

**RESOLUTION NO. 07-519Z**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING REQUESTED SITE PLAN APPROVAL FILED IN ACCORDANCE WITH THE TOWN DEVELOPMENT CODE TO PERMIT A PROPOSED SHOPPING CENTER DEVELOPMENT IN THE BU-2 (SPECIAL BUSINESS DISTRICT) FOR A +/- 6.80 ACRE SITE LOCATED AT 16100 NW 57<sup>TH</sup> AVENUE, LEGALLY DESCRIBED AS (13 52 40 6.868 AC SUB OF PB 2-17 TRS 8 & 49 & 50 LESS W888.02FT & LESS E55FT FOR CANAL R/W LOT SIZE 299181 SQ FT F/A/U 30-2013-001-0520); PROVIDING FOR FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Division 3.4 of the Town's Land Development Code, Red-Palmetto Associates, LTD. (the "Applicant"), has applied for approval of a site plan for "RED PALMETTO SHOPS," a copy of the site plan is attached as Exhibit "1" (the "Site Plan") and incorporated into this Resolution by reference; and

**WHEREAS**, the Town Planner has determined that the Applicant has met the conditions imposed in Division 3.4 of the Town's Land Development Code; and

**WHEREAS**, Division 3.4 of the LDC sets forth the authority of the Town Council to consider and act upon an application for a site plan; and

**WHEREAS**, in accordance with Division 3.9 of the LDC proper notice has been mailed to the appropriate property owners of record; the public hearing on the Site Plan has been noticed for Tuesday, March 20, 2007 at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014; and all interested parties have had the opportunity to address their comments to the Town Council; and

**WHEREAS**, Town Staff has reviewed the application and recommends approval of the Site Plan, as set forth in the Staff Analysis and Recommendation dated March 20, 2007 (the "Staff Analysis"), attached as Exhibit "A," and incorporated into this Resolution by this reference; and

**WHEREAS**, the Town Council has determined that the Application satisfies the Code's requirements for Site Plan approval as set forth in Division 3.4 of the Town's LDC; and

**WHEREAS**, the Town Council finds that the Application is consistent with the Town's Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this resolution by this reference.

**Section 2. Findings.** In accordance with Division 3.4 of the LDC, the Town Council finds that the Applicant meets the criteria in Division 3.4(i), which are as follows:

- (a) The Site Plan is consistent with the Comprehensive Plan and the purpose of the zoning district in which it is located.
- (b) The Site Plan is in conformance with all applicable regulations of the zoning district in which it is located.
- (c) The Site Plan is in conformance with the Town requirements including the design and construction of streets utility facilities and other essential services.
- (d) The Site Plan is consistent with good design standards in respect to all external relationships, including, but not limited to:
  - 1. Relationship to adjoining properties.
  - 2. Internal circulation, both vehicular and pedestrian.
  - 3. Disposition of open space, use of screening or buffering and preservation of existing natural features, including trees.

4. Building arrangements both between buildings in the proposed development and those adjoining the site.
- (e) The Site Plan is in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

**Section 3. Approval.** The Town Council subject to the conditions set forth in Section 4 below, approves the Site Plan consisting of a proposed freestanding commercial business center development in the BU-2 (Special Business) zoning district. The site is a vacant parcel encompassing approximately 6.88 acres with access from the N.W 57<sup>th</sup> Avenue, Red Road Canal right-of way. The proposed 64, 880 square foot commercial business center is anticipated to include approximately 10,330 square feet of restaurant use, a 4,500 square foot bank, a 21,000 square foot Office Supply Anchor Store, an 8,500 square foot Junior Anchor Store and 20,550 square feet of retail shops.

**Section 4. Conditions of Approval.**

- (a) That the site plan be submitted to and meet the approval of the Building Department Director, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy; said plan to include among other things but not limited thereto, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping, etc.
- (b) That in the approval of the site plan, the same be in accordance with the Site Plan Submittal package that was submitted for the hearing entitled "Red Palmetto Shoppes at Miami Lakes", prepared by Keith Martin Architect, Inc. dated March 2, 2007, and signed and sealed on 3-08-07 including the Conceptual Elevation Study, the Architectural Site Plan, sheet PH-1, sheet L-1 and L-2, sheet C-1 through C-16, sheet PP-1 through PP-3, and the Tentative Plat sheet, file No. AJ-4444-A dated revised 08-01-06. The Site Plan shall include a 5 foot ADA compliant pedestrian sidewalk along the north property line subject to the Town Engineer review and approval.
- (c) That the use be established and maintained in accordance with the approved Site Plan, and shall be in compliance with the requirements of Town Ordinance No. 06-85, Declaration of Restrictions.
- (d) That any proposed residential use shall be permitted only upon approval after a public hearing.
- (e) That the Applicants remove any non-conforming structures and shall obtain Final Plat approval prior to obtaining any building permits in compliance

with all platting requirements of the Town of Miami Lakes and Chapter 28 of the Miami Dade County Code.

- (f) That the Applicants shall provide prior to the issuance of a certificate of use and occupancy a recorded pedestrian access Agreement for use by the adjacent property owners to the south, in a form approved by the Town Attorney.
- (g) That the Applicants shall provide a Unity of Title prior to the issuance of the certificate of use and occupancy in order to ensure that the property shall be maintained and developed under one ownership as a Commercial Business Center. The Unity of Title shall be in a form approved by the Town Attorney.
- (h) That the subject Site Plan and property ingress and egress shall be provided to meet with the approval of the Town Engineer in keeping with all applicable State Transportation regulations.
- (i) That the Applicant shall provide upon written request by the Town Engineer an Updated Traffic Impact Analysis Review 90 days after the issuance of a certificate of use and occupancy in order to ensure that the intersection of N.W. 57<sup>th</sup> Avenue (Red Road) and N.W. 163<sup>rd</sup> Street is operationally optimized to meet with the approval of the Town Engineer. If the Town Engineer determines that the signal is not operating optimally, the Applicant shall put forth their best efforts with the County to ensure that the signal is optimized.
- (j) That all signage on the subject site for each the buildings shall be individual letters pin mounted to the building. No exposed neon or box type signs shall be permitted. The signage for the subject site shall be the same color and should exhibit a uniform color scheme to meet with the approval of the Town Zoning Official.
- (k) That the subject Site Plan signage of a single building consisting of more than one (1) business establishment shall be substantially in accordance with the submitted Conceptual Elevation Study sheet, said signage shall not be permitted more than one (1) exterior point of sale sign affixed to the building for each such business establishment. Maximum capital letter height on any service retail tenant sign in a multi-tenanted shopping or office building shall not exceed 10% of the one face of the building area to which the sign is attached (including any ascenders and descenders) for tenants occupying less than 5,000 square feet and 24" maximum capital letter height (including ascenders and descenders) for tenants occupying greater than 5,000 square feet and less than 20,000 square feet. Maximum

capital letter height (including ascenders and descenders) for single-tenant buildings exceeding 20,000 square feet shall be 36”.

- (l) That the subject Site Plan signage of a single building shall consist of no more than two (2) wall mounted signs with a maximum letter height of 30” (including any ascenders and descenders), one sign affixed to each wall in which an entrance is located. Maximum square footage of a sign shall not exceed 10% of the one face of the building to which the sign is attached.
- (m) That the subject site plan signage shall be permitted one (1) detached standing sign on a fully supported base that is architecturally consistent with the main building of the parcel, and the freestanding sign it supports. The sign directly facing the Red Road Canal Right of Way shall be a maximum area of 40 square feet for first 50 feet of initial street frontage plus .75 square foot for each additional foot of street frontage to a maximum sign size of 300 square feet, setback fifteen (15) feet from all property lines, with a maximum height of twenty (20) feet and not interfere with clear sight distance triangle for driveways.
- (n) That the Applicants shall continuously maintain all fencing and landscaping material on the site in compliance with Chapter 18-A Landscaping Requirements, including the provision of all specified oak trees to meet the “QV1” specifications, and that all specified Royal Palms shall be provided to meet Chapter 18-A street tree requirement.
- (o) That the Applicants shall obtain a Certificate of Use and Occupancy and promptly renew the same annually, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions of this Resolution
- (p) The Applicants shall record at their expense this Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original order to the Town Clerk before a permit is issued for the Commercial Business Center.
- (q) The Applicants shall obtain a building permit and all requisite inspections within one year of the date of this approval. If a permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

**Section 5. Appeal.**

In accordance with Division 3.10 of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Violation of Conditions.**

Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of the approval granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town before they may commence construction or operation, and that the foregoing approvals in this Resolution may be revoked by the Town Council at any time upon a determination that the Applicant is in non-compliance with the Town Code.

**Section 7. Effective Date.**

This Resolution shall take effect thirty (30) days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Land Development Code and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Resolution until said appeal is resolved by a court of competent

PASSED AND ADOPTED this 20th day of March, 2007.

Motion to adopt by Councilmember Michael Pizzi, second by Councilmember Nancy Simon.

FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	absent
Councilmember Richard Pulido	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes

  
\_\_\_\_\_  
Wayne Slaton  
MAYOR

ATTEST:

  
Debra Eastman, MMC  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
Weiss, Serota, Helfman, Pastoriza,  
Cole & Boniske, P.L.  
TOWN ATTORNEY



## **TOWN OF MIAMI LAKES MEMORANDUM**

---

**To:** Honorable Mayor and Town Council  
**From:** Alex Rey, Town Manager   
**Subject:** SP 07-02 Public Hearing for Site Plan Approval  
Red-Palmetto Associates, LTD  
For Property located at 16100 N.W. 57<sup>th</sup> Avenue  
Miami Lakes, FL 33014  
**Date:** March 20, 2007

---

### **Request:**

The applicant, Red-Palmetto Associates, LTD., has applied for the following request to obtain Site Plan Approval filed in accordance with the Town Development Code pursuant to Division 3.4 of the Town Code which provides site plan review to ensure that development of individual sites is consistent with all applicable land use regulations and all other applicable standards and requirements of the Town Code, prior to issuance of development permits:

1. The request for Site Plan Approval is for a +/- 6.80 acre site located at 16100 NW 57<sup>th</sup> Avenue, in the BU-2 (Special Business District); legally described as (13 52 40 6.868 AC SUB OF PB 2-17 TRS 8 & 49 & 50 LESS W888.02FT & LESS E55FT FOR CANAL RW LOT SIZE 299181 SQ FT F/A/U 30-2013-001-0520).

### **Applicable Code Section:**

#### **DIVISION 3.4 SITE PLAN APPROVALS**

- (a) Purpose. The purpose of site plan review is to ensure that:
1. Development of individual sites is consistent with all applicable land use regulations and all other applicable standards and requirements of the Town Code, prior to issuance of development permits;
  2. Development approvals are based upon the provision and availability of adequate public facilities and services coincident with the impact of the development;

3. Development and supportive facilities and services further the public health, safety, comfort, order, appearance, convenience, morale and general welfare; and
4. Development is compatible and coordinated with existing and anticipated development within the immediate area surrounding the site.

(b) **Development and Uses Requiring Site Plan Review.** All permitted and conditional uses shall require site plan approval unless otherwise exempted from such approval by this Land Development Code, or unless waived by the Town Council pursuant to this Land Development Code. No structure or parking area, or part thereof, shall be erected or used, or any change of use consummated, nor shall any building permit be issued therefore unless a site plan for such structure or use shall have been submitted, reviewed and approved pursuant to the provisions of this Land Development Code. All buildings, or structural alterations or remodeling of buildings, where said alterations or remodeling affects fifty (50) percent or more of the floor area of the principal building or use, or the cost of said alterations or remodeling exceeds fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements, shall require site plan approval. All land improvements and site alterations of any nature whatsoever shall comply with these site plan regulations.  
(See Attachment A – Town Development Code Division 3.4)

### **Background:**

**Folio No. 32-2013-001-0520**

**Legal Description:** 13 52 40 6.868 AC SUB OF PB 2-17 TRS 8 & 49 & 50 LESS W888.02FT & LESS E55FT FOR CANAL R/W LOT SIZE 299181 SQ FT F/A/U 30-2013-001-0520

**Zoning of Property:** BU-2 – Special Business District  
(See Attachment B – BU-2 Special Business District)

**Future Land Use Designation:** I/O – Industrial / Office

***Industrial and Office (IO)*** - Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are allowable within the Industrial and Office designation. Also included are construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Limited commercial uses to serve the firms and workers in IO areas are encouraged, dispersed as small business districts and centers throughout the industrial areas.

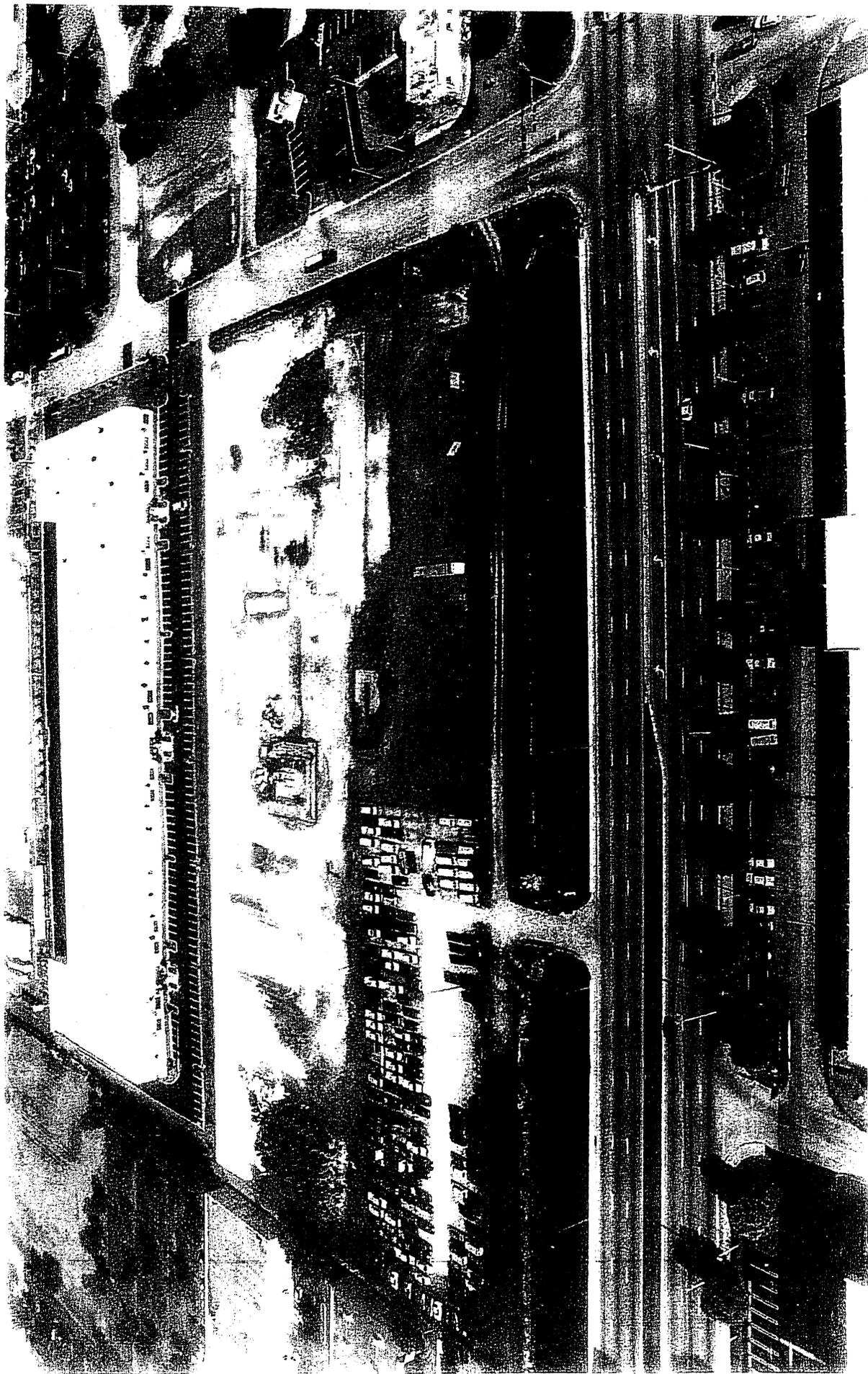
(See Attachment C – Comprehensive Plan Future Land Use Designation – IO / Industrial and Office)

## **Subject Property:**

The subject property is a vacant parcel fronting the N.W 57<sup>th</sup> Avenue, Red Road Canal right-of way. The property is located in the East Miami Lakes Community, south of the Palmetto Expressway, north of N.W. 159<sup>th</sup> Street, and west of N.W. 57<sup>th</sup> Avenue. This area is characterized by large office buildings with commercial uses to the east on N.W. 57<sup>th</sup> Avenue which serve not only the workers in the area, but the residential developments to the west as well. There is an existing Taco Bell and Auto Parts store directly to the north of the subject site. The Miami Dade County Property Appraiser records indicate that the site encompasses approximately 6.88 acres.

## **Subject Property Location Map:**





### **Open Permits / Violations & Zoning History:**

There are no open permits or violations on the subject property.

In 1963, the Miami Dade County Board of County Commissioners granted a rezoning request from GU, AU, RU-1 to IU-C (Resolution Z-70-63) which included the subject property.

In 1965, the Miami Dade County Zoning Appeals Board granted a rezoning request from AU-to IU-C and an Unusual Use for Lake Excavation (Resolution 3-ZAB-453-65) which included the subject property.

In 1987, the Miami Dade County Zoning Appeals Board granted a Modification to previous Resolution 3-ZAB-453-65 to submit a revised plan (Resolution 4-ZAB-459-87) which included the subject property.

In 1991, the Miami Dade County Zoning Appeals Board granted a Non-Use Variance for Trailers (Resolution 4-ZAB-91-91) which included the subject property.

In 1995, the Miami Dade County Zoning Appeals Board granted an Unusual Use for Watchman's Quarters and a Use Variance for a Concrete Batching Plant (Resolution 5-ZAB-346-95) which included the subject property.

In 2006, the Town of Miami Lakes Town Council granted a preliminary plat request entitled "Red-Palmetto Shops"(Resolution 06-456Z) for the subject property.

In 2006, the Town of Miami Lakes Town Council granted a rezoning request from IU-C to BU-2 (Ordinance No. 06-85) for the subject property.

### **Proposal:**

The applicant seeks Site Plan approval to permit a proposed freestanding commercial business center development in the BU-2 (Special Business) zoning district. The site is a vacant parcel encompassing approximately 6.88 acres with access from the N.W 57<sup>th</sup> Avenue, Red Road Canal right-of way. The proposed 64, 880 square foot commercial business center is anticipated to include approximately 10,330 square feet of restaurant use, a 4,500 square foot bank, a 21,000 square foot Office Supply Anchor Store, an 8,500 square foot Junior Anchor Store and 20,550 square feet of retail shops.

The site was recently rezoned from IU-C to BU-2 via Town of Miami Lakes Town Council Ordinance No. 06-85, as part of the rezoning approval the Town Council accepted a voluntarily proffered Declaration of Restrictions which would prohibit night clubs, pubs, and bars not a part of a bona fide restaurant, and billiard rooms and pool rooms not a part of a bona fide restaurant use, as well as large scale business in order to provide consistency with the Comprehensive Plan policy of allowing for limited commercial uses to serve the firms and workers in Industrial and Office areas. The Declaration obligates current or future owner(s) of the property to obtain final site plan approval following a separately noticed public hearing application prior to commencing development of the property.

**Compliance with Town Development Regulations**  
**Section 3.4 Site Plan Approvals / Public Hearing Criteria:**

**(b) Development and Uses Requiring Site Plan Review.** All permitted and conditional uses shall require site plan approval unless otherwise exempted from such approval by this Land Development Code, or unless waived by the Town Council pursuant to this Land Development Code.  
(See Attachment A: Site Plan Review Criteria)

**(i) Findings.**

**(1)** The granting or granting with conditions or changes of approval by written resolution shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes or special conditions. The resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following:

**(a) In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.**

The future land use designation in the Town's Comprehensive Plan for the property is IO – Industrial and Office and the property is zoned BU-2.

Subject property: IO – Industrial / Office and the property is zoned (BU-2 – Special Business District)

Surrounding Property Designation and Existing Uses:

North: Industrial and Office & Business and Office; (IU-C) & (BU-1A)  
Office Building, Taco Bell and Auto Dealer

East: Business and Office & Industrial and Office; (IU-C) & (BU-2)  
Offices, warehouses and Home Depot

South: Industrial and Office; (IU-C)  
Offices, and warehouses

West: Industrial and Office; (IU-C) & (BU-2)  
Offices, warehouses, Costco and Lake

The Industrial and Office land use designation accommodates Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are allowable within the Industrial and Office designation. Also included are construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings.

The Town of Miami Lakes Comprehensive Plan provides that "limited commercial uses to serve the firms and workers in IO areas are encouraged, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses which are 10 acres and less in size should front on major access roads, particularly near major intersections."

- Staff notes that the site is located at 16100 N.W. 57<sup>th</sup> Avenue, at the intersection of two-section line roads. The site has access points available from both major thoroughfares at N.W. 57<sup>th</sup> Avenue and N.W. 163<sup>rd</sup> Street in keeping with the above-mentioned Comprehensive Plan policy.
- The subject site plan application for the proposed 6.88 acre commercial business center development is permitted in this land use category and is consistent with the Town's Comprehensive Development Master Plan.
- The proposed Site plan Approval request meets the minimum parameters of the purpose and intent of the BU-2 zoning district. The proposed development will provide for retail and service convenience facilities, and more specialized commercial facilities which may serve several neighborhoods, as well as, providing for large scale commercial and/or office facilities which service the needs of large urban areas.
- Additionally, staff notes that the subject site currently proposed to be developed with a freestanding commercial business center development comprised of five buildings totaling 64,880 square feet will be required unless variances are requested to meet all BU-2 Land Development Code regulations.

(b) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

➤ Staff notes that the submitted site plan meets the minimum parameters including size and frontage for BU-2 development, please see the analysis table below:

<b>DEVELOPMENT CODE BU-2 PARAMETER ANALYSIS</b>		
	<b>Parcel Location: 16100 N.W. 57<sup>th</sup> Avenue</b>	
<b>USE:</b>	<b>Free Standing Retail Commercial Center</b>	
<b>BU-2 Criteria</b>	<b>Required</b>	<b>Provided</b>
Minimum Lot Size	7500 Sq. Ft.	307,158 Sq. Ft.
Minimum Lot Width	75 Feet	830 Feet
Minimum Front Setback	20 Feet	65 Feet
Minimum Rear Setback	15 Feet	40 Feet
Minimum Interior Side Setback	5 Feet	50 Feet
Minimum Side Street Setback	15 Feet (For Bldg. adjacent to any street if Bldg. Height 35' to 40' setback 25' after which 1' setback for each additional 5' of height.)	90 Feet
Maximum Lot Coverage	40%	21%
Minimum Open Space	14%	18%
Maximum Height	7 Stories Max.	1 Story w/t 45' Tower Features
Maximum Floor Area Ratio (FAR)	40%	21%
Minimum Parking Spaces	322 = 1/250 sq. ft. Retail & 1/50 sq. ft. Restaurant Patron Area	330
<b>Provided Parameters Meet or Exceed Minimum Development Requirements:</b>	<b>Yes</b>	

**(c) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.**

The subject Site Plan is in conformance pursuant to consistency with the adopted infrastructure minimum levels of service standards and the concurrency management program. The subject application proposes a commercial development consisting of five buildings totaling 64,880 square feet. The five buildings include a restaurant, a bank, a Junior Anchor Store, and an Office Supply Anchor Store with retail shops.

- Staff notes that the subject site located at 16100 N.W. 57<sup>th</sup> Avenue, is at the intersection of two-section line roads, and has well located access points available from both major thoroughfares at N.W. 57<sup>th</sup> Avenue and N.W. 163<sup>rd</sup> Street. The proposed commercial development is anticipated to generate approximately 4,140 daily trips, approximately 98 trips during the AM peak hour, and approximately 380 trips during the typical afternoon peak hour. Furthermore, approximately 20% of the project traffic includes trips that are already traveling along Red Road. The intersection of Red Road and NW 163<sup>rd</sup> Street is currently operating at an acceptable level of service and will continue to operate adequately with the proposed project in place.
- The subject application satisfies Town requirements subject to conditions with respect to the design and construction of streets, utilities, and other essential services including but not limited to review of the of Public Right-of-Way Dedications, Utility Easements, and Parking Standards, etc., as per staff Site Plan Review and Traffic / Concurrency Memorandum (Exhibit 2 & 3). Staff has determined that the subject application meets the provisions of Ordinance 05-79 "Transportation Concurrency Program" and may be recommended for Site Plan approval subject to conditions to address existing pedestrian access deficiencies, and contingent upon compliance with the requirements delineated below:
  - a. Staff has completed a review of the revised traffic impact analysis (dated July 2006 & November 22, 2006 by Tinter Associates, Inc.) associated with the proposed Site Plan approval request for approximately 64,880 square feet of commercial and offices uses, and concluded the project meets the provisions of Ordinance 05-79 "Transportation Concurrency Program". However, a reanalysis to ensure that the intersection of N.W. 57<sup>th</sup> Avenue (Red Road) and N.W. 163<sup>rd</sup> Street is operationally optimized shall be required.
  - b. That the applicant shall provide all of the proposed oak trees on the site to meet the specifications outlined for the "qv1" as indicated on the landscape plans, and that the proposed Royal Palm trees shall be provided with a 10 foot gray wood requirement to match the architectural rendering provided on the conceptual elevation plans.

(d) **In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:**

- 1. Relationship to adjoining properties.**
- 2. Internal circulation, both vehicular and pedestrian.**
- 3. Disposition of open space, use of screening or buffering and preservation of existing natural features including trees.**
- 4. Building arrangements both between buildings in the proposed development and those adjoining the site.**

The proposed Commercial Business Center situated within the 6.88 acre site is buffered from the Town's residential development to the west by industrial and commercial uses. To the north and east of the subject site are offices and commercial uses including a Taco Bell restaurant, an Auto Part store, a Bank, and an Auto Showroom development, to the south and west are office and warehouse developments, including a Costco membership warehouse establishment.

- Considering the type of surrounding uses which are offices, other commercial uses and warehouses the subject commercial development will provide a positive relationship to adjoining properties. The proposed commercial establishments including the proposed Restaurant and Office Supply Store will provide needed services to the area office and warehouse developments, providing a beneficial impact on the adjacent or neighboring properties. In fact, staff notes that the property had been in use as part of a concrete batching plant operation, and that the proposed site plan integrates uses more in keeping with the surrounding area existing land use pattern.
- The proposed Site Plan incorporates a well defined internal circulation for both the vehicular and pedestrian traffic. The site is well-connected with pedestrian paths that are separate from the vehicular parking areas and drives. The development is easily accessed from the Red Road commercial corridor and provides a centrally located entry point that is architecturally defined and on axis with the main commercial building.
- The proposed BU-2 uses are provided with setbacks and buffers more in keeping with the existing commercial and office development pattern for the area. The open space is provided effectively with pedestrian walks and well placed landscaped islands. The landscaped areas reintroduce greens and trees into a previously barren vacant parcel.

- Additionally, the proposed site plan incorporates a well integrated building pattern that is reinforced with common well balanced architectural features such as coordinated shade canopies, and common window and roof patterns accentuated by well proportioned entry towers. The proposed commercial development centrally locates commercial uses, and needed services for the workers and firms of the surrounding area. However, externally staff does note that the proposed development lacks proper pedestrian connections and would significantly benefit from the provision of sidewalk connections along the north property line in order to improve pedestrian connectivity to other existing commercial developments.

- (e) **In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.**

The proposed Commercial Business Center has complied with Opinion of Title requirements and Concurrency Review subject to conditions and to bond requirements as per staff Site Plan Review and Traffic / Concurrency Memorandum (Exhibit 2 & 3).

## **Analysis:**

The subject vacant property is comprised of approximately 6.88 acres, located south of N.W 163<sup>rd</sup> Street, west of N.W. 57<sup>th</sup> Avenue, and is zoned BU-2 Special Business District. The Town Comprehensive Development Master Plan designates the subject property for Industrial and Office use. The Site Plan Approval request for the less than 10 acre free standing commercial development if approved is consistent with the Comprehensive Development Plan and will meet acceptable levels of service (LOS) standards for the Town Concurrency Management Plan.

The subject property was recently rezoned to BU-2 as per Town of Miami Lakes Town Council Ordinance No. 06-85 which approved a conceptual commercial development site plan for the subject property, and accepted a voluntarily proffered Declaration of Restrictions. The Declaration of Restrictions prohibits night clubs, pubs, and bars not a part of a bona fide restaurant, and billiard rooms and pool rooms not a part of a bona fide restaurant use, as well as large scale business in order to provide consistency with the Comprehensive Plan policy of allowing for limited commercial uses to serve the firms and workers in Industrial and Office areas. The Declaration obligates current or future owner(s) of the property to obtain final site plan approval following a separately noticed public hearing application prior to commencing development of the property.

The subject Site Plan Approval request will satisfy the above-mentioned Declaration requirement, and is in keeping with the Town Development Code pursuant to Division 3.4 of the Town Code. Division 3.4 provides site plan review to ensure that development

of individual sites is consistent with all applicable land use regulations and all other applicable standards and requirements of the Town Code, prior to issuance of development permits.

The subject Site Plan has been reviewed by staff pursuant to consistency with the adopted infrastructure minimum levels of service standards and the concurrency management program as per the submitted site plan. (See Site Plan Documents Exhibit 1 and See Staff Review Memorandum Exhibit 2, and 3). The request proposes development of a free standing commercial business center comprised of five buildings totaling 64,880 square feet. The five buildings include approximately 10,330 square feet of restaurant use, a 4,500 square foot bank, a 21,000 square foot Office Supply Anchor Store, an 8,500 square foot Junior Anchor Store and 20,550 square feet of retail shops. Staff reviewed this application with respect to the required Site Plan Review Criteria as per Section 3.4 of the Town Code, and the submitted site plan is recommended for approval subject to conditions. Specifically, staff has completed a review of the revised traffic impact analysis (dated July 2006 & November 22, 2006 by Tinter Associates, Inc.) associated with the proposed Site Plan approval request for approximately 64,880 square feet of commercial and offices uses, and concluded the project meets the provisions of Ordinance 05-79 "Transportation Concurrency Program.

Staff notes that the submitted site plan meets the minimum parameters including size and frontage for BU-2 development. The proposed 6.88 acre Commercial Business Center is buffered from the Town's residential development to the west by industrial and commercial uses. Considering the type of surrounding uses which are offices, other commercial uses and warehouses the subject commercial development will provide a positive relationship to adjoining properties. The proposed commercial establishments including the proposed Restaurant and Office Supply Store will provide needed services to the area office and warehouse developments, providing a beneficial impact on the adjacent and neighboring properties. In fact, staff notes that the property had been in use as part of a concrete batching plant operation, and that the proposed site plan integrates uses more in keeping with the surrounding area existing land use pattern. The proposed Site Plan incorporates a well defined internal circulation for both the vehicular and pedestrian traffic, as well as a centrally located auto stacking area for access onto the Red Road corridor. The site plan maintains service areas towards the rear of the site in a well coordinated manner, and is well-connected with pedestrian paths that are separate from the vehicular parking areas and drives. The development is easily accessed from the Red Road commercial corridor and a centrally located entry point is provided that is architecturally defined and on axis with the main commercial building. The open space is provided effectively with pedestrian walks and well placed landscaped islands. The landscaped areas reintroduce greens and trees into a previously barren vacant parcel.

Additionally, the proposed site plan incorporates a well integrated building pattern that is reinforced with common well balanced architectural features such as coordinated shade canopies, and common window and roof patterns accentuated by well proportioned

entry towers. However, externally staff does note that the proposed development lacks proper pedestrian connections and would significantly benefit from the provision of sidewalk connections along the north property line in order to improve pedestrian and transit connectivity to other existing commercial developments.

The proposed BU-2 uses are provided with setbacks and buffers more in keeping with the existing commercial and office development pattern for the area. However, because of the nearby Airport land use staff has concerns as to the adverse compatibility of residential uses, or a school or religious facility use within close proximity to the Opa Locka Airport. Since the school and religious facility uses are prohibited as per the previously proffered Declaration of Restrictions, and the compatibility of a residential use is a concern staff recommends that any proposed residential use be permitted only upon approval after public hearing. Therefore, staff supports approval of the subject site plan subject to conditions. Said Site Plan is proposed in harmony with adjacent land uses, and would not adversely impact land use activities in the immediate vicinity. Accordingly, staff recommends approval of the subject application.

**Recommendation:** Staff recommends approval of the Site Plan with Conditions

**Conditions:**

1. That the site plan be submitted to and meet the approval of the Building Department Director, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy; said plan to include among other things but not limited thereto, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the site plan, the same be in accordance with the Site Plan Submittal package that was submitted for the hearing entitled "Red Palmetto Shoppes at Miami Lakes", prepared by Keith Martin Architect, Inc. dated March 2, 2007, and signed and sealed on 3-08-07 including the Conceptual Elevation Study, the Architectural Site Plan, sheet PH-1, sheet L-1 and L-2, sheet C-1 through C-16, sheet PP-1 through PP-3, and the Tentative Plat sheet, file No. AJ-4444-A dated revised 08-01-06. Except as herein modified to include a 5 foot ADA compliant pedestrian sidewalk along the north property line subject to the Town Engineer review and approval.
3. That the use be established and maintained in accordance with the approved plan, and shall be in compliance with the requirements of Town Ordinance No. 06-85, Declaration of Restrictions. Except as may be modified by any zoning resolution applicable to the subject property.
4. That any proposed residential use shall be permitted only upon approval after a public hearing.

5. That the Applicants remove any non-conforming structures and shall obtain Final Plat approval in compliance with all platting requirements of the Town of Miami Lakes and Chapter 28 of the Miami Dade County Code.
6. That the Applicants shall provide prior to the issuance of a certificate of use and occupancy a recorded vehicular / pedestrian cross-access Agreement for use by the adjacent property owners to the south. The Agreement shall be approved by the Town Attorney prior to recordation.
7. That the Applicants shall provide a Unity of Title in order to ensure that the property shall be maintained and developed under one ownership as a Commercial Business Center. The Unity of Title shall be approved by the Town Attorney prior to recordation.
8. That the subject site plan and property ingress and egress shall be provided to meet with the approval of the Town Engineer in keeping with all applicable State Transportation regulations.
9. That the Applicant shall provide an Updated Traffic Impact Analysis Review prior to the issuance of a certificate of use and occupancy in order to ensure that the intersection of N.W. 57<sup>th</sup> Avenue (Red Road) and N.W. 163<sup>rd</sup> Street is operationally optimized to meet with the approval of the Town Engineer.
10. That all signage on the subject site for each the buildings shall be individual letters pin mounted to the building. No exposed neon or box type signs shall be permitted. The signage for the subject site shall be the same color and should exhibit a uniform color scheme to meet with the approval of the Town Zoning Official.
11. That the subject site plan signage of a single building consisting of more than one (1) business establishment shall be substantially in accordance with the submitted Conceptual Elevation Study sheet, said signage shall not be permitted more than one (1) exterior point of sale sign affixed to the building for each such business establishment. Maximum capital letter height on any service retail tenant sign in a multi-tenanted shopping or office building shall be 18" (including any ascenders and descenders) for tenants occupying less than 5,000 square feet and 24" for tenants occupying greater than 5,000 square feet. Maximum capital letter height (including ascenders and descenders) for single-tenant buildings of less than 20,000 square feet shall be 24". Maximum capital letter height (including ascenders and descenders) for single-tenant buildings exceeding 20,000 square feet shall be 30".
12. That the subject site plan signage of a single building shall consist of no more than two (2) wall mounted signs with a maximum letter height of 30" (including any ascenders and descenders), one sign affixed to each wall in which an entrance is located. Maximum square footage of a sign shall not exceed 10% of the one face of the building to which the sign is attached.

13. That the subject site plan signage shall be permitted one (1) detached standing sign on a fully supported base that is architecturally consistent with the main building of the parcel, and the freestanding sign it supports. The sign directly facing the Red Road Canal Right of Way shall be a maximum area of 40 square feet for first 50 feet of initial street frontage plus .75 square foot for each additional foot of street frontage to a maximum sign size of 200 square feet, setback fifteen (15) feet from all property lines, with a maximum height of fifteen (15) feet and not interfere with clear sight distance triangle for driveways.
14. That the Applicants shall continuously maintain all fencing and landscaping material on the site in compliance with Chapter 18-A Landscaping Requirements, including the provision of all specified oak trees to meet the "QV1" specifications, and that all specified Royal Palms shall be provided to meet a 10-foot gray wood requirement.
15. That the Applicants shall obtain a Certificate of Use and Occupancy and promptly renew the same annually, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions
16. The Applicants shall record at their expense the Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original order to the Town Clerk before a permit is issued for the commercial center.
17. The Applicants shall obtain a building permit and all requisite inspections within one year of the date of this approval. If a permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

**AR:MIC**

## **ATTACHMENTS & EXHIBITS:**

ATTACHMENT "A" – Town of Miami Lakes Development Code  
(Division 3.4)

ATTACHMENT "B" – Business (BU Permitted Uses)

ATTACHMENT "C" – Business and Office  
(Comprehensive Plan Designation)

ATTACHMENT "D" – Resolution Z-70-63  
Resolution 4-ZAB-459-87  
Resolution 4-ZAB-91-91  
Resolution 5-ZAB-346-95  
Town of Miami Lakes,  
Resolution Z-185-06 and Ord. 06-85

EXHIBIT "1" – Site Plan

EXHIBIT "2" – Staff Review Memorandum  
(Red-Palmetto Shoppes at Miami Lakes  
Site Plan Review)

EXHIBIT "3" – Staff Review Memorandum  
(Traffic Concurrency Review)

## **ATTACHMENT A: 3.4 SITE PLAN APPROVALS**

(a) **Purpose.** The purpose of site plan review is to ensure that:

1. Development of individual sites is consistent with all applicable land use regulations and all other applicable standards and requirements of the Town Code, prior to issuance of development permits;
2. Development approvals are based upon the provision and availability of adequate public facilities and services coincident with the impact of the development;
3. Development and supportive facilities and services further the public health, safety, comfort, order, appearance, convenience, morale and general welfare; and
4. Development is compatible and coordinated with existing and anticipated development within the immediate area surrounding the site.

(b) **Development and Uses Requiring Site Plan Review.** All permitted and conditional uses shall require site plan approval unless otherwise exempted from such approval by this Land Development Code, or unless waived by the Town Council pursuant to this Land Development Code. No structure or parking area, or part thereof, shall be erected or used, or any change of use consummated, nor shall any building permit be issued therefore unless a site plan for such structure or use shall have been submitted, reviewed and approved pursuant to the provisions of this Land Development Code. All buildings, or structural alterations or remodeling of buildings, where said alterations or remodeling affects fifty (50) percent or more of the floor area of the principal building or use, or the cost of said alterations or remodeling exceeds fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements, shall require site plan approval. All land improvements and site alterations of any nature whatsoever shall comply with these site plan regulations.

(c) **Waiver.** The Town Council shall have the authority to waive site plan requirements for modifications to existing structures that are necessary in order to comply with the requirements of the Town's adopted Life Safety Code.

(d) **Application.**

All site plan applications shall be reviewed and approved in accordance with the provisions herein prior to obtaining a building or other development approval.

(e) **Exemptions from site plan review.**

No site plan review shall be required under this division for the following improvements:

1. Individual Single-family dwellings and duplexes, however, for single family or duplex lakefront properties, any improvements or structures on the waterside of the top of the slope require site plan review.
2. Landscape changes which do not decrease the landscape or pervious area;
3. Decks or walkways which do not exceed 12 inches above existing grade and do not reduce the landscaped or pervious area below the minimum requirements;
4. Utility sheds and accessory structures which do not exceed 100 square feet, so long as each lot or contiguous area under unity of title does not exceed one shed per property;
5. Fences;
6. Flag poles;
7. Signs, unless the signs are part of a new building or development which requires site plan approval.
8. Alterations or remodeling to existing buildings which affect less than fifty (50) percent of the floor area of the principal building or use, or the cost of said alterations or remodeling is less than fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements.

The above exemptions shall be included as part of any development project otherwise requiring site plan review.

**(f) Application.**

**(1) Town Review**

- (a) The Town Administrator may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review when it meets one (1) or more of the following criteria:
  - 1 Encompasses two (2) or more acres of land within the application;
  - 2 Proposes fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet of nonresidential building area;
  - 3 Requires, by the nature and content of the application, professional expertise in one (1) or more professions not available on the administrative staff of the Town.

(b) The cost of retaining the consultants shall be borne by the applicant.

(2) Submission requirements.

Applications for site plan review shall be accompanied by the following information and processed by the Town only after the applicant has complied with the following procedural requirements.

- (a) The initial application shall include two (2) copies of all site plans and required supporting documentation together with an application signed by the owner of record and submitted to the Administrative Official. If it is determined by the Administrative Official that the site plan application requires approval by the Town Council, then twelve (12) copies of all site plans and supporting documentations must be submitted before a public hearing can be scheduled.
- (b) Any portion of a site plan involving architecture, landscape architecture, engineering or surveying shall be certified by the individual responsible for the portion of the site plan and shall bear the seal, registration number, name and address of said individual.
- (c) All site plans shall be prepared at a scale not smaller than one (1) inch equals forty (40) feet and shall be submitted on sheets twenty-four (24) by thirty-six (36) inches.
- (d) All site plans submitted for review and approval shall include the following information for all existing and proposed improvements:
  - 1. Location map at a scale of not less than one (1) inch equals two hundred (200) feet.
  - 2. Every site plan shall show the name and address of the owner and/or developer, the county, state, legal description, north arrow, date and scale of drawing and number of sheets. In addition, it shall reserve a blank space on the front page; three (3) inches wide and five (5) inches high for the use by the Town.
  - 3. A boundary survey, including legal description of the tract, at a scale of one (1) inch equals forty (40) feet, showing the location and type of boundary evidence.
  - 4. Deed, title abstract, and verified statement showing each and every individual person having a legal or equitable ownership interest in the subject property, except publicly held corporations, in which case the names and addresses of the principal, corporate officers and directors shall included.

5. All existing and proposed street right-of-way reservations and easements, canals and watercourses, their names, numbers and widths; as well as the owner, existing zoning and present use of all adjoining properties.
6. The density or intensity of land use to be allocated to all parts of the site to be developed together, with tabulations by area and percentages thereof. Such allocations shall include, but not be limited to:
  - i. Total site area
  - ii. Density (dwelling units per acre) or intensity (units per acre or ratio of gross floor area to total site area)
  - iii. Total floor area by floor
  - iv. Percentage of site covered by building(s)
  - v. Pervious space and landscaped area(s)
  - vi. Vehicular circulation and parking area(s)
  - vii. Location, area and use of all other portions of the site; i.e. setbacks.
7. The location, size and character of any common open space, and the form of organization proposed to own and maintain any common open space.
8. The proposed location, general use, number of floors, height and the net and gross floor area for each building to include outside display areas, and where applicable, the number, size and type of dwellings.
9. Location, type and size of vehicular entrances to the site.
10. Location, type, size and height of fencing, walls and screen planting where required under the provisions of this Land Development Code.
11. Off-street parking, loading spaces and walkways, indicating type of surface, size, angle and width of stalls and aisles, together with a schedule showing the number of parking spaces provided and the number required by the provisions of this Land Development Code;
12. All proposed signs and exterior lighting;
13. The provisions for the disposition of open space and a landscape and irrigation plan indicating the location, type, size and description of all proposed landscape materials including the limits or extent of tree removal or tree protection including compliance with the Town's tree regulations.

14. All existing and proposed utilities, including, but not limited to:
  - i. Water and sanitary sewer or on-site septic tank.
  - ii. Telephone, electric, gas and other utilities.
  - iii. Solid waste disposal facilities including containers or other equipment.
15. Provisions for the adequate disposition of natural and stormwater in accordance with the adopted design criteria and standards of the Town, indicating the location, size, type and grade of ditches, catch-basins and pipes and connections to the existing drainage system on site system, as well as compliance with all DERM criteria.
16. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.
17. Existing topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) percent, in which case either one-foot contours or spot elevations shall be provided where necessary, but not more than one hundred (100) feet apart in both directions.
18. Proposed finished grading by contours supplemented where necessary by spot elevations and in particular at those locations along lot lines.
19. All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the nearest one-tenth of a foot (0.1'); and all bearings in degrees, minutes and seconds to the nearest second.
20. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
21. Any additional data, plans or specifications which the applicant believes is pertinent and will assist in clarifying the application.
22. All requested variances that would require approval of the Town. Said variances shall be obtained prior to submittal of the site plan application.

23. **Concurrency Facilities and Other Utilities or Services.** Site plans shall satisfy concurrency management requirements of this Land Development Code. The application shall identify demands on concurrency facilities generated by the proposed development and identify how the demands shall be accommodated through improvements. The site plan shall also list the utility providers currently serving the site, together with a description of the existing infrastructure serving the site. Include on the site plan the location, design and character of all concurrency facilities and other utilities, such as underground or overhead electric lines, gas transmission lines, or other similar facilities or services. Concurrency facilities shall include the following:

i. **Potable Water Supply.**

Identify projected average daily potable water demands at the end of each development phase and specify the consumption rates which have been assumed for the projection.

Provide proof of coordination with the Miami-Dade County Water and Sewer Department. Assess the present and projected capacity of the water supply system and the ability of such system to provide adequate water for the proposed development.

Describe measures taken to ensure the water pressure and flow will be adequate for fire protection for the type of construction proposed. Provide sizing of distribution lines, rim and invert elevations, direction of flow and top and bottom elevations.

Denote both planned system improvements required to establish or maintain adopted level of service and proposed funding resources to provide these improvements.

ii. **Wastewater Management.**

Where septic tank and waste disposal drain fields are proposed, provide proof of coordination with Miami-Dade County Department of Environmental Resource Management.

Where the Miami-Dade County sewage system is to service the site, provide projected average daily flows of wastewater generated by the development at the end of each development phase. Describe proposed treatment system, method and degree of treatment, quality of effluent, and location of effluent and sludge disposal areas. Identify method and responsibilities for operation and maintenance of facilities. Provide sizing of collection lines, rim and invert elevations, direction of flow and top and bottom elevations.

If public facilities are to be utilized, provide proof of coordination with the Miami-Dade County Water and Sewer Department. Assess the present and projected capacity of the treatment and transmission facilities.

Denote any planned system improvements required to establish or maintain adopted level of service.

- iii. **Water Quality.** Discuss disposal areas, septic tank drain field, urban runoff areas impervious surfaces, and construction related runoff. Describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of potential pollution sources upon the quality of the receiving waters prior to, during and after construction.

Identify any wastewater disposal areas, septic tank drain field, urban runoff areas impervious surfaces, and construction related runoff. Describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of these potential pollution sources upon the quality of the receiving waters prior to, during and after construction.

Describe plans for re-vegetation and landscaping of cleared sites including a completion schedule for such work.

- iv. **Stormwater Management.** A stormwater management plan for the site shall be provided, including:

Design and specification to comply with concurrency management;

Retention of runoff or discharge of such runoff into adequately sized natural vegetative filtration areas in manner approximating the natural runoff regime;

Permanent drainage systems which make maximum use of natural drainage patterns, vegetative retention and filtration; and

Evidence that the proposed drainage improvements shall accommodate stormwater run-off without adversely impacting natural systems or the Town's adopted level of service for drainage.

- v. **Solid Waste.** Identify projected average daily volumes of solid waste generated by the development at the end of each phase. Indicate proposed methods of treatment and disposal, including identification of any hazardous waste and means of disposal. Provide proof of coordination with Miami-Dade County Department of Solid Waste Management. Assess the present and projected capacity of the solid waste treatment and disposal system and the ability of such facilities to provide adequate service to the proposed development. Provide proposed location and screening of containers or other equipment.
- vi. **Roadway.** Traffic studies shall be prepared by a licensed Florida traffic engineer. Provide a projection of the expected vehicle trip generation at the completion of each development phase. Describe in terms of external trip generation and average daily as well as peak hour traffic. Evaluate the capacity of the existing roadway network serving the development. Provide recommendations for any required improvements to the existing network required by the proposed development including additional right-of-way, roadway improvements, additional paved lanes, traffic signalization, access and egress controls, and other similar improvements.
- vii. **Recreation.** Identify projected demand generated by the development and describe land and facility improvements provided to ensure the Town's adopted level of service is not adversely impacted.
- viii. **Fire Protection.** Identify existing and proposed hydrant locations in relationship to building(s) and other fire protection systems. The applicant may be required by the Miami-Dade County Fire Rescue Department to provide fire wells to augment the available water supply.
- ix. **Other Public Facilities.** Discuss provisions included in the proposed development to minimize adverse affects upon the following facilities: educational, police, fire protection, health care and disaster preparedness, telephone, electric power, gas, and other utilities. Include map of the service areas of all existing and proposed public facilities (such as sewage, water supplies, fire protection, health care) which serve the site, and a map of the transportation network impacting the site and surrounding area.
- x. **Historic and Archaeological Resource Protection.** Include a review of the project's impact on archaeological and historic resources.

(g) **Submission and review procedures.**

(1) An application for a site plan review shall be made to the Town prior to an application for a building or development approval and will only be accepted if the application complies with all other provisions of the Town Code.

(2) Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for site plan review. In cases where intergovernmental coordination efforts are incomplete, the Applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

(3) Upon receipt of a site plan application, the Town shall have ten (10) working days for residential applications and fourteen (14) days for non-residential applications to determine its appropriateness and completeness and accept or reject the application. As soon as practical after the acceptance of the application, the Administrative Official shall either approve the site plan or refer the application, together with all supporting documentation and staff recommendations, to the Town Council for its review and action.

(4) Upon receipt of the application, the Town Council shall review said site plan and by written resolution take one (1) of the following actions together with its findings in respect to the proposed development as set forth in this division.

(a) Approval as submitted.

(b) Approval with changes and/or special conditions.

(c) Denial.

(h) **Public Hearing.** Prior to taking action on any site plan submitted, the Town Council shall hold a quasi-judicial public hearing at which time all interested parties shall be heard. Notice of the public hearing shall be given as provided in Division 3.9.

(i) **Findings.**

(1) The granting or granting with conditions or changes of approval by written resolution shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes or special conditions. The resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following:

(a) In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.

(b) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

(c) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.

(d) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:

1. Relationship to adjoining properties.

2. Internal circulation, both vehicular and pedestrian.

3. Disposition of open space, use of screening or buffering and preservation of existing natural features including trees.

4. Building arrangements both between buildings in the proposed development and those adjoining the site.

(e) In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

(j) Upon the Town Council granting of approval, either as submitted or with changes and/or special conditions, the Administrative Official shall upon application, issue a building permit for a portion or all of the proposed development after it is found that the application is in compliance with the approved site plan, Florida Building Code, and all other Town, county, state and federal requirements.

(k) Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this Division and Division 3.2.

(l) **Appeals.** Within thirty (30) days of action taken by the Town Council, the applicant may appeal the decision under Division 3.10 of this Land Development Code.

(m) **Transferability.** In the event the property receiving site plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the site plan approval, unless stated otherwise, shall be transferable.

## ATTACHMENT B: (BU-1, BU-1A & BU-2) PERMITTED USE CRITERIA

### **BU-1, NEIGHBORHOOD BUSINESS DISTRICT\***

\* **Editors Note:** Ord. No. 74-22, § 1, adopted April 16, 1974, amended Art. XXIV, pertaining to the BU-1 District, to read as set out in §§ 33-327--33-245.2. Formerly Art. XXIV, §§ 33-237--33-245, was derived from Ord. No. 57-19, § 18(A)--(C), (E)--(G), adopted Oct. 22, 1957; Ord. No. 62-18, § 1, adopted April 17, 1962; Ord. No. 64-19, § 6, adopted May 5, 1964; and Ord. No. 69-54, § 1, adopted Sept. 17, 1969.

Section 4 of said Ord. No. 74-22 provides:

"Section 4. The provisions of this ordinance shall become effective ten (10) days from date of its enactment. However:

"Provisions of this ordinance shall not apply to those buildings for which a building permit has been issued and is in effect or for which proper and complete applications and plans have been submitted for building permits within sixty (60) days from the effective date of this ordinance provided that the construction under the permit shall be commenced and progressively carried to a conclusion within the time limitations for permits established by the Building Code. As to all such buildings, the pertinent zoning regulations in effect prior to the effective date of this ordinance shall be applicable. Where a development or project site plan has been approved prior to the adoption of this ordinance by resolution of the Zoning Appeals Board or Board of County Commissioners, or prior to the adoption of this ordinance, an agreement, letter of intent, or performance standards encompassing all of the basic items constituting a site plan has been recorded or adopted by resolution of the Zoning Appeals Board or the Board of County Commissioners, this ordinance shall not be applicable thereto so long as the following conditions are met:

(1)

This exception shall apply only to those properties covered by that specific site plan, letter of intent, performance standards, or agreement.

(2)

Such project is developed in accordance with the approved site plan or agreement letter of intent or performance standards and in accordance with pertinent regulations in effect prior to the effective date of this ordinance.

(3)

Such development or project shall be commenced on or before the expiration of nine (9) months from the effective date of this ordinance. Site preparation, such as filling or excavating as well as commencement of construction of buildings, shall, for the purpose of this section, constitute commencement of work.

(4)

Such project is under continual construction unless acts of God cause an interruption in construction. Any cessation of construction for a period of nine (9) months shall be conclusive presumption of an abandonment of the approved project or development and the uncompleted portion of said project or development shall be subject to terms and conditions of this ordinance."

#### **Sec. 33-237. Purpose.**

The purpose of the BU-1, Neighborhood District, is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood.

(Ord. No. 74-22, § 1, 4-16-74)

**Sec. 33-238. 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, reconstructed or structurally altered or maintained in any BU-1 District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) or more of the following uses:

- (1) Residential uses may be permitted as a combination of permitted business uses and residential uses housed in the same building; the floor area of the residential use shall not exceed fifty (50) percent of the floor area of the building.
- (2) Antique shops.
- (3) Apparel stores selling new and/or used merchandise, provided such establishments offering used merchandise contain not more than four thousand (4,000) square feet of gross floor area. The incidental sales of used jewelry, used toys, and used furniture shall be permitted in conjunction with the sales of used apparel, provided that the floor area devoted to the display of those incidental sales items does not exceed thirty (30) percent of the total gross floor area of the apparel store.
- (4) Art good stores, artist studios and photograph shops and galleries.
- (5) Attended, non-motorized donation collection vehicles as described in Section 33-19; provided, however, that such attended non-motorized donation collection vehicles are placed only on improved property on sites of not less than one-half acre in size, in compliance with required setbacks, and not in required landscape areas or required parking areas and not in an area which would impede traffic circulation. It is further provided, that no attended non-motorized donation collection vehicle shall be placed within twenty-six hundred (2600) feet of another non-motorized donation collection vehicle; the distance shall be measured by following a straight line from the nearest property line where the proposed attended, non-motorized donation collection vehicle is to be located to the nearest property line of an existing attended, non-motorized donation collection vehicle. Notwithstanding any ordinance, resolution or administrative order to the contrary no fee shall be charged for the issuance of a certificate of use and occupancy.
- (6) Banks, excluding drive-in teller service.
- (7) Beauty parlors.
- (8) Bakeries, retail only (baking permitted on premises).
- (9) Barber shops.

- (10) Bicycle sales, rentals and repairs (nonmotorized).
- (11) Confectionery, ice cream stores and dairy stores.
- (12) Conservatories and music and dance schools, provided no such establishment is located within five hundred (500) feet of any RU, or EU District except after approval after public hearing.
- (13) Dairy stores.
- (13.5) Drugstores.
- (14) Donated goods centers for the acceptance only of new or used merchandise, upon compliance with the following conditions:
  - (a) The portion of the donated goods center which is open to the public shall not exceed 2000 square feet;
  - (b) A solid wall shall separate the public area of the donated goods center from the balance of the said center and shall prevent public access to the balance of said center;
  - (c) The donated goods center must be operated by an organization which has been incorporated as a not-for-profit organization under the laws of the State of Florida for a charitable purpose and which has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service;
  - (d) The donated goods must be accepted by personnel directly employed by or volunteers for the not-for-profit organization;
  - (e) The monetary proceeds resulting from the sale of donations collected at a donated goods center must be used in accordance with the organization's charitable purpose pursuant to Section 33-238(14)(c) to benefit persons within the boundaries of Miami-Dade County or outside of Miami-Dade County to provide emergency relief for victims of natural, man-made or economic disasters;
  - (f) The operation of the donated goods center, the collection and use of donations and proceeds thereof must be conducted by said not-for-profit organization and not by a licensee, subcontractor or agent of the not-for-profit organization;
  - (g) A declaration of use in a form meeting with the approval of the Director shall be submitted to the Department prior to the issuance of a certificate

of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.

- (15) Florist shops.
- (16) Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
- (17) Hardware stores.
- (18) Information booth, gate house and security station. The structure housing these uses shall comply with principal building setback requirements but need not comply with any minimum square footable requirements for the districts.
- (19) Interior design shops, office and display only.
- (20) Jewelry stores, including incidental sales and purchases of used jewelry.
- (21) Leather goods and luggage shops.
- (22) Mail order offices, without storage of products sold.
- (22.1) Museum.
- (23) Newsstand.
- (24) Office buildings.
- (25) Optical stores.
- (26) Paint and wallpaper stores.
- (27) Photograph galleries.
- (28) Pottery shops.
- (29) Restaurants and coffee houses or dining room where kitchen is screened or located altogether within an enclosed building or room and with ample provisions for carrying away or dissipating fumes, odors, smoke or noise and where premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passersby. Restaurants and outdoor (where approved by public hearing) cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service

bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.

- (29.1) Religious facilities located inside the Urban Development Boundary. Religious facilities outside the Urban Development Boundary will be permitted only upon approval after public hearing.
- (30) Schools.
- (31) Self-service post office which contains mechanical or computer equipment designed to provide limited postal service for walk-up trade.
- (32) Shoe stores and shoe repair shops.
- (33) Sporting goods stores.
- (34) Tailor shops, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
- (35) Tobacco shops.
- (36) Variety stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
- (37) Any property in a BU District may be used as access for egress and ingress only to property zoned in any BU classification or in any IU classification provided that both properties are under the same ownership.
- (38) Outside walk-up window service (no outside stools, chairs or tables), in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.

(Ord. No. 74-22, § 1, 4-16-74; Ord. No. 76-45, § 1, 5-18-76; Ord. No. 77-60, § 2, 9-6-77; Ord. No. 77-69, § 2, 9-20-77; Ord. No. 92-144, § 1, 11-17-92; Ord. No. 95-80, § 1, 5-2-95; Ord. No. 95-123, § 1, 7-11-95; Ord. No. 96-129, § 1, 9-10-96; Ord. No. 97-13, § 1, 2-25-97; Ord. No. 98-46, § 1, 4-21-98; Ord. No. 99-99, § 2, 9-9-99)

## ARTICLE XXV.

### BU-1A, LIMITED BUSINESS DISTRICT\*

\* **Editors Note:** Ord. No. 74-23, § 1, adopted April 16, 1974, amended Art. XXV, pertaining to the BU-1A District, to read as set out in §§ 33-246--33-251.5. Section 4 of said Ord. No. 74-23 provided:

"Section 4. The provisions of this ordinance shall become effective ten (10) days from date of its enactment.

However:

"Provisions of this ordinance shall not apply to those buildings for which a building permit has been issued and is in effect or for which proper and complete applications and plans have been submitted for building permits within sixty (60) days from the effective date of this ordinance provided that the construction under the permit shall be commenced and progressively carried to a conclusion within the time limitations for permits established by the Building Code. As to all such buildings, the pertinent zoning regulations in effect prior to the effective date of this ordinance shall be applicable. Where a development or project site plan has been approved prior to the adoption of this ordinance by resolution of the Zoning Appeals Board or Board of County Commissioners, or prior to the adoption of this ordinance, an agreement, letter of intent, or performance standards encompassing all of the basic items constituting a site plan has been recorded or adopted by resolution of the Zoning Appeals Board or the Board of County Commissioners, this ordinance shall not be applicable thereto so long as the following conditions are met:

(1)

This exception shall apply only to those properties covered by the specific site plan, letter of intent, performance standards, or agreement.

(2)

Such project is developed in accordance with the approved site plan or agreement, letter of intent or performance standards and in accordance with pertinent regulations in effect prior to the effective date of this ordinance.

(3)

Such development or project shall be commenced on or before the expiration of nine (9) months from the effective date of this ordinance. Site preparation, such as filling or excavating as well as commencement of construction of buildings, shall, for the purpose of this section, constitute commencement of work.

(4)

Such project is under continual construction unless acts of God cause an interruption in construction. Any cessation of construction for a period of nine (9) months shall be conclusive presumption of an abandonment of the approved project or development and uncompleted portion of said project or development shall be subject to terms and conditions of this ordinance."

Formerly Art. XXV, §§ 33-246--33-251, was derived from Ord. No. 57-19, § 19(A)--(C), adopted Oct. 22, 1957; Ord. No. 58-30, § 1, adopted July 17, 1958; Ord. No. 62-15, § 1, adopted March 6, 1962; Ord. No. 65-50, § 1, adopted July 27, 1965; Ord. No. 67-50, § 1, adopted July 11, 1967; Ord. No. 68-19, § 1, adopted April 16, 1968; Ord. No. 68-28, § 1, adopted May 21, 1968; and Ord. No. 69-54, § 2, adopted Sept. 17, 1969.

#### Sec. 33-246. Purpose.

The purpose of the BU-1A, General Business District, is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods.

(Ord. No. 74-23, § 1, 4-16-74)

**Sec. 33-247. Uses permitted.**

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one (1) or more of the following uses:

- (1) All uses permitted in the BU-1 District except that residential uses are subject to approval at a public hearing.
  - (1.1) Amusement center as defined in Section 33-1(5.1).
- (2) Auditoriums.
- (3) Automobile new parts and equipment, sales only.
- (4) Automobile and light truck, new sales agency or rental shall be permitted only upon approval after public hearing and subject to the following conditions:
  - (a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Director and the Director of the Public Works Department for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.
  - (b) That a decorative masonry wall at least five (5) feet in height shall enclose the vehicle storage area and repair area approved through public hearing. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article.
  - (c) That all outdoor paging or speaker systems are expressly prohibited.
  - (d) That no repair work of any type is permitted on premises unless approved after public hearing.
  - (e) That accessory used vehicle sales shall be permitted providing said vehicles are late model and in operable condition.
  - (f) That the applicant obtain a certificate of use and occupancy which shall be automatically renewable yearly upon compliance with all terms and conditions applicable.

- (5) Automobile service stations (which may include facilities available for sale of other retail products and services related to the servicing of automobiles) including rental of single axle hauling trailers. Plans for paved areas, driveways or curb cuts of service stations shall be submitted to and approved by the Department of Public Works and, where required, the Florida State Department of Transportation before a permit can be issued. As an accessory use, the service stations may perform minor automobile repairs as herein listed:
- (a) Sale and servicing of spark plugs and batteries.
  - (b) Tire repair and servicing, but no recapping.
  - (c) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluids, light bulbs, floor mats, seat covers, wiper blades, arms for windshields and replacement of grease retainers and wheel bearings.
  - (d) Radiator cleaning and flushing.
  - (e) Washing and polishing.
  - (f) Greasing and lubrication.
  - (g) Exchanging fuel pumps and installing fuel lines.
  - (h) Minor servicing or replacement of carburetors.
  - (i) Emergency wiring repairs.
  - (j) Adjusting brakes and installing or exchanging brake shoes.
  - (k) Tuning engines, with the exception of grinding valves, cleaning carbon or removing the head of engines and/or crankcases.
  - (l) Wheel balancing and aligning.
  - (m) Shock absorbers.
- (6) Automobile self-service gas stations (as defined in Section 14-9 of the Code), subject to the following restrictions:
- (a) Compliance with Chapter 14, Section 9 (fire prevention code).
  - (b) Attendant-control area to have clear visibility to all pumps, and this shall prohibit the use of attraction signs on the windows of said attendant-control area.

- (c) Parking will be provided on the basis of one (1) space for each three hundred (300) square feet of retail product sales area, with a minimum of three (3) spaces which will be designed so as not to interfere with the gasoline dispensing operation.
- (d) Where the gasoline/retail product sales uses are designed as one (1) structure, the building will receive full credit and the canopy one-half (1/2) credit toward the minimum square foot building requirement.
- (7) Automobile storage within a building.
- (8) Automobile tires, batteries and accessories (new) retail only installation permitted.
- (9) Automobile washing.
- (10) Bait and tackle shops.
- (11) Banks, including drive-in teller service.
- (12) Billiard rooms and pool rooms.
- (13) Boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.
- (14) Bowling alleys, provided that such establishments are not located closer than five hundred (500) feet to an RU, or EU District, unless such building is so constructed as to prevent the emission of sound and vibration.
- (15) Convention halls.
- (16) Dancing halls or dancing academies in air conditioned buildings providing no intoxicating beverages of any kind are served, providing that such establishments are not located closer than five hundred (500) feet to an RU, or EU District, unless such building is so constructed as to prevent the emission of sound and vibration.
- (17) Dog and pet hospitals in air-conditioned buildings.
- (18) Dry cleaning establishments, using nonflammable solvents in self-contained dry cleaning units of the Prosperity type or Dedrick type or an equal approved by the Director, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
- (19) Electrical appliance and fixtures stores including related repair shops.

- (20) Employment agencies.
- (21) Furniture stores, retail of new merchandise only.
- (22) Grocery stores.
- (23) Handcrafted-products shop.
- (24) Health and exercise clubs, including bath and massage parlors.
- (25) Junior department stores.
- (26) Lawn mowers, retail, sales and service.
- (27) Mortuaries or funeral homes.
- (28) Motorcycles sales and repair.
- (29) Natatoriums.
- (30) Open-air theaters.
- (31) Package stores in shopping centers provided the shopping center is in full compliance with all provisions of Section 33-150(E)(9) of this Code.
- (32) Pet shops and dog beauty parlors in air-conditioned buildings.
- (33) Post office stations and branches, operated by postal service employees or agents, which directly serve the public.
- (34) Printing shops.
- (35) Private clubs.
- (36) Propagating and growing plants for sale. Fertilizers, manure, compost and soil shall be limited for sale. Fertilizers, manure, compost and soil shall be limited in quantities for immediate use and shall be kept at least two hundred (200) feet from residential buildings in RU and EU Districts.
- (37) Pubs and bars if approved at public hearing.
- (37.1) Restaurants providing an accessory children's outdoor playground facility subject to the following requirements:
  - (a) The restaurant providing such an accessory use shall contain not less than

two thousand five hundred (2,500) square feet of improved building area;

- (b) The total outdoor playground area shall not exceed thirty-five (35) percent of the square footage of the subject restaurant structure;
  - (c) The playground equipment shall be the non-mechanical type and shall be designed and intended for children two (2) through twelve (12) years of age;
  - (d) The playground shall be immediately adjacent to, visible from, and accessible from the indoor patron area;
  - (e) The playground area shall be enclosed with a masonry wall or fence not less than four (4) feet in height and any gates shall be of the spring lock type, so that they shall automatically be in a closed and fastened position at all times; and
  - (f) The playground area shall not reduce required parking or landscaping for the site and shall be set back no less than ten (10) feet from any property line and in compliance with all Code requirements;
  - (g) Site plan review and approval shall be required as provided in Section 33-251.5.
- (38) Self-service storage facility. Use will only be permitted upon the submission of a site plan which shall be approved at public hearing. "Self-service storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.
- (39) Skating rinks, provided same are not located closer than five hundred (500) feet to an RU or EU District, unless such building is so constructed as to prevent the emission of sound and vibration.
- (40) Supermarkets.
- (41) Tailor shops.
- (42) Telegraph stations.
- (43) Telephone exchange.
- (44) Theaters for live stage production and motion pictures.

(45) Variety stores.

(46) Rentals of trucks other than light trucks are allowed in conjunction with and ancillary to self-storage facilities, providing the following conditions are met in addition to those specified in sub-articles (4)(a) and (4)(c)--(f) above:

- (i) That a decorative masonry wall at least eight (8) feet in height shall enclose the vehicle storage area and repair area. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article. Prior to the granting of any building permit for such wall, the permit applicant shall post with the director a bond in the amount of two thousand five hundred dollars (\$2,500.00) to provide for the costs of removal of graffiti from the wall by the department as provided in Section 21-30.1(d)(6), Code of Miami-Dade County, as amended, should the applicant fail after notice to remove such graffiti.
- (ii) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least forty-eight (48) inches high at the time of planting, or other reasonable landscape plans acceptable to the department.
- (iii) That there be no rental of any truck having a net vehicle weight exceeding twelve thousand six hundred pounds (12,600) pounds.
- (iv) That for each one hundred (100) self-storage units there shall be no more than one (1) rental truck stored, e.g., 1--100 units: 1 rental truck; 101--200 units; 2 rental trucks, etc.; provided however, no more than eight (8) rental trucks may be stored on the premises.
- (v) That no building in the area enclosed by the wall shall exceed two (2) stories in height.
- (vi) That no loading or unloading of trucks is permitted outside the enclosed area and all trucks must be stored inside the enclosed area at all times.
- (vii) That there shall be no repairs or maintenance work on vehicles on the premises of the self-storage facility.

(viii) That the area of self-storage facilities be not less than 2.5 acres.

(Ord. No. 74-23, § 1, 4-16-74; Ord. No. 76-5, §§ 3, 4, 1-20-76; Ord. No. 77-45, § 1, 7-5-77; Ord. No. 77-69, § 3, 9-20-77; Ord. No. 80-35, § 1, 5-6-80; Ord. No. 81-58, § 2, 5-19-81; Ord. No. 85-37, § 1, 6-6-85; Ord. No. 87-6, § 2, 2-17-87; Ord. No. 90-118, § 1, 11-6-90; Ord. No. 91-92, § 1, 9-16-91; Ord. No. 95-105, § 1, 6-20-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-127, § 15, 9-4-96)

## ARTICLE XXVI.

### BU-2, SPECIAL BUSINESS DISTRICT\*

\* **Editors Note:** Article XXVI, § 33-252--33-253.9, is currently derived from Ord. No. 74-24, 1, adopted April 16, 1974. Section 4 of said ordinance provided:

"Section 4. The provisions of this ordinance shall become effective ten (10) days from the date of its enactment. However:

"Provisions of this ordinance shall not apply to those buildings for which a building permit has been issued and is in effect or for which proper and complete applications and plans have been submitted for building permits within sixty (60) days from the effective date of this ordinance provided that the construction under the permit shall be commenced and progressively carried to a conclusion within the time limitations for permits established by the Building Code. As to all such buildings, the pertinent zoning regulations in effect prior to the effective date of this ordinance shall be applicable. Where a development or project site plan has been approved prior to the adoption of this ordinance by resolution of the Zoning Appeals Board or Board of County Commissioners, or prior to the adoption of this ordinance, an agreement, letter of intent, or performance standards encompassing all of the basic items constituting a site plan has been recorded or adopted by resolution of the Zoning Appeals Board or the Board of County Commissioners, this ordinance shall not be applicable thereto so long as the following conditions are met:

(1)

This exception shall apply only to those properties covered by the specific site plan, letter of intent, performance standards, or agreement.

(2)

Such project is developed in accordance with the approved site plan or agreement, letter of intent or performance standards and in accordance with pertinent regulations in effect prior to the effective date of this ordinance.

(3)

Such development or project shall be commenced on or before the expiration of nine (9) months from the effective date of this ordinance. Site preparation, such as filling or excavating as well as commencement of construction of buildings, shall, for the purpose of this section, constitute commencement of work.

(4)

Such project is under continual construction unless acts of God cause an interruption in construction. Any cessation of construction for a period of nine (9) months shall be conclusive presumption of an abandonment of the approved project or development and the uncompleted portion of said project or development shall be subject to terms and conditions of this ordinance."

Formerly Art. XXVI, §§ 33-252, 33-252.1 and 33-253, was derived from Ord. No. 57-19, § 20(A)-(C), adopted Oct. 22, 1957; Ord. No. 62-15, § 2, adopted March 6, 1962; Ord. No. 65-66, § 1, adopted Oct. 5, 1965; Ord. No. 69-54, § 3, adopted Sept. 17, 1969; and Ord. No. 71-22, § 2, adopted March 2, 1971.

---

#### Sec. 33-252. Purpose.

The purpose of the BU-2, Regional Shopping Center and Office Park District, is to provide for large scale commercial and/or office facilities which service the needs of large urban areas.

(Ord. No. 74-24, § 1, 4-16-74)

**Sec. 33-253. Uses permitted.**

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:

- (1) All uses permitted in the BU-1 and BU-1A Districts except that residential uses are subject to approval at a public hearing.
- (2) Automobile parking garages, not over six (6) stories in height, shall be permitted provided they are not located closer than two hundred (200) feet to an RU-1, RU-2, RU-TH or EU District or to a hospital, church or building used for public assemblage. Automobile parking garages shall meet all open space, lot coverage and other applicable requirements of this article.
- (3) Liquor package stores.
- (4) Major department stores.
- (5) Marinas for the following purposes only: Commercial boat piers or slips for docking purposes; yacht or boat storage, for laying up, but not for repairs or overhaul; and boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.
- (6) Night clubs located no closer than five hundred (500) feet of any RU or EU District, if approved at a public hearing.
- (7) Office parks.
- (8) Pubs and bars.
- (9) Regional shopping centers.

(Ord. No. 74-24, § 1, 4-16-74; Ord. No. 96-129, § 1, 9-10-96)

## **ATTACHMENT C: COMPREHENSIVE PLAN DESIGNATION**

### **IO / INDUSTRIAL and OFFICE - FUTURE LAND USE DESIGNATION**

Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are allowable within the Industrial and Office designation. Also included are construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Limited commercial uses to serve the firms and workers in IO areas are encouraged, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses which are 10 acres and less in size should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses and others with unusual siting requirements may also be considered on a conditional basis at appropriate locations. The specific range and intensity of uses appropriate in IO areas vary by location as a function of such factors as availability of public services, roadway access and neighborhood compatibility. Special limitations may be imposed on uses in IO where necessary to protect environmental resources, including wellfield protection areas. Through the assignment of zoning districts and special conditions, the specific range and intensity of uses appropriate for a particular site will be determined. This category requires a minimum of 10% landscaped open space (15% when abutting a residential site), and a minimum lot area of 5,000 square feet. The maximum height permitted in this category is seven (7) stories.

Mixing of residential use with light industrial, commercial, office and hotels is also allowable on a conditional use basis with residential being limited to the density of the adjacent residential future land use category, and other uses being limited in size, impact and by standards contained in the BO category and the LDC for mixed-use projects. If no residential areas exist adjacent to a subject site, then the Medium Density land use category is allowed. However, residential use shall not be developed on over 15% of the area of any individual site.