for administration adjustment shall be made by one of the following:

\* \* \*

(c) ~~[[The developer of six (6) or fewer residences within an existing platted subdivision, provided that only one such application may be filed by any developer within the same subdivision.]]~~ >>A lessee or developer may submit an application for an administrative adjustment subject to the sworn consent of the property owner.<<

\* \* \*

(f) *Review standards.* The following standards shall be applied in considering an administrative adjustment:

(1) ~~[[No more than two sides of the encroaching construction shall be considered for a setback adjustment (all prior setback variances, administrative adjustments and alternative site development options shall count toward this limitation); and~~

(2) ~~No prior setback, lot coverage or building spacing variance(s), administrative adjustment(s) or~~

~~alternative site development option(s) shall be further changed by administrative adjustment; and~~

(3)] The architectural design, scale, mass, and building materials of any proposed structure or addition shall be aesthetically harmonious with that of other existing or proposed structures or buildings on the property; and

[(4)]>>(2)<< The plan shall clearly illustrate water runoff solution(s) for the encroaching construction area; and

[(5)]>>(3)<< The property owner shall certify in writing that any and all easement areas as shown on the recorded plat remain unencumbered by the encroaching construction, unless a release of interest by the easement holder(s) is obtained and submitted prior to permit issuance; and

[(6)]>>(4)<< The applicant provide written certification from a registered architect or engineer that the existing encroaching construction complies, or can be made to comply with all applicable construction codes, including, but not limited to, the Florida Building Code, the applicable Fire Prevention Code and other zoning regulations; and

[(7)]>>(5)<< Any reduction in the spacing requirement between a principal building and an accessory building or structure on the same lot shall not result in a situation that causes maintenance difficulty or an unsightly appearance; and

[(8)]>>(6)<< The proposed accessory building or structure is a normal and customary accessory residential use; and

[(9)]>>(7)<< The property owner certifies in writing that the type and placement of any proposed outdoor lighting fixtures shall comply with the Code of Miami-Dade County and the Florida Building Code.

[(10)]>>(8)<< Notwithstanding the foregoing, no proposed administrative adjustment shall be approved where the Director determines that the proposed construction or addition:

\* \* \*

[(11)]>>(g)<< *Conditions and safeguards.* In granting an administrative adjustment, the Director may prescribe conditions and safeguards deemed necessary to protect the interests served by the underlying zoning district regulations, including, but not limited to:

\* \* \*

~~[(g)]~~>>(h)<< *Public notice, effective date and permit issuance.*  
Upon receipt of all necessary information including a staff report, the Director shall review the information and render a decision, either approving, approving modified or denying the administrative adjustment request. A copy of said decision shall be published in a newspaper of general circulation. No approvals or modifications shall be effective, nor shall any building permits be issued, until it has been determined that no timely appeal of the Director's decision as provided ~~[[in subsection (h)]]~~ herein has been filed with the Department. If a timely appeal of the administrative adjustment is filed, no approvals or modifications shall be effective, nor shall any building permit be issued, until final disposition of the appeal, including judicial review.

~~[(h)]~~>>(i) *Appeals.*<< The applicant, or any aggrieved property owner in the area, may appeal the decision of the Director to the appropriate Community Zoning Appeals Board in the manner provided for appeals ~~[[of administrative decisions]]~~ >>regarding administrative adjustments<< (Section 33-311 ~~[[of the Code]]~~). In the event an appeal is made by an aggrieved property owner in the area, the Director may stop or suspend any construction authorized by the adjustment, until a decision has been made on the appeal. In the event the Director should determine that the suspension of the construction could cause imminent peril to life or property he or she may permit the construction to continue upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper under the circumstances.

~~[(i)]~~>>(j)<< *Recording.* The decision of the Director shall be recorded on the official zoning maps of Miami-Dade County.

\* \* \*

**Section 3.** Section 33-49 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

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

For the districts enumerated in this section, the minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be as set forth in the following table:

| <u>District</u> | <u>Families</u> | <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>       |  |
|-----------------|-----------------|-------------------|--------------------------------|--|-------------------------------------|--|
| RU-1            | 1               | New sub.-75'      | 7,500                          | 40%                                      | 8,500                               |  |
|                 |                 | Old sub.-50'      | 5,000                          | 35%                                      | 8,500                               |  |
| RU-1M(a)        | 1               | 50'               | 5,000                          | 45%                                      | 8,500                               |  |
| RU-1M(b)        | 1               | 60'               | 6,000                          | 45%                                      | 8,500                               |  |
| RU-1Z           | 1               | New sub.-45'      | 4,500                          | 50%                                      | 8,500                               |  |
|                 |                 | Old sub.*         |                                |  |                                     |  |
| RU-2            | 1               | New sub.-75'      | 7,500                          | 35%                                      | 8,500                               |  |
|                 |                 | Old sub.-None     | 3,750                          | 30%                                      | 8,500                               |  |
|                 | 2 singles       | New sub.-75'      | 7,500                          | 30%                                      | 8,500 front res.<br>5,000 rear res. |  |
|                 |                 | Old sub.-50'      | 5,550                          | 30%                                      | 8,500 front res.<br>3,000 rear res. |  |
|                 | duplex          | New sub.-75'      | 7,500                          | 30%                                      | 8,500                               |  |
|                 |                 | Old sub.-50'      | 5,550                          | 30%                                      | 8,500                               |  |
| RU-3            | 1               | New sub.-75'      | 7,500                          | 35%                                      | 8,500                               |  |
|                 |                 | Old sub.-None     | 3,750                          | 30%                                      | 8,500                               |  |
|                 | 2 singles       | New sub.-75'      | 7,500                          | 30%                                      | 8,500 front res.<br>5,000 rear res. |  |
|                 |                 | Old sub.-50'      | 5,550                          | 30%                                      | 8,500 front res.<br>3,000 rear res. |  |
|                 | duplex          | New sub.-75'      | 7,500                          | 30%                                      | 8,500                               |  |
|                 |                 | Old sub.-50'      | 5,550                          | 30%                                      | 8,500                               |  |
|                 | 3 or 4 unit     | 75'               | 7,500                          | 40%                                      | 7,500                               |  |
|                 | Multi-family    | 100'              | 2 acres net                    | 30%                                      |                                     |  |
|                 | RU-3B           | 1                 | New sub.-75'                   | 7,500                                    | 35%                                 |  |
|                 |                 |                   | Old sub.-None                  | 3,750                                    | 30%                                 |  |
| 2 singles       |                 | New sub.-75'      | 7,500                          | 30%                                      |                                     |  |
|                 |                 | Old sub.-50'      | 5,550                          | 30%                                      |                                     |  |
| duplex          |                 | New sub.-75'      | 7,500                          | 30%                                      |                                     |  |

| <u>District</u>        | <u>Families</u>    | <u>Min. Width</u>                              | <u>Min. Lot Area<br/>(Sq. Ft.)</u>   | <u>Max. Lot Coverage<br/>(% of Lot Area)</u> | <u>Min Bldg. Size<br/>(Cu Ft)</u> |
|------------------------|--------------------|--|--------------------------------------|--|-----------------------------------|
|                        |                    | <u>Old sub.-50'</u>                            | <u>5,550</u>                         | <u>30%</u>                                   |                                   |
|                        | <u>3 or 4 unit</u> | <u>75'</u>                                     | <u>7,500</u>                         | <u>40%</u>                                   |                                   |
|                        | <u>bungalow</u>    | <u>100'</u>                                    | <u>2000 per fam.<br/>10,000 min.</u> | <u>40%</u>                                   | <u>See RU-3B</u>                  |
|                        | <u>court</u>       |  | <u>10,000 min.</u>                   |  |                                   |
| <u>RU-4</u>            | <u>1</u>           | <u>New sub.-75'</u>                            | <u>7,500</u>                         | <u>35%</u>                                   |                                   |
|                        |                    | <u>Old sub.-None</u>                           | <u>3,750</u>                         | <u>30%</u>                                   |                                   |
|                        | <u>2 singles</u>   | <u>New sub.-75'</u>                            | <u>7,500</u>                         | <u>30%</u>                                   |                                   |
|                        |                    | <u>Old sub.-50'</u>                            | <u>5,550</u>                         | <u>30%</u>                                   |                                   |
|                        | <u>duplex</u>      | <u>New sub.-75'</u>                            | <u>7,500</u>                         | <u>30%</u>                                   |                                   |
|                        |                    | <u>Old sub.-50'</u>                            | <u>5,550</u>                         | <u>30%</u>                                   |                                   |
|                        | <u>3 or 4 unit</u> | <u>75'</u>                                     | <u>7,500</u>                         | <u>40%</u>                                   |                                   |
| <u>5 or more units</u> | <u>100'</u>        | <u>500 per fam.<br/>10,000 min.</u>            | <u>40%</u>                           |  |                                   |
| <u>RU-4A</u>           | <u>1</u>           | <u>New sub.-75'</u>                            | <u>7,500</u>                         | <u>35%</u>                                   |                                   |
|                        |                    | <u>Old sub.-None</u>                           | <u>3,750</u>                         | <u>30%</u>                                   |                                   |
|                        | <u>2 singles</u>   | <u>New sub.-75'</u>                            | <u>7,500</u>                         | <u>30%</u>                                   |                                   |
|                        |                    | <u>Old sub.-50'</u>                            | <u>5,550</u>                         | <u>30%</u>                                   |                                   |
|                        | <u>duplex</u>      | <u>New sub.-75'</u>                            | <u>7,500</u>                         | <u>30%</u>                                   |                                   |
|                        |                    | <u>Old sub.-50'</u>                            | <u>5,550</u>                         | <u>30%</u>                                   |                                   |
|                        | <u>3 or 4 unit</u> | <u>75'</u>                                     | <u>7,500</u>                         | <u>40%</u>                                   |                                   |
| <u>5 or more units</u> | <u>100'</u>        | <u>500 per fam.<br/>10,000 min.</u>            | <u>40%</u>                           |  |                                   |
| <u>bungalow villa</u>  | <u>100'</u>        | <u>2000 per fam.<br/>10,000 min.</u>           | <u>40%</u>                           |  |                                   |
| <u>EU-M</u>            | <u>1</u>           | <u>Prior to 5-9-57<br/>100'</u>                | <u>15,000</u>                        | <u>30%</u>                                   | <u>12,500</u>                     |
|                        |                    | <u>New sub.-120'<br/>(Min. depth<br/>115')</u> | <u>15,000</u>                        | <u>30%</u>                                   | <u>12,500</u>                     |
| <u>EU-S</u>            | <u>1</u>           | <u>125'</u>                                    | <u>25,000</u>                        | <u>30%</u>                                   | <u>15,000</u>                     |

| <u>District</u> | <u>Families</u> | <u>Min. Width</u>                      | <u>Min. Lot Area</u><br><u>(Sq. Ft.)</u> | <u>Max. Lot Coverage</u><br><u>(% of Lot Area)</u> | <u>Min Bldg. Size</u><br><u>(Cu Ft)</u> |
|-----------------|-----------------|--|--|--|---|
|                 |                 | <u>(Min. depth</u><br><u>135')</u>     | <u>(inc. r/w)</u>                        |  |   |
| <u>EU-1</u>     | <u>1</u>        | <u>Prior to 4-17-51</u><br><u>100'</u> | <u>1 ac.</u><br><u>(inc. r/w)</u>        | <u>15%</u>   | <u>15,000</u>                           |
|                 |                 | <u>New sub.-125'</u>                   | <u>1 ac.</u><br><u>(inc. r/w)</u>        | <u>15%</u>   | <u>15,000</u>                           |
| <u>EU-1C</u>    | <u>1</u>        | <u>150'</u>                            | <u>2½ ac.</u><br><u>(inc. r/w)</u>       | <u>15%</u>   | <u>17,500</u>                           |
| <u>EU-2</u>     | <u>1</u>        | <u>200'</u>                            | <u>5 ac.</u><br><u>(inc. r/w)</u>        | <u>15%</u>   | <u>17,500</u>                           |
| <u>AU</u>       | <u>1</u>        | <u>Prior to 2-13-51</u><br><u>100'</u> | <u>10,000</u>                            | <u>25%</u>   | <u>7,500</u>                            |
|                 |                 | <u>New sub.-200'</u>                   | <u>5 ac.</u><br><u>(inc. r/w)</u>        | <u>15%</u>   | <u>7,500</u>                            |

\*as approved by public hearing or administrative site plan review.<<

**Section 4.** Section 33-50 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-50. Table of setback lines in residential and estate districts.**

- (a) The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:

| <i>District/Families</i> | <i>Front</i><br><i>(Ft.)</i>   | <i>Rear</i><br><i>(Ft.)</i>  | <i>[[Between</i><br><i>Buildings</i><br><i>(Ft.)]]</i> | <i>Interior</i><br><i>Side</i><br><i>(Ft.)</i> | <i>Side Street</i><br><i>(Ft.)</i> |
|--------------------------|--|--|--|--|------------------------------------|
| RU-1:<br>One             | [[25 for<br>subdivisions<br>platted on or<br>before March 8,<br>2002; for<br>subdivisions<br>platted after<br>March 8, 2002,]] | [[25 for<br>subdivisions<br>platted on or<br>before March 8,<br>2002; for<br>subdivisions<br>platted after<br>March 8, 2002,]] | —  | 10% lot<br>width<br>min.—5'<br>max.—7½'        | 15                                 |

|                |  |  |        |                   |   |
|----------------|--|--|--------|-------------------|---|
|                | 15 for 50% of the lineal footage of the width of the house and 25 for balance; except 20 for attached garages  | 15 for 50% of the lineal footage of the width of the house and 25 for balance  |        |                   |   |
| Acc. bldg.     | 75   | 5  | [[10]] | same as RU-1 res. | equal to front setback requirements for principal structure on key lot, plus 5'; 20' where there is no key lot. |
| Canopy carport | 5  | 5  | —      | 2                 | 5   |
| RU-1M(a):      | [[25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002,]]<br>15 for 50% of the lineal footage of the width of the house and 25 for balance; except 20 for attached garages | [[25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002,]]<br>15 for 50% of the lineal footage of the width of the house and 25 for balance | —      | 5                 | 10  |
| Acc. bldg.     | 75   | 5  | [[10]] | 5                 | 15  |
| Canopy carport | 5  | 5  | —      | 2                 | 5   |
| RU-1M(b):      | [[25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8,  | [[25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002,]]  | —      | 6                 | 10  |

|                       |   |   |                                 |                                 |    |
|-----------------------|---|---|---------------------------------|---------------------------------|----|
|                       | 2002, 15 for 50% of the lineal footage of the width of the house and 25 for balance; except 20 for attached garages | 15 for 50% of the lineal footage of the width of the house and 25 for balance |                                 |                                 |    |
| Acc. bldg.            | 75  | 5   | [[10]]                          | 6                               | 15 |
| Canopy carport        | 5   | 5   | —                               | 2                               | 5  |
| RU-2:<br>One          |   |   | [[same as RU-1 res.]]           | - same as RU-1 res. -           |    |
| Two singles:<br>Front |   |   | [[same as RU-1 res.]]           | - same as RU-1 res. -           |    |
| Rear                  |   |   | [[same as RU-1 acc. bldg.]]     | - same as RU-1 acc. bldg. -     |    |
| Duplex                |   |   | [[same as RU-1 res.]]           | - same as RU-1 res. -           |    |
| Acc. bldg.            |   |   | [[same as RU-1 acc. bldg.]]     | - same as RU-1 acc. bldg. -     |    |
| Canopy carport        | 5   | 5   | —                               | 2                               | 5  |
| RU-3:<br>One          |   |   | [[same as RU-1 res.]]           | - same as RU-1 res. -           |    |
| Two singles           |   |   | [[same as two singles in RU-2]] | - same as two singles in RU-2 - |    |
| Duplex                |   |   | [[same as RU-1 res.]]           | - same as RU-1 res. -           |    |
| Three or four         | 25  | 25  | —                               | 15                              | 25 |
| Acc. bldg.            | 75  | 5   | [[10]]                          | 7½                              | 30 |
| Canopy carport        | 5   | 5   | —                               | 2                               | 5  |
| RU-3B:<br>One         |   |   | [[same as RU-1 res.]]           | - same as RU-1 res. -           |    |

|   |    |    |                                  |                                  |    |
|---|----|----|----------------------------------|----------------------------------|----|
| Two singles                                       |    |    | [[same as two singles in RU-2]]  | - same as two singles in RU-2 -  |    |
| Duplex  |    |    | [[same as RU-1 res.]]            | - same as RU-1 res. -            |    |
| Three or four                                     |    |    | [[same as 3 or 4 unit in RU-3]]  | - same as 3 or 4 unit in RU-3 -  |    |
| Bungalow court                                    |    |    | [[see RU-3B]]                    | - see RU-3B -                    |    |
| Acc. bldg., 1 to 4 units                          | 75 | 5  | [[+0]]                           | 7½                               | 30 |
| RU-4[[&]]>>_<< RU-4A >>, RU-4L, & RU-4M<<:<br>One |    |    | [[same as RU-1 res.]]            | - same as RU-1 res. -            |    |
| Two singles                                       |    |    | [[same as two singles in RU-2]]  | - same as two singles in RU-2 -  |    |
| Duplex  |    |    | [[same as RU-1 res.]]            | - same as RU-1 res. -            |    |
| Three or four                                     |    |    | [[same as 3 or 4 units in RU-3]] | - same as 3 or 4 units in RU-3 - |    |
| Five or more                                      |    |    | [[see RU-4 and RU-4A]]           | - see RU-4 and RU-4A -           |    |
| Acc. bldg.  | 75 | 5  | [[+0]]                           | 7½                               | 30 |
| EU-M:<br>One                                      | 25 | 25 | —                                | 15                               | 25 |
| Acc. bldg.  | 75 | 7½ | [[+0]]                           | 20                               | 30 |
| Canopy carport                                    | 5  | 5  | —                                | 2                                | 5  |
| EU-S:<br>One                                      | 35 | 25 | —                                | 15                               | 25 |
| Acc. bldg.  | 75 | 7½ | [[+0]]                           | 20                               | 30 |
| Canopy carport                                    | 13 | 5  | —                                | 2                                | 5  |
| EU-1:<br>One                                      | 50 | 25 | —                                | 15                               | 25 |

|                |    |   |  |   |   |
|----------------|----|---|--|---|---|
| Acc. bldg.     |    |   | [[ <del>same as EU-M accessory buildings</del> ]]  | - same as EU-M accessory buildings -  |   |
| Canopy carport | 28 | 5 | —  | 2   | 5 |
| EU-1C          |    |   | [[ <del>same as EU-1</del> ]]  | - same as EU-1 -  |   |
| EU-2           |    |   | [[ <del>same as EU-1 principal building and entrance lodge same as principal building in EU-1 all other buildings not closer than 85' to the highway right-of-way</del> ]] | - same as EU-1 - principal building and entrance lodge same as principal building in EU-1 - all other buildings not closer than 85' to the highway right-of-way |   |
| Canopy carport | 28 | 5 | —  | 2   | 5 |
| AU             |    |   | [[ <del>same as EU-1 unless otherwise specified in AU District</del> ]]  | - same as EU-1 unless otherwise specified in AU District -  |   |

- (b) A solar energy system may be mounted on a roof structure or on the ground. The front setback for a roof- or ground-mounted solar energy system shall be the same as that of the principal building, and a ground-mounted solar energy system shall otherwise comply with the setbacks for an accessory building.
- (c) Refer to Section 33-20(b)(l) for additional utility shed setback regulations. Sheds in townhouse developments shall be regulated by Section 33-202.3(2)(q).

>>(d)<<<sup>2</sup> ~~[(e)]~~ >>Spacing between buildings shall conform with Miami-Dade Fire Rescue requirements.<<

**Section 5.** Section 33-51 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-51. Setbacks in business and industrial districts.**

The minimum setback distances and spacing requirements in all business districts and in IU-1, IU-2 and IU-3 Industrial Districts (see >>section<< ~~[[Section]]~~ 33-273 for IU-C setback requirements) shall be as follows:

>>(a)<< Front — >>20<< ~~[[Twenty (20)]]~~ feet.

>>(b)<< Side street - >>15<< ~~[[Fifteen (15)]]~~ feet, except >>:

(1) Where the business or industrial lot abuts<< ~~[[where]]~~ an RU, EU or GU lot ~~[[abuts a business or industrial lot]]~~, then the side street setback shall be >>25<< ~~[[twenty five (25)]]~~ feet on any part of the ~~[[commercial]]~~ >>business or industrial<< structure located within >>25<< ~~[[twenty five (25)]]~~ feet of the residential district boundary >>, except as provided in paragraph (2) below.

(2) Where a business or industrial lot abuts a<< ~~[[provided, however, if an abutting]]~~ GU lot >>that<< is depicted as "Industrial & Office" on the adopted Land Use Plan map of the Comprehensive Development Master Plan and no building permit has been issued for a residence >>on the GU lot<< at the time of the approval of the building permit for the business or industrial use, the setback shall be >>15<< ~~[[fifteen (15)]]~~ feet from the side street property line.

>>(c)<< Interior side - Zero (0) feet where the adjacent property is >>a<< BU or IU District~~[[s]]~~ and where the use of the building is limited exclusively to business or industrial use. The wall along the side property line shall be constructed in accordance with the Florida Building Code. >>Other interior side setbacks shall be as follows:<<

---

<sup>2</sup> Committee amendments are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

>>(1) 5<< ~~[[Five-(5)]]~~ feet where any openings are provided in the wall of the proposed structure, adjacent to the interior side property lot line.

>>(2) 10<< ~~[[Ten-(10)]]~~ feet for such portions of the business structure as are devoted to residential use.

>>(3) 15<< ~~[[Fifteen-(15)]]~~ feet where the adjacent property is zoned RU or EU or GU~~[[.]]~~ >>, except that, where a business or industrial lot abuts a<< ~~[[It is provided, however, that where an abutting]]~~ GU lot >>that<< is depicted as "Industrial & Office" on the adopted Land Use Plan map of the Comprehensive Development Master Plan and no building permit has been issued for a residence >>on the GU lot<< at the time of the approval of the building permit for the business or industrial use, >>then<< ~~[[in such instances]]~~ the setback shall be:

>>(i) 0<< ~~[[Zero-(0)]]~~ feet where the wall along the interior side property line is unpierced and constructed in accordance with the Florida Building Code; or

>>(ii) 5<< ~~[[Five-(5)]]~~ feet where any openings are provided in the wall of the proposed structure, adjacent to the interior side property lot line.

>>(d)<< Rear - >>20<< ~~[[Twenty-(20)]]~~ feet from residential district boundary, except that credit shall be given for full width of dedicated alleys in computing this setback.

>>(1) 5<< ~~[[Five-(5)]]~~ feet from business or industrial district boundary, where any openings are provided in wall of proposed structure, adjacent to rear lot line.

>>(2) 0<< ~~[[Zero-(0)]]~~ feet from business or industrial district boundary where no openings are proposed in wall of proposed structure, adjacent to rear lot line.

>>(3)<< Same setbacks shall apply for accessory buildings as apply to principal structures.

~~[[Between buildings — Twenty (20) feet.]]~~

>>(e)<< Structures containing residential uses or mixed residential-business uses shall comply with residential setbacks (for the entire building) as may be required for the residential use in the residential district.

>>(f) Spacing between buildings shall conform with Miami-Dade Fire Rescue requirements.<<

**Section 6.** Section 33-52 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-52. - Maximum height in all districts; exceptions.**

Except where a greater height may be approved as a result of a public hearing, the maximum height of a building shall be ~~[[thirty-five (35)]]~~>>35<< feet, two ~~[[2]]~~ stories, except as specified in each district and as specified elsewhere in the Code. No accessory building, garage or servants' quarter in RU and EU-M Districts shall exceed one ~~[[1]]~~ story in height unless the principal residence on the lot is two ~~[[2]]~~ stories in height ~~[[and there are two (2) or more two-story residences on other lots in the block]]~~ >>and said structure complies with the principal structure setbacks<<.

**Section 7.** Section 33-202.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-202.3. - Uses permitted.**

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a townhouse district (RU-TH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

\* \* \*

(2) Townhouses, subject to the following restrictions:

\* \* \*

- (r) *Site plan review.* >>All development shall be reviewed in accordance with section 33-310.4.<< ~~[[The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied by the Department within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen day period by written notice to the applicant that additional information is needed to process the site plan. Denials should 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 decision.~~
- ~~*Procedure.* Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department of Planning and Zoning and shall include, but not be limited to the following:~~
- ~~1. Site plan including the following information:
    - ~~a. Lot lines and setbacks.~~
    - ~~b. Location, shape, size and height of existing and proposed buildings, vehicular and pedestrian circulation systems, entrance features, fencing, bike paths, recreational facilities and any other physical features that are proposed for the site that can be shown in plan form.~~~~

- c. ~~Landscaping in accordance with Chapter 18A of this Code.~~
  - d. ~~Location of all parking spaces and waste collection area(s).~~
  - e. ~~Indication of exterior graphics, as required.~~
  - f. ~~Indication of any site design methods used to conserve energy.~~
  - g. ~~Common open space areas and common use amenities.~~
2. ~~Floor plans and elevations for typical townhouse units and floor plans and elevation of any recreation buildings, community buildings and other similar structures. Plan(s) for units shall indicate the private outdoor areas (including patio space) for the individual unit(s).~~
3. ~~Figures indicating the following:~~
- a. ~~Gross and net acreage.~~
  - b. ~~Amount of common open space in square feet and percentage required and provided.~~
  - c. ~~The size in square feet for the smallest and average townhouse sites.~~
  - d. ~~Total trees required and provided in accordance with Chapter 18A of this Code.~~
  - e. ~~Parking required and provided.~~
  - f. ~~Such other design data as may be needed to evaluate the project.~~
  - g. ~~Details depicting height and material for perimeter walls and/or fences as well as walls and/or fences located on individual lots.]]~~
- (s) ~~[[Site plan review criteria. The following criteria shall be utilized in the plan review process:~~
- 1. ~~Purpose and intent: The proposed development fulfills the objectives of this article.~~
  - 2. ~~Planning studies: Design, planning studies or neighborhood area studies accepted or approved by the Board of~~

~~County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.~~

- ~~3. Landscape: Landscape shall be reserved 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 noncompatible uses and block noise generated by the major roadways and intense use areas.~~
- ~~4. 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.~~
- ~~5. 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.~~
- ~~6. Street system: A well defined system shall be designed to allow free movement throughout the development while discouraging excessive speeds, and shall structure the development in clearly defined clusters and/or groups of townhouses. All dwelling units should be located on residential service streets or courts designed to discourage all traffic except that of owner/occupants, their guests, and their services. Pedestrian and auto circulation shall be separated insofar as is practicable.~~
- ~~7. Visibility: No obstruction to visibility at street intersections shall be permitted, and such visibility clearances shall be as required by the Department of Public Works.~~

8. ~~Energy consideration: Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.~~
9. ~~Parking: Private parking shall not be in adjacent groups of more than four (4) spaces, said groups to be separated by the use of landscape elements. Where parking is provided in a group arrangement, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parked cars. This requirement is in addition to the requirements of the landscape regulations of Chapter 18A of the Code of Miami Dade County.~~
10. ~~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.~~
11. ~~Privacy: Due consideration of aural and visual privacy shall be evidenced in the design of the overall development and in the design of the individual units.~~
12. ~~Graphics: Graphics, as required, shall be designated as an integral part of the overall design of the project.~~
13. ~~Art display: Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.~~
14. ~~Emergency access: Access to emergency equipment shall be provided.~~
15. ~~Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:~~

- a. ~~Wall with landscaping. The wall shall be setback two and one-half (2½) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:~~
- ~~(1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~
  - ~~(2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.~~
  - ~~(3) *Vines.* Climbing vines shall be a minimum of thirty six (36) inches in height immediately after planting.~~
- b. ~~*Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.~~

(†) *Site plan changes.* The Director may authorize a change in a site plan for changes to an individual townhouse unit where such changes are encompassed wholly within the

fee simple lot of such unit after administrative site plan review and approval for screen enclosures, patio slabs, new facial or trim work, open porch additions with or without wood or metal roofs, trellis or garden amenities, awnings, jacuzzis, swimming pools, decks, hot tubs, etc., providing:

\* \* \*

6. If the applicant is unable to obtain the approvals required by >>paragraphs (1) and (2) of this subsection<< ~~[[Sections 33-202.3(2)(t)(1) and (2)]]~~, site plan changes may only be approved following public hearing. At the time of filing such application, the applicant shall sign a statement, on a form acceptable to the Director and approved by the County Attorney's Office, that the applicant understands that approval at public hearing does not relieve the applicant from obtaining approval from a homeowner's association or other such private, authorized body where required to do so by a declaration of restrictions or other such private agreement applicable to the townhouse development.

>>(t)<< ~~[[(+)]]~~ *Maintenance of common area.* Provisions satisfactory to the Board of County Commissioners shall be made to assure that nonpublic areas and facilities for the common use of occupants of a townhouse development, but not in individual ownership of such occupants, shall be maintained in a satisfactory manner, without expense to the general taxpayer of Miami-Dade County.

>>1.<< Such may be provided by the incorporation of an automatic membership home association for the purpose of continuously holding title to such nonpublic areas and facilities, and levying assessment against each townhouse lot, whether improved or

not, for the purpose of paying the taxes and maintaining such nonpublic areas and facilities which may include, but not be limited to, recreational areas, off-street parking bays, private streets, sidewalks, street lights, and common open and landscaped areas. Such assessments shall be a lien superior to all other liens save and except tax liens and mortgage liens, provided said mortgage liens are first liens against the property encumbered thereby, subject only to tax liens, and secure indebtedness which are amortized in monthly or quarter-annual payments over a period of not less than >>10<< [[ten(10)]] years.

>>2.<< Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance without expense to the general taxpayers.

>>3.<< The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time of the recording of the subdivision plat.

>>(u)<< [[(v)]] *Platting requirements.* Each townhouse unit shall be located on its own individual platted lot. If areas for common use of occupants of a townhouse development are shown on the plat, such areas shall not be approved until satisfactory arrangements are made for maintenance as provided by this article.

>>(v)<< [[(w)]] *Trees.* Landscaping and trees shall be provided in accordance with >>chapter<< Chapter 18A of this Code.

**Section 8.** Section 33-202.10 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety and replaced with the following:

**Sec. 33-202.10. - >>Review Procedure/Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 9.** Section 33-203.1 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety and replaced with the following:

**Sec. 33-203.1. - >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 10.** Section 33-203.2 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

**Section 11.** Section 33-203.7 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety and replaced with the following:

**Sec. 33-203.7. ->>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 12.** Section 33-203.8 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

**Section 13.** Section 33-207.2.1 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety and replaced with the following:

**Sec. 33-207.2.1 - >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4. <<

**Section 14.** Section 33-207.2.2 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

**Section 15.** Section 33-207.4 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety and replaced with the following:

**Sec. 33-207.4. -->>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4. <<

**Section 16.** Section 33-207.5 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

**Section 17.** Section 33-208.1 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety and replaced with the following:

**Sec. 33-208.1. -->>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4. <<

**Section 18.** Section 33-208.2 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

**Section 19.** Section 33-217.1 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety and replaced with the following:

**Sec. 33-217.1. -->>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 20.** Section 33-217.2 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety.

**Section 21.** Article Section 33-223.5.1 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-223.5.1. – >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 22.** Section 33-223.11 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-223.11. – >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 23.** Section 33-245.2 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-245.2. >>Review Procedure/Administrative Site Plan Review (ASPR).**

All development shall be reviewed in compliance with section 33-310.4.<<

**Section 24.** Section 33-251.5 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-251.5. - >>Review Procedure/Administrative Site Plan Review.**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 25.** Section 33-253.9 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-253.9. - >>Review Procedure/Administrative Site Plan Review.**

All development shall be reviewed in compliance with Section 33-310.4 of this code.<<

**Section 26.** Sections 33-256.8 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-256.8. - >>Review Procedure/Administrative Site Plan Review.**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 27.** Section 33-261.1 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-261.1. - >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 28.** Section 33-263.2 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-263.2. – >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 29.** Section 33-266.3 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-266.3. – >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 30.** Section 33-278.2 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-278.2. – >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 31.** Section 33-284.38 of the Code of Miami-Dade County, Florida, is hereby deleted in the entirety and replaced with the following:

**Sec. 33-284.38. – >>Review Procedure/ Administrative Site Plan Review (ASPR).**

All development shall be reviewed in accordance with section 33-310.4.<<

**Section 32.** Section 33-284.88 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-284.88. - Review Procedure/Administrative Site Plan and Architectural Review.**

Except for individual single-family homes and duplexes, all applications for development approval within an Urban Center District that are not otherwise permitted as nonconforming uses or structures shall comply with the requirements of this article and with the site plan and architectural review criteria contained herein. Developments shall be processed and approved administratively as follows:

- A. Administrative site and architectural plan review.
- >>1. Purpose and intent. The purpose of the administrative site and architectural plan review is to encourage logic, imagination, innovation and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area.
  2. Review by Department. << The Department shall review plans, including the exhibits listed below >>, << for completeness and compliance with the >>aforementioned purpose, << provisions of this article, including the Regulating Plans, and for compliance with the site plan review criteria provided herein.
  - >>3. Review by other agencies. << Additionally, all applications shall be reviewed by the following departments of Miami-Dade County and other public entities for potential impacts on infrastructure and other services resulting from the application: Department of >>Transportation and << Public Works [~~and Waste Management~~] or its successor, >>Department of Solid Waste or its successor, Division of Environmental Resources Management or its successor, << [~~Department of Regulatory and Economic Resources or its successor~~], Miami-Dade Fire Rescue Department or its successor, [~~and~~] the Miami-Dade County School Board >>, and such other County departments as the Director

may deem appropriate to review the application<<. In the event the application indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence to the Department of such discussion.

>>4. Time for review.<< The Director shall issue a final decision within >>21<< [~~twenty-one (21)~~] days of the date of submission of the completed application. The applicant shall have the right to extend the >>21<< [~~twenty-one (21)~~] day period by an additional >>21<< [~~twenty-one (21)~~] days upon timely request made in writing to the Department. The Department shall have the right to extend the >>21<< [~~twenty-one (21)~~] day period by written notice to the applicant that additional information is needed. Denials shall be in writing and shall specifically set forth the grounds for the denial.

>>5. Appeals.<< Any final decision of the Director may be appealed in accordance with the procedures established in this chapter for appeals of administrative decisions >>relating to administrative site plan review<<.

\* \* \*

**Section 33.** Section 33-310.1 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

**Sec. 33-310.1. - Administrative modification or elimination of conditions and restrictive covenants.**

\* \* \*

B. *Procedures for Administrative Determinations.*

\* \* \*

(2) *Notice.*

>>(a)<< Within [~~fifteen (15)~~] >>15<< days after the determination, notice of the Director's

decision shall be published in a newspaper of general circulation; except that >>:

(i) substantial compliance determinations for administrative site plan reviews shall not be subject to the notice requirements set forth in this section; and

(ii) all other<< substantial compliance determinations shall ~~[[be]]~~ >>have a notice<< published in the newspaper of largest circulation in Miami-Dade County or a section or supplement in the newspaper of largest circulation in Miami-Dade County distributed only in the locality where the property subject to the application lies.

>>(b)<< Additionally, ~~[[for applications for administrative modification or elimination of conditions and restrictive covenants associated with voluntarily abandoned zoning actions or administrative approvals, or conditions or restrictive covenants which are satisfied or moot, or for modification or elimination of conditions or restrictive covenants where no new adverse impacts will result, or for modifications of conditions or restrictive covenants to extend timing or phasing deadlines,]]~~ mailed written notice shall be provided to all property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated, within the same radius of the property as required to be noticed for the zoning action adopting or accepting the condition or restrictive covenant, or such greater distance as the Director may prescribe >>, for the following types of administrative modification applications:

(i) modification or elimination of conditions and restrictive covenants associated with voluntarily abandoned zoning actions or administrative approvals;

- (ii) modification or elimination of conditions or restrictive covenants that are satisfied or moot;
- (iii) modification or elimination of conditions or restrictive covenants where no new adverse impacts will result; and
- (iv) modification of conditions or restrictive covenants to extend timing or phasing deadlines<<.

\* \* \*

**Section 34.** Section 33-310.4 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**>>Sec. 33-310.4 Review Procedure/Administrative Site Plan Review (ASPR).**

**(A) Administrative site plan and architectural review required.**

- (1) Purpose and intent. The purpose of administrative site plan review (ASPR) is to encourage logic, imagination, innovation and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area.
- (2) Prior to the issuance of a building permit for developments requiring ASPR, the Department shall review plans for compliance with the applicable zoning regulations and the site plan review criteria set forth in this section.
- (3) ASPR requirements shall include conformance with the standards contained in the CDMP and this chapter, and substantial compliance with the Urban Design Manual approved by resolution of the Board of County Commissioners.
- (4) Time for review. All plans submitted to the Department for ASPR shall be reviewed and decided by the Department within 21 days from the date the application is processed. The applicant shall have the

right to resubmit plans and 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.

(5) If the plan is disapproved, the applicant may appeal the decision in accordance with the procedures established in this chapter for appeals of administrative decisions relating to administrative site plan review.

(6) Deferral of site plan review until application for building permit. The following types of developments may defer site plan review until the time of application for building permit.

(a) In RU-RH, RU-TH, RU-3, RU-3M, RU-4L, RU4M, RU-4, and RU-5 districts, development activity on parcels that are 5 acres or less.

(b) In BU, RU-4A, and OPD districts, development activity on parcels that are 10 acres or less, and that do not contain any residential uses on the property.

(c) In IU districts, development activity on parcels that are 20 acres or less, and that do not contain any residential uses on the property.

(B) Review Criteria. The applicant shall submit supporting exhibits to the Department, which shall include at least the following:

(1) Dimensioned site plan(s) indicating, as a minimum, the following information:

(a) Existing zoning on the site and on adjacent properties.

(b) Lot lines and setbacks.

(c) Location, shape, size and height of existing and proposed buildings, structures, and

- entrance features, bike paths, recreational facilities and other physical features that are proposed.
  - (d) Existing and proposed fences, walls, architectural accents, or street furniture, if applicable.
  - (e) Landscape plans, including specifications of species of plant material, location, and size in accordance with this Chapter and Chapter 18A of this Code.
  - (f) Vehicular and pedestrian circulation systems, including connection(s) to existing or proposed roadway and sidewalk system.
  - (g) Location of on-street and off-street parking, including type of permeable materials if used on parking lots.
  - (h) Location of loading facilities.
  - (i) Location of space for storage and collection of solid waste and recyclable material.
  - (j) Proposed grades if significantly altered.
  - (k) Location of backflow prevention devices and connections.
  - (l) Indication of any site design methods used to conserve energy.
  - (m) Existing and proposed signs, and locations of advertising or graphic features, if applicable.
  - (n) Sketches of design elements to be used for buffering surrounding uses, if applicable.
  - (o) Development phase lines.
- (2) Floor plans and elevations of all structures and other major design elements, including total gross square foot area of each floor. Provide isometrics or perspectives. For residential, provide floor plans and elevations for typical units, any recreation buildings, community buildings and other similar structures. Plan(s) for units shall indicate the private outdoor areas (including patio space) for the individual unit(s), as required.
- (3) Figures indicating the following:
- (a) Gross and net acreage (in square feet and acres), less lakes and canals.
  - (b) Total square footage for each use by type, as applicable (i.e. residential uses, office uses.)

1. For RU-5, specify total square feet of snack bar facility if proposed.
  2. For RU-TH, specify the size in square feet of the smallest and average townhouse sites.
- (c) Amount of building coverage at ground level in square feet.
  - (d) The proposed height and the proposed and required F.A.R. (in square feet), if applicable.
  - (e) Total amount of landscaped open space in square feet, including open space provided in the form of green(s) (required and provided); and percent of net land area (required and provided).
  - (f) Total trees required and provided in accordance with chapter 18A.
  - (g) Parking required and provided.
  - (h) Area to be dedicated for public rights-of-ways.
  - (i) Total amount of paved area in square feet.
  - (j) Indication of the design of exterior graphics and signage.
  - (k) Such other design data as may be needed to evaluate the project.
  - (l) For residential uses, provide total number of dwelling units.
- (4) The Director may waive any of the required items because of the nature or timing of the development or because the information cannot be furnished at the time of this review.
- (C) The following criteria shall be utilized in the plan review process:
- (1) *Purpose and intent:* The proposed development fulfills the objectives of this article.
  - (2) *Planning studies:* Design, planning studies or neighborhood area studies accepted or approved by the Board of County Commissioners that include development patterns, site plan criteria, or environmental design criteria which would apply to the development proposal under review shall be considered in the plan review process.
  - (3) *Exterior spatial relationships.* The three-dimensional air-space volume created by the arrangement of structures and landscape shall

- produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.
- (4) Landscape: Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses, and block noise generated by the major roadways and intense use areas.
- (5) Compatibility: The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements.
- (a) Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements.
- (b) For industrial uses, visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.
- (6) 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.
- (7) Circulation: Pedestrian and auto 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 outside the development.
- (a) For residential uses, a well-defined system shall be designed to allow free movement throughout the development while discouraging excessive speeds. All dwelling units should be located on residential service streets or courts designed to discourage all traffic except that of owner/occupants, their guests, and their services. Townhome/rowhouse developments shall be structured in clearly defined clusters and/or groups of townhouses.
- (b) For industrial uses, vehicular traffic generated from industrial activity should be routed in such a manner as to minimize

- impact on residential development, if applicable.
- (8) Visibility: No obstruction to visibility at street intersections shall be permitted, and such visibility clearances shall be as required by the Department of Transportation and Public Works or successor department.
- (9) Emergency access: Unobstructed on-site access for emergency equipment shall be provided.
- (10) Parking areas: Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the landscape regulations set forth in this code.
- (a) For residential uses, where parking is provided in a group arrangement, planting, berms or other innovative methods shall be used to minimize the visual impact of parked cars. This requirement is in addition to the requirements of the landscape regulations of chapter 18A. For townhome/rowhouse developments, private parking shall be in adjacent groups of not more than four spaces, said groups to be separated by the use of landscape elements.
- (b) For commercial uses, when head-in parking is located directly adjacent to a storefront, an anti-ram fixture with a minimum Department of State protection rating of K4 shall be placed along the outer edge of the sidewalk to visually and physically separate the vehicular and pedestrian areas. Installations must include a landscaping/planting component to mitigate the visual impacts of the anti-ram fixture. The anti-ram fixture shall be continuous with reasonable breaks provided to allow for pedestrian access and compliance with the Americans with Disabilities Act, if applicable.
- (11) Open spaces: Open space 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.
- (12) Energy consideration: Site design methods to reduce energy consumption shall be encouraged. Every site

conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.

- (13) Subtropic architectural characteristics. Architecture and site development should incorporate consideration of the subtropical characteristics of the area. The provision of sun-control devices, shaded areas, vegetation, roof terraces and similar features characteristic of subtropical design shall be encouraged
- (14) Outdoor furniture. All outdoor furniture shall be designed as an integral part of the overall design of the project.
- (15) Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.
- (16) Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.
- (17) Signs and outdoor lighting. All outdoor lighting, signs, or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape, if applicable.
- (18) Graphics: Graphics, as required, shall be designated as an integral part of the overall design of the project.
- (19) Art display: Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.
- (20) Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
  - (a) Wall with landscaping. The wall shall be setback two and one-half feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall

contain one or more of the following planting materials:

- (1) Shrubs. Shrubs shall be a minimum of three feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.
  - (2) Hedges. Hedges shall be a minimum of three feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.
  - (3) Vines. Climbing vines shall be a minimum of 36 inches in height immediately after planting.
- (b) Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.
- (21) Window Height.
- (a) For commercial uses, when head-in parking is located directly adjacent to a storefront, ground floor windowsills shall be placed at a minimum height of 24 inches and a maximum of 48 inches above grade, if applicable.
- (22) Privacy. For residential uses, due consideration of aural and visual privacy shall be evidenced in the design of the overall development and in the design of the individual units.

**Section 35.** Section 33-311.1 of the Code of Miami-Dade County, Florida, is hereby created to be titled as follows, and subsections (A)(14) through (A)(21) of section 33-311 are hereby deleted from section 33-311, inserted into section 33-311.1, and renumbered as subsections (1) through (8):

>>Section 33-311.1. – Alternative Site Development Options.<<

**Section 36.** Section 28-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 28-18. - Encroachment on or in streets.**

\* \* \*

- (d) Appeals of the director's decision regarding pump house or fence placement or removal may be taken to the Community Zoning Appeals Board pursuant to >>section<< ~~[[Section]] 33-311 [[(e), Code of Miami-Dade County, Florida,]]~~ and, thereafter, to the Board of County Commissioners pursuant to Sections 33-313 through 33-316 of the Code of Miami-Dade County, Florida >>, except that appeals of decisions relating to property within an incorporated area shall be taken directly to the Board of County Commissioners as appeals of administrative decisions in accordance with section 33-314.<<

**Section 37.** Section 28-19 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 28-19. - Variances.**

- (a) *Authority of Community Zoning Appeals Board and Board of County Commissioners.* The County's Community Zoning Appeals Board may authorize a variance from these regulations >>, except that applications for variances relating to property within an incorporated area shall be taken directly to the Board of County Commissioners in accordance with section 33-314, governing direct applications to the County Commission<<. The >>applicable board<< ~~[[Community Zoning Appeals Board]]~~ may vary the regulations so that substantial justice may be done, provided that such variance will not have the effect of nullifying the intent and purpose of the overall community plan. In granting any variance, the >>applicable board<< ~~[[County's Community Zoning Appeals Board]]~~ shall prescribe any conditions that are deemed necessary to or desirable for the public interest. In making its findings, the >>applicable board<< ~~[[Community Zoning Appeals Board]]~~ shall take into account among other things the nature of the proposed use of the land and the

existing use of the land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the >>applicable board<< ~~[[County's Community Zoning Appeals Board]]~~ finds, among other things, that all three ~~[[3]]~~ of the following conditions exist in regard to the land concerned:

\* \* \*

- (b) *Large scale developer.* The standards and requirements of these regulations may be modified by the >>applicable board<< ~~[[Community Zoning Appeals Board]]~~ in the case of a plan and program for a new town or a complete community which in the judgment of the >>applicable board<< ~~[[Community Zoning Appeals Board]]~~ provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.
- (c) *Hearing and notice.* All such variances shall be granted only after hearing and notice as prescribed in Section 33-310. The >>applicable board<< ~~[[Community Zoning Appeals Board]]~~ shall not act without considering the recommendations of the Planning Director and the Zoning Official.
- (d) *Variance to specified sections.* Where the use of a fire well or septic tank or both well and septic tank have been approved for use as provided in Sections 28-15(c)(2), 28-15(c)(3) and 28-15(d)(2), a variance to these sections need not be authorized by the >>applicable board<< ~~[[County's Community Zoning Appeals Board]]~~.

**Section 38.** 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.**

- (A) The County Commission shall have jurisdiction to directly hear the following applications:

\* \* \*

- (4) Any application encompassing property located within a municipality when jurisdiction is vested in Miami-Dade County pursuant to applicable zoning >>or subdivision<< regulations or municipal charter or interlocal agreement.

\* \* \*

**Section 39.** 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 40.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 41.** 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: June 4, 2019

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Handwritten signatures in black ink. The top signature is 'APW' and the bottom signature is 'DK'. Both are written over horizontal lines.