

ORDINANCE NO. 05-78

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 33, ARTICLE XVIA, RU-3M MINIMUM APARTMENT HOUSE DISTRICT AND CREATING ARTICLE 4.4 RM-13 LOW DENSITY RESIDENTIAL DISTRICT; AMENDING CHAPTER 33, ARTICLE XVIIIA, RU-4L LIMITED APARTMENT HOUSE DISTRICT AND CREATING ARTICLE 4.5 RM-23 LOW MEDIUM DENSITY RESIDENTIAL DISTRICT; AMENDING CHAPTER 33, ARTICLE XVIIIB, RU-4M MODIFIED APARTMENT HOUSE DISTRICT AND CREATING ARTICLE 4.6 RM-36 MEDIUM DENSITY RESIDENTIAL DISTRICT; AMENDING CHAPTER 33, ARTICLE XVIII, RU-4 HIGH DENSITY APARTMENT HOUSE DISTRICT AND CREATING ARTICLE 4.7 RM-50 HIGH DENSITY RESIDENTIAL DISTRICT; AMENDING CHAPTER 33, ARTICLE XIXB, RU-5A SEMI-PROFESSIONAL OFFICE DISTRICT AND CREATING ARTICLE 4.8 RO-13 LOW DENSITY RESIDENTIAL OFFICE DISTRICT; AMENDING CHAPTER 33, ARTICLE XIX, RU-4A HOTEL APARTMENT HOUSE DISTRICT AND CREATING ARTICLE 4.9 RO-50 HIGH DENSITY RESIDENTIAL OFFICE DISTRICT; PROVIDING FOR PERMITTED AND CONDITIONAL USES; MINIMUM LOT AREAS AND LOT WIDTHS; SETBACKS; HEIGHTS; FLOOR AREA RATIOS; DENSITY; OPEN SPACE; SITE PLAN REVIEW CRITERIA; ALL AS INCLUDED IN EXHIBIT "A" HEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Miami Lakes (the "Town"), upon incorporation, adopted Chapter 33 "Zoning" of the Code of Miami-Dade County to serve as the Town's Land Development Code; and

WHEREAS, the Town desires to update and streamline the existing Town Land Development Code and to tailor it to the Town's particular needs and community visions; and

WHEREAS, the Town has undertaken a comprehensive rewriting of the Land Development Code, after having conducted workshops and public hearings regarding the Code, and having adopted its Comprehensive Plan, pursuant to state statutes; and

WHEREAS, as part of the ongoing work to revise the Town Land Development Code, new Multi-family and Office district regulations have been completed, which regulations include provisions relating to apartment house districts, low density residential districts, limited apartment house districts, low medium density residential districts, modified apartment house districts, medium density residential districts, high density apartment house districts, high density residential districts, semi-professional office districts, medium density residential office districts, hotel apartment house districts, and high density residential office districts; and

WHEREAS, after conducting a properly noticed public hearing, the Town Local Planning Agency has recommended that the referenced regulations are consistent with the Town Comprehensive Plan; and

WHEREAS, after conducting a properly noticed hearing and considering the recommendations of the public, the Local Planning Agency and the Town staff, the Town Council wishes to adopt the regulations for including in the Land Development Code.

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

Section 1. **Recitals.** The recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption of revised Multi-family and Office District Zoning Regulations.
The Town Council hereby adopts revised Multi-family and Office District zoning regulations for

inclusion in the Town Land Development Code, which are attached as Exhibit “A” hereto and incorporated herein.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provision of this Ordinance shall become and made part of the Town of Miami Lakes, Florida Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Peter Thomson, who moved its adoption on first reading. The motion was seconded by Councilmember Mary Collins and upon being put to a vote, the vote was as follows:

| | |
|---------------------------------|-----|
| Councilmember Mary Collins | yes |
| Councilmember Robert Meador, II | yes |
| Councilmember Michael Pizzi | yes |
| Councilmember Nancy Simon | yes |

| | |
|-----------------------------|-----|
| Councilmember Peter Thomson | yes |
| Vice Mayor Roberto Alonso | yes |
| Mayor Wayne Slaton | yes |

PASSED AND ADOPTED on first reading this 19th day of July, 2005.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Simon, and upon being put to a vote, the vote was as follows:

| | |
|---------------------------------|---------------|
| Councilmember Mary Collins | <u>yes</u> |
| Councilmember Robert Meador, II | <u>yes</u> |
| Councilmember Michael Pizzi | <u>yes</u> |
| Councilmember Nancy Simon | <u>yes</u> |
| Councilmember Peter Thomson | <u>yes</u> |
| Vice Mayor Roberto Alonso | <u>yes</u> |
| Mayor Wayne Slaton | <u>absent</u> |

PASSED AND ADOPTED on second reading this 4th day of October, 2005.

Wayne Slaton
Wayne Slaton
MAYOR

ATTEST:

Debra E. Eastman
Debra E. Eastman, MMC
TOWN CLERK

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

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

EXHIBIT "A"

DIVISION 4.4 RU-3M, RM-13, LOW DENSITY RESIDENTIAL MINIMUM APARTMENT HOUSE DISTRICT

A. Sec. 33-203.6. Permitted Uses; requirements generally.

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-3M RM-13 District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

1. Those uses permitted in the RU-1, RU-1A ~~M(a)~~, RU-1B ~~M(b)~~, RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, area, accessory uses, yard areas, height, density and lot coverage.
2. Multiple family apartment buildings ~~apartment house use with only one (1) principal building on a lot, parcel or tract, designed for more than four (4) family units~~ subject to the following:

B. Conditional Uses

1. A **Community residential home** as defined in Division XX ~~33-1(130.1)~~ may be permitted upon satisfaction of the provisions of the Conditional Use procedures in Division 3.3 of this code in addition to the following requirements:
 - ~~(a) That the total number of resident clients on the premises not exceed fourteen (14) in number. Facilities for more than fourteen (14) resident clients must be approved through public hearing pursuant to Section 33-13;~~
 - a. That the operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services;
 - b. That the community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone. The one thousand two hundred-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;
 - c. That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;
 - d. That the sponsoring agency of the community residential home notify the Administrative Official ~~Director~~ in writing of its intention to establish said facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and

licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and

- e. Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

2. Congregate living facilities, foster homes, group homes, nursing homes, religious institutions, small scale public facilities and utilities.

3. Educational and Child Care Facilities, Non-Public as per Division XX.

C. Accessory uses

The accessory uses in the RM-13 district are those uses customarily associated with multi-family residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same lot as the main use.

D. Development Regulations

1. Lot Width and Lot Area- The minimum lot width shall be one hundred (100) feet and the minimum lot area shall be 16,884 10,000 square feet.
2. Lot Coverage - The maximum area covered by all buildings shall not exceed thirty (30) percent of the lot.
3. Setbacks - The setbacks shall be as follows:
 - a. Minimum setback from front property line shall be twenty-five (25) feet.
 - b. Minimum setback from interior side property line shall be twenty (20) feet.
 - c. Minimum setback from side street property line shall be twenty-five (25) feet.
 - d. Minimum setback from a rear property line shall be twenty-five (25) feet.
 - e. Minimum setback between buildings shall be twenty (20) feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than thirty (30) feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall. ~~Cantilevers and open porches may project from the building wall into the required open space (court only) not more than four (4) feet and that stairways may project from the building wall into the required open space (court only) not more than seven and one half (7 1/2) feet. Stairways when located in the required open space (court) shall be supported by the necessary columns only;~~

support by a wall is strictly prohibited.

f. Parking Setbacks:

Front: 25' from front property line.

Street side: 15' from corner side street property lines.

Interior side: 5' from interior side property lines

Rear: 5' from rear property lines.

g. Accessory buildings:

(1) Single Family, Two Family, & Townhouses - accessory buildings shall conform to requirements in the respective districts.

(2) All other Uses – Accessory buildings shall not be permitted within the front yard or side street setback areas. Otherwise the location, setbacks, lot coverage, height, size etc. shall be determined through the site plan review process.

4. Height - No building or structure or part thereof shall be erected or altered to a height exceeding two (2) stories and shall not exceed thirty-five (35) feet.

5. Floor Area Ratio - The floor area ratio shall not exceed 0.5, the following:

| <u>Height of Building</u> | <u>Floor Area Ratio</u> |
|---------------------------|-------------------------|
| <u>1-story</u> | <u>0.30</u> |
| <u>2-story</u> | <u>0.50</u> |

6. Density - The maximum number of dwelling units shall be determined on the basis of a total of thirteen (13) twelve and nine-tenths (12.9) dwelling units per net acre.

7. Minimum Apartment Unit Size / Average Apartment Unit Size

The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured from the outside of exterior walls to the center line of interior partitions. Non-airconditioned spaces such as balconies shall not be counted towards the required minimum unit size.

8. Open Space - On each lot there shall be provided landscaped open space equal to a minimum of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than twenty (20) percent of the open space requirement.

~~On each lot there shall be provided an open space equal to at least twenty-five (25) percent of the total lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress and egress drives, said ingress and egress drives shall not exceed a maximum width required to serve the parking area.~~

9. Landscaping Trees. Landscaping and trees shall be provided in accordance with Division 7 Chapter 18A of this Code.

~~(C) Multiple family housing developments [are] permitted only after staff review of the site plan to insure compliance with all RU-3M District requirements and site plan review criteria. Said plan shall be in compliance with the requirements contained in subparagraphs (1) through (8) of paragraph (B) above, except that spacing requirements between buildings may be reduced, but in no event below twenty (20) feet. Said reduction will be permitted only where the site use plan submitted indicates that the purpose and intent of the ordinance is being conformed with and that because of the arrangement of the building, adequate provisions are being made for light, air, landscaping and beautification.~~

~~(D) Housing projects, whether in single or multiple buildings, and as defined in Chapter 421, of the Florida Statutes, built for or by the Miami Dade County Department of Housing and Urban Development.~~

E. Sec. 33-203.7. Site Plan Review.

~~The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen day period by an additional fifteen (15) days upon timely request made in writing to Department. The Departments shall have the right to extend the fifteen day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:~~

- ~~(1) Site plan including the following information:
 - ~~(a) Lot lines and setbacks.~~
 - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
 - ~~(c) Landscaping in accordance with Chapter 18A of this Code.~~
 - ~~(d) Location of off-street parking and loading facilities and waste collection areas.~~
 - ~~(e) Indication of exterior graphics, as required.~~
 - ~~(f) Indication of any site design methods used to conserve energy.~~~~

- (2) ~~Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- (3) ~~Figures indicating the following:~~
 - (a) ~~Gross and net acreage.~~
 - (b) ~~Amount of landscaped open space in square feet required and provided.~~
 - (c) ~~Amount of building coverage at ground level in square feet.~~
 - (d) ~~Total trees required and provided in accordance with Chapter 18A of this Code.~~
 - (e) ~~Parking required and provided.~~
 - (f) ~~Total amount of paved area in square feet.~~
 - (g) ~~Such other design data as may be needed to evaluate the project.~~

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Division 3.4 of the Code the following design criteria shall be utilized in the site plan review process:

1. **Purpose and intent:** The proposed development fulfills the objectives of this article.
- (2) ~~Planning studies:~~ ~~Design, planning studies or neighborhood area studies accepted or approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.~~
2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.
3. **Buffers:** Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.
6. **Energy consideration:** Site design methods to reduce energy consumption shall be encouraged. Every site conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade

and transpiration.

7. **Parking areas:** Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town of Miami Lakes Code.
8. **Open spaces:** Open space shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.
9. **Graphics:** Graphics, as required, shall be designated as an integral part of the overall design of the project.
10. **Art display:** Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.
11. **Visual screening for decorative walls:** In an effort to prevent graffiti and vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - (a) **Wall with landscaping.** All concrete block stucco walls abutting right of ways shall be treated with anti-graffiti paint. The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:
 - (1) **Shrubs.** Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (2) **Hedges.** Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (3) **Vines.** Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
 - (b) **Metal picket fence.** Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be

required.

- 12. Bikeways and bicycle parking facilities.** Where feasible all new and substantially redeveloped multi-family developments shall provide bikeways and on-site bicycle parking facilities.

DIVISION 4.5 RU-4L, RM-23 LOW MEDIUM DENSITY RESIDENTIAL LIMITED APARTMENT HOUSE DISTRICT

A. Sec. 33-207.2. Permitted Uses.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a ~~RU-4L~~ RM-23 District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

1. Those uses permitted in the RU-1, RU-1A ~~M(a)~~, RU-1B ~~M(b)~~, RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, accessory uses, area, yard areas, height, density and lot coverage.
2. Multiple family apartment buildings ~~apartment house use with only one (1) principal building on a lot, parcel or tract, designed for more than four (4) family units subject to the following:~~

B. Conditional Uses

1. A **Community residential home** as defined in Division XX ~~33-1(130.4)~~ may be permitted upon satisfaction of the provisions of the Conditional Use procedures in Division 3.3 of this code in addition to the following requirements:
 - ~~(a) That the total number of resident clients on the premises not exceed fourteen (14) in number. Facilities for more than fourteen (14) resident clients must be approved through public hearing pursuant to Section 33-13;~~
 - a. That the operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services;
 - b. That the community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone. The one thousand two hundred-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;
 - c. That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;
 - d. That the sponsoring agency of the community residential home notify the Administrative Official ~~Director~~ in writing of its intention to establish said

facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and

- e. Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

2. Congregate living facilities, foster homes, group homes, nursing homes, religious institutions, small scale public facilities and utilities.

3. Educational and Child Care Facilities, Non-Public as per Division XX.

C. Accessory uses

The accessory uses in the RM-23 district are those uses customarily associated with multi-family residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same lot as the main use.

In addition, the following accessory uses are permitted:

1. Convenience retail facilities: Not more than one (1) food and drug convenience retail service facility ~~of the BU-1 type~~ shall be permitted as an accessory use to an apartment use or apartment development, said facility not to exceed one thousand (1,000) square feet in a development having a minimum of three hundred (300) apartment units, provided that:
 - a. Such services relate to the needs of the inhabitants of the proposed complex;
 - b. Such services are not provided direct access from public roads;
 - c. Such services are not visible from public roads;
 - d. Detached signs and signs visible from public roads are not used;
 - e. Such services are designed as an integral part of the total design as determined by site plan review;
 - f. Such services are located in the principal structure or in a community service

center structure.

An additional one (1) square foot of retail area shall be permitted for each apartment unit above three hundred (300) units; provided, however, that the maximum square footage for such facilities shall not exceed three thousand (3,000) square feet.

D. Development Regulations

1. Lot Width and Lot Area- The minimum lot width shall be one hundred (100) feet and the minimum lot area shall be ten thousand (10,000) square feet.
2. Lot Coverage - The maximum area covered by all buildings shall not exceed thirty (30) percent of the lot.
3. Setbacks - The setbacks shall be as follows:
 - a. Minimum setback from front property line shall be twenty-five (25) feet.
 - b. Minimum setback from interior side property line shall be ~~fifteen (15) feet for structures of not more than two (2) stories and twenty (20) feet for structures over two (2) stories~~ twenty (20) feet.
 - c. Minimum setback from side street property line shall be twenty-five (25) feet.
 - d. Minimum setback from a rear property line shall be twenty-five (25) feet.
 - e. Minimum setback between buildings shall be twenty (20) feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than thirty (30) feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall. ~~Cantilevers and open porches may project from the building wall into the required open space (court only) not more than four (4) feet and that stairways may project from the building wall into the required open space (court only) not more than seven and one-half (7 1/2) feet. Stairways when located in the required open space (court) shall be supported by the necessary columns only; support by a wall is strictly prohibited.~~
 - f. Parking Setbacks:
 - Front: 25' from front property line.
 - Street side: 15' from corner side street property lines.
 - Interior side: 5' from interior side property lines
 - Rear: 5' from rear property lines.
 - g. Accessory buildings:
 - (1) Single Family, Two Family, & Townhouses - accessory buildings shall conform to requirements in the respective districts.
 - (2) All other Uses - Accessory buildings shall not be permitted within the front yard or side street setback areas. Otherwise the location, setbacks, lot

coverage, height, size etc. shall be determined through the site plan review process.

4. Height- No building or structure, or part thereof shall be erected or altered to a height exceeding four (4) ~~six (6)~~ stories, and shall not exceed fifty (50) ~~seventy-five (75)~~ feet.
5. Floor area ratio - The floor area ratio shall not exceed 0.8. ~~the following:~~

| <i>Height of Building</i> | <i>Floor Area Ratio</i> |
|---------------------------|-------------------------|
| 1-story | 0.30 |
| 2-story | 0.50 |
| 3-story | 0.75 |
| 4-story | 0.80 |
| 5-story | 0.85 |
| 6-story | 0.90 |

6. Density - *Maximum number of units*. The maximum number of dwelling units shall be determined on the basis of a total of twenty-three (23) dwelling units per net acre.

7. Minimum Apartment Unit Size / Average Apartment Unit Size

The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured from the outside of exterior walls to the center line of interior partitions. Non-airconditioned spaces such as balconies shall not be counted towards the required minimum unit size.

8. Open Space - On each lot there shall be provided landscaped open space equal to a minimum of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than twenty (20) percent of the open space requirement.

~~On each lot with structures not exceeding four (4) stories, there shall be provided an open space equal to at least twenty five (25) percent of the total lot area. On lots with structures over four (4) stories, there shall be provided an open space equal to at least thirty five (35) percent of the total lot area; and said space shall be unencumbered with any structure or off-street parking, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and ingress and egress drives; said ingress and egress drives shall not exceed a maximum width required to serve the parking area.~~

9. Landscaping - *Trees*. Landscaping and trees shall be provided in accordance with Division 7 Chapter 18A of this Code.

~~(C) — Multiple family housing developments [shall be] permitted only after staff review of the site plan to ensure compliance with all RU-4L District requirements and~~

~~site plan review criteria. Said plan shall be in accordance with the requirements contained in subparagraphs (1) through (8) of paragraph (B) above, except that interior setbacks and spacing requirements may be disregarded in approving the plan.~~

~~(D) Housing projects, whether in single or multiple buildings, and as defined in Chapter 421, of the Florida Statutes, built for or by the Miami Dade County Department of Housing and Urban Development.~~

E. Sec. 33-207.2.1. Site Plan Review.

~~The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:~~

- ~~(1) Site plan including the following information:
 - ~~(a) Lot lines and setbacks.~~
 - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
 - ~~(c) Landscaping in accordance with Chapter 18A of this Code.~~
 - ~~(d) Location of off street parking and loading facilities and waste collection areas.~~
 - ~~(e) Indication of exterior graphics, as required.~~
 - ~~(f) Indication of any site design methods used to conserve energy.~~~~
- ~~(2) Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- ~~(3) Figures indicating the following:
 - ~~(a) Gross and net acreage.~~
 - ~~(b) Amount of landscaped open space in square feet required and provided.~~
 - ~~(c) Amount of building coverage at ground level in square feet.~~
 - ~~(d) Total trees required and provided in accordance with Chapter 18A of this Code.~~
 - ~~(e) Parking required and provided.~~
 - ~~(f) Total amount of paved area in square feet.~~~~

(g) Such other design data as may be needed to evaluate the project.

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Division 3.4 of the Code the following design criteria shall be utilized in the site plan review process:

The following criteria shall be utilized in the plan review process:

1. **Purpose and intent:** The proposed development fulfills the objectives of this article.
- ~~(2) **Planning studies:** Design, planning studies or neighborhood area studies accepted or approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.~~
2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.
3. **Buffers:** Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.
6. **Energy consideration:** Site design methods to reduce energy consumption shall be encouraged. Every site conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
7. **Parking areas:** Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town of Miami Lakes Code.
8. **Open spaces:** Open space shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent

possible.

9. **Graphics:** Graphics, as required, shall be designated as an integral part of the overall design of the project.
10. **Art display:** Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.
11. **Visual screening for decorative walls:** In an effort to prevent graffiti and vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - (a) **Wall with landscaping.** All concrete block stucco walls abutting right of ways shall be treated with anti-graffiti paint. The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:
 - (1) **Shrubs.** Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (2) **Hedges.** Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (3) **Vines.** Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
 - (b) **Metal picket fence.** Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.
12. **Bikeways and bicycle parking facilities.** Where feasible all new and substantially redeveloped multi-family developments shall provide bikeways and on-site bicycle parking facilities.

DIVISION 4.6 RU-4M, RM-36 MEDIUM DENSITY RESIDENTIAL MODIFIED APARTMENT HOUSE DISTRICT

A. Sec. 33-207.3. Permitted Uses.

No land, body of water or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a ~~RU-4M~~ RM-36 District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

1. Those uses permitted in the RU-1, RU-1A ~~M(a)~~, RU-1B ~~M(b)~~, RU-2, ~~RU-3~~ and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, accessory uses, area, yard areas, height, density and lot coverage.
2. Multiple family apartment buildings ~~apartment house use with only one (1) principal building on a lot, parcel or tract, designed for more than four (4) family units subject to the following:~~

B. Conditional Uses

1. A **Community residential home** as defined in Division XX ~~33-1(130.1)~~ may be permitted upon satisfaction of the provisions of the Conditional Use procedures in Division 3.3 of this code in addition to the following requirements:
 - ~~(a) That the total number of resident clients on the premises not exceed fourteen (14) in number. Facilities for more than fourteen (14) resident clients must be approved through public hearing pursuant to Section 33-13;~~
 - a. That the operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services;
 - b. That the community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone. The one thousand two hundred-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;
 - c. That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;
 - d. That the sponsoring agency of the community residential home notify the

Administrative Official Director in writing of its intention to establish said facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and

- e. Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

2. Congregate living facilities, foster homes, group homes, nursing homes, religious institutions, small scale public facilities and utilities.

3. Educational and Child Care Facilities, Non-Public as per Division XX.

C. Accessory uses

The accessory uses in the RM-36 district are those uses customarily associated with multi-family residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same lot as the main use.

In addition, the following accessory uses are permitted:

1. Convenience retail facilities: Not more than one (1) food and drug convenience retail service facility of the BU-1 type shall be permitted as an accessory use to an apartment use or apartment development, said facility not to exceed one thousand (1,000) square feet in a development having a minimum of three hundred (300) apartment units, provided that:
 - a. Such services relate to the needs of the inhabitants of the proposed complex;
 - b. Such services are not provided direct access from public roads;
 - c. Such services are not visible from public roads;
 - d. Detached signs and signs visible from public roads are not used;
 - e. Such services are designed as an integral part of the total design as determined by site plan review;

- f. Such services are located in the principal structure or in a community service center structure.

An additional one (1) square foot of retail area shall be permitted for each apartment unit above three hundred (300) units; provided, however, that the maximum square footage for such facilities shall not exceed three thousand (3,000) square feet.

D. Development Regulations

1. Lot Width and Lot Area- The minimum lot width shall be one hundred (100) feet and the minimum lot area shall be ten thousand (10,000) square feet.
2. Lot Coverage - The maximum area covered by all buildings shall not exceed thirty (30) percent of the lot.
3. Setbacks - The setbacks shall be as follows:
 - a. Minimum setback from front property line shall be twenty-five (25) feet.
 - b. Minimum setback from interior side property line shall be ~~fifteen (15) feet for structures of not more than two (2) stories and twenty (20) feet for structures over two (2) stories~~ twenty (20) feet.
 - c. Minimum setback from side street property line shall be twenty-five (25) feet.
 - d. Minimum setback from a rear property line shall be twenty-five (25) feet.
 - e. Minimum setback between buildings shall be twenty (20) feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than thirty (30) feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall. ~~Cantilevers and open porches may project from the building wall into the required open space (court only) not more than four (4) feet and that stairways may project from the building wall into the required open space (court only) not more than seven and one half (7 1/2) feet. Stairways when located in the required open space (court) shall be supported by the necessary columns only; support by a wall is strictly prohibited.~~
 - f. Parking Setbacks:
 - Front: 25' from front property line.
 - Street side: 15' from corner side street property lines.
 - Interior side: 5' from interior side property lines
 - Rear: 5' from rear property lines.
 - g. Accessory buildings:
 - (1) Single Family, Two Family, & Townhouses - accessory buildings shall conform to requirements in the respective districts.
 - (2) All other Uses - Accessory buildings shall not be permitted within the front

yard or side street setback areas. Otherwise the location, setbacks, lot coverage, height, size etc. shall be determined through the site plan review process.

4. Height- No building or structure, or part thereof shall be erected or altered to a height exceeding six (6) stories, and shall not exceed seventy-five (75) feet.
5. Floor area ratio - The floor area ratio shall not exceed 0.9, the following:

| <i>Height of Building</i> | <i>Floor Area Ratio</i> |
|---------------------------|-------------------------|
| 1-story | 0.30 |
| 2-story | 0.50 |
| 3-story | 0.75 |
| 4-story | 0.80 |
| 5-story | 0.85 |
| 6-story | 0.90 |

6. Density - Maximum number of units. The maximum number of dwelling units shall be determined on the basis of a total of thirty-six (36) dwelling units per net acre.
7. **Minimum Apartment Unit Size / Average Apartment Unit Size**
The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured from the outside of exterior walls to the center line of interior partitions. Non-airconditioned spaces such as balconies shall not be counted towards the required minimum unit size.
8. Open Space - On each lot there shall be provided landscaped open space equal to a minimum of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than twenty (20) percent of the open space requirement.

~~On each lot with structures not exceeding four (4) stories, there shall be provided an open space equal to at least twenty-five (25) percent of the total lot area. On lots with structures over four (4) stories, there shall be provided an open space equal to at least thirty-five (35) percent of the total lot area; and said space shall be unencumbered with any structure or off-street parking, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and ingress and egress drives; said ingress and egress drives shall not exceed a maximum width required to serve the parking area.~~

9. Landscaping - Trees. Landscaping and trees shall be provided in accordance with Division 7 Chapter 18A of this Code.

~~(C) Multiple family housing developments [shall be] permitted only after staff~~

~~review of the site plan to ensure compliance with all RU-4L District requirements and site plan review criteria. Said plan shall be in accordance with the requirements contained in subparagraphs (1) through (8) of paragraph (B) above, except that interior setbacks and spacing requirements may be disregarded in approving the plan.~~

~~(D) Housing projects, whether in single or multiple buildings, and as defined in Chapter 421, of the Florida Statutes, built for or by the Miami-Dade County Department of Housing and Urban Development.~~

E.. Sec. 33-207.2.1. Site Plan Review.

~~The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:~~

- ~~(1) Site plan including the following information:
 - ~~(a) Lot lines and setbacks.~~
 - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
 - ~~(c) Landscaping in accordance with Chapter 18A of this Code.~~
 - ~~(d) Location of off-street parking and loading facilities and waste collection areas.~~
 - ~~(e) Indication of exterior graphics, as required.~~
 - ~~(f) Indication of any site design methods used to conserve energy.~~~~
- ~~(2) Floor plans and elevations of all structures, including total gross square-foot area of each floor.~~
- ~~(3) Figures indicating the following:
 - ~~(a) Gross and net acreage.~~
 - ~~(b) Amount of landscaped open space in square feet required and provided.~~
 - ~~(c) Amount of building coverage at ground level in square feet.~~
 - ~~(d) Total trees required and provided in accordance with Chapter 18A of this Code.~~
 - ~~(e) Parking required and provided.~~~~

- (f) Total amount of paved area in square feet.
- (g) Such other design data as may be needed to evaluate the project.

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Division 3.4 of the Code the following design criteria shall be utilized in the site plan review process:

The following criteria shall be utilized in the plan review process:

1. **Purpose and intent:** The proposed development fulfills the objectives of this article.
- ~~(2) **Planning studies:** Design, planning studies or neighborhood area studies accepted or approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.~~
2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.
3. **Buffers:** Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.
6. **Energy consideration:** Site design methods to reduce energy consumption shall be encouraged. Every site conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
7. **Parking areas:** Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town of Miami Lakes Code.
8. **Open spaces:** Open space shall relate to any natural characteristics in such a way as

to preserve and enhance their scenic and functional qualities to the fullest extent possible.

9. **Graphics:** Graphics, as required, shall be designated as an integral part of the overall design of the project.

10. **Art display:** Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.

11. **Visual screening for decorative walls:** In an effort to prevent graffiti and vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

(a) **Wall with landscaping.** All concrete block stucco walls abutting right of ways shall be treated with anti-graffiti paint. The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:

(1) **Shrubs.** Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(2) **Hedges.** Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(3) **Vines.** Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

(b) **Metal picket fence.** Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

12. **Bikeways and bicycle parking facilities.** Where feasible all new and substantially redeveloped multi-family developments shall provide bikeways and on-site bicycle parking facilities.

DIVISION 4.7 RU-4, RM-50 HIGH DENSITY RESIDENTIAL APARTMENT HOUSE DISTRICT

A. Sec. 33-208. Permitted Uses.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4, RM-50 High Density Residential District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

1. Those uses permitted in the RU-1, RU-1A M(a), RU-1B M(b) , RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, accessory uses, area, yard areas, height, density and lot coverage.
2. Multiple family apartment building ~~apartment house containing fewer than eleven (11) units in a single building.~~
 - ~~(3) — Multiple family apartment house containing eleven (11) or more units, subject to site plan review hereinafter provided. Where the applicant fails to secure the approval of the Department of Planning and Zoning the site plan reviewed shall be deemed denied. Where the site plan has been denied the applicant may correct the same to secure the approval of both Departments or appeal the denial for review by the Community Zoning Appeals Board.~~
 - ~~(4) — Multiple family housing developments, provided that they are reviewed under the provisions of site plan review hereinafter provided, and only on approval after staff review of the site plan(s) to ensure compliance with all RU-4 District requirements and site plan review criteria. Said plan shall be in compliance with the requirements hereinafter provided.~~
 - ~~(5) — Housing projects, whether in single or multiple buildings, and as defined in Chapter 421, of the Florida Statutes, built for or by the Miami Dade County Department of Housing and Urban Development.~~

B. Conditional Uses

1. A **Community residential home** as defined in Division XX 33-1(130.1) may be permitted upon satisfaction of the provisions of the Conditional Use procedures in Division 3.3 of this code in addition to the following requirements:
 - ~~(a) That the total number of resident clients on the premises not exceed fourteen (14) in number. Facilities for more than fourteen (14) resident clients must be~~

~~approved through public hearing pursuant to Section 33-13;~~

- a. That the operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services;
 - b. That the community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone. The one thousand two hundred-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;
 - c. That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;
 - d. That the sponsoring agency of the community residential home notify the Administrative Official ~~Director~~ in writing of its intention to establish said facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and
 - e. Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.
2. Congregate living facilities, foster homes, group homes, nursing homes, religious institutions, small scale public facilities and utilities.
3. Educational and Child Care Facilities, Non-Public as per Division XX.

C. Accessory uses

The accessory uses in the RM-36 district are those uses customarily associated with multi-family residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same lot as the main use.

In addition the following accessory uses are permitted:

1. Convenience retail facilities: Not more than one (1) food and drug convenience retail

service facility of the ~~BU-1~~ type shall be permitted as an accessory use to an apartment use or apartment development, said facility not to exceed one thousand (1,000) square feet in a development having a minimum of three hundred (300) apartment units, provided that:

- a. Such services relate to the needs of the inhabitants of the proposed complex;
- b. Such services are not provided direct access from public roads;
- c. Such services are not visible from public roads;
- d. Detached signs and signs visible from public roads are not used;
- e. Such services are designed as an integral part of the total design as determined by site plan review;
- f. Such services are located in the principal structure or in a community service center structure.

An additional one (1) square foot of retail area shall be permitted for each apartment unit above three hundred (300) units; provided, however, that the maximum square footage for such facilities shall not exceed three thousand (3,000) square feet.

~~Provisions of Ord. No. 82-5 shall not apply to those buildings for which a building permit has been issued and is in effect or where multiple family housing development or project site plan has been approved prior to February 2, 1982, by resolution of the Zoning Appeals Board or Board of County Commissioners, or prior to February 2, 1982, 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.~~

D. Development Regulations

1. ~~Lot Width and Lot Area~~ ~~Sec. 33-209. Minimum lot width and area.~~ The minimum lot width for apartment use shall be one hundred (100) feet and the minimum lot area shall be ten thousand (10,000) square feet.
2. ~~Sec. 33-210. Lot Coverage~~ - The lot coverage for all buildings on the site shall not exceed forty (40) percent of the total lot area.
3. ~~Sec. 33-211. Apartment~~ Setbacks The setbacks shall be as follows: ~~Requirements.~~
 - a. Front setback. For structures not exceeding thirty-five (35) feet in height, the minimum setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the setbacks shall be increased by forty (40) percent of the

additional height provided above 35'.

- b. Rear setback. For structures not exceeding thirty-five (35) feet in height, the minimum setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the setbacks shall be increased by forty (40) percent of the additional height.
- c. Interior side setbacks and side street setbacks. Minimum setbacks for all structures shall be determined by a sixty-three-degree line projected from the interior side property line(s) or side street property line(s) upward towards the center of the site; provided, however, that no structure shall be permitted to be closer than twenty-five (25) feet to the interior side property line(s) or side street property line(s) and further provided that the passageways to Biscayne Bay or the Atlantic Ocean are adhered to as provided in this article.
- d. Minimum setback between buildings shall be twenty (20) feet except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site. In that case there shall be provided a minimum clear distance of not less than thirty (30) feet, said distance to be measured on a line projected at right angles from the opening to the opposite wall. Cantilevers and open porches may project from the building wall into the required open space (court only) not more than six (6) feet and stairways may project from the building wall into the required open space (court only) not more than ten (10) feet. Stairways when located in the required open space (court) shall be supported by the necessary columns only; support by a wall is strictly prohibited.
- e. Parking Setbacks:
 - Front: 25' from front property line.
 - Street side: 15' from corner side street property lines.
 - Interior side: 5' from interior side property lines
 - Rear: 5' from rear property lines.
- f. Accessory buildings:
 - (1) Single Family, Two Family, & Townhouses - accessory buildings shall conform to requirements in the respective districts.
 - (2) All other Uses - Accessory buildings shall not be permitted within the front yard or side street setback areas. Otherwise the location, setbacks, lot coverage, height, size etc. shall be determined through the site plan review process.

Sec. 33-211.1. Passageway areas to the bay or ocean.

There shall be a visual passageway area for sites abutting the bay or ocean, said area to extend from the bay or ocean to the street most nearly parallel to the mean high

~~water line. Twenty (20) percent of the total frontage dimension of said sites shall be unencumbered with any structure or off-street parking, with the area(s) running the full length of the property from the street most nearly parallel to the mean high water line, to the bay or ocean. The maximum required view corridor for any one (1) development shall be one hundred (100) feet in width.~~

~~Properties donated or dedicated to Miami Dade County and accepted by the Board of County Commissioners, or encumbered with a public or semipublic easement that lies within the interior setback areas shall be credited toward this requirement. The purpose of said dedications/easements is to encourage views of the bay or ocean and features such as walkways, public parking areas, fishing piers, gazebos, art objects and other similar amenities. A floor area ratio bonus shall be given for developments abutting the bay or ocean where said dedications/easements are granted pursuant to the provisions of Section 33-213.~~

4. ~~Sec. 33-212: Height. The maximum height shall be six (6) stories and seventy-five (75) feet.~~

~~On sites which abut dedicated rights of way of one hundred (100) feet or more, each proposed building or structure which exceeds one hundred (100) feet in height shall be designed and situated such that the shadow created by the sun at 12:00 noon on December 21 (a sun angle of forty one (41) degrees) will not fall on any adjacent property except for public road rights of way. Shadow studies shall be provided to the Department. Buildings or structures may be proposed to any height except as controlled by this shadow provision and other provisions in the Code, such as floor area ratio, setbacks, airport regulations, etc. For all other sites, no building or structure or part thereof shall be of a height greater than the width of the widest street upon which such building abuts, unless approved for additional height as a result of public hearing. (See following sketch.)~~

5. ~~Sec. 33-213: Floor area ratio~~

~~The floor area ratio shall not exceed 1.40. the following, provided, however, that Required parking spaces and associated drives in a parking structure parking shall not count as a part of the floor area, but shall be counted in computing building height. In an accessory parking garage which provides additional parking spaces than what is required for a proposed development, the floor area of the garage which contains the parking spaces and driveways above 120% of the parking requirement shall be included in the Floor Area calculations.~~

| Height of Building | Floor Area Ratio |
|--------------------|------------------|
| 1-story | 0.40 |
| 2-story | 0.60 |
| 3-story | 0.80 |
| 4-story | 1.00 |
| 5-story | 1.20 |
| 6-story | 1.40 |
| 7-story | 1.60 |

| | |
|-----------------|------|
| 8 story | 1.80 |
| 9 story or over | 2.00 |

A floor area ratio bonus shall be given for developments abutting the bay or ocean where easements are dedicated or granted to Miami Dade County and accepted by the Board of County Commissioners and improved with features such as landscape, walkways, public parking areas, fishing piers, gazebos, restrooms, art objects and other similar amenities. Such areas are to extend the full length of the property from the street most nearly parallel to the mean high water line, to the bay or ocean. Such areas are to be included in density, open space and setback calculations.

The bonus shall be an additional two (2) square feet of floor area for each one (1) square foot of area devoted and improved for public access.

6. ~~Density - Sec. 33-214. Maximum number of units.~~ The maximum number of dwelling units shall not exceed a density of fifty (50) dwelling units per net acre. or eight hundred seventy one and two tenths (871.2) square feet of lot area per dwelling unit.

7. Minimum Apartment Unit Size / Average Apartment Unit Size

The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured from the outside of exterior walls to the center line of interior partitions. Non-airconditioned spaces such as balconies shall not be counted towards the required minimum unit size.

8. ~~Sec. 33-216. Landscaped Open space -~~ On each lot there shall be provided landscaped open space equal to a minimum of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than twenty (20) percent of the open space requirement.

~~On each lot there shall be provided an open space equal to a minimum of forty (40) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking, and shall be landscaped and well maintained with grass, trees, and shrubbery, excepting only areas used as pedestrian walks and ingress and egress drives provided that such drives shall not exceed the minimum width required to serve the parking area.~~

9. ~~Sec. 33-215.1. Trees.~~ Landscaping - Landscaping and trees shall be provided in accordance with Division 7 Chapter 18A of this Code.

~~Sec. 33-215. Parking.~~

~~Where a parking garage is not more than four (4) feet above grade, it shall not be considered as a structure for zoning purposes in the RU-4 District except as it applies~~

~~to the special setback provisions in Section 33-43; the same setbacks shall apply as with surface parking. The garage will not be calculated as a part of lot coverage requirements and will not be allowed in the twenty (20) percent unencumbered area, as enumerated in Section 33-211.1.~~

~~If the garage is to be used for parking on the top deck, it must be landscaped according to the provisions of Chapter 18A of the Code of Miami Dade County; if it is not to be used for parking on the top deck, it shall be developed with landscaping, recreational facilities, etc., with those portions devoted to landscaping being counted as open space pursuant to the provisions of Section 33-216.~~

E. Sec. 33-208.1. Site Plan Review—Generally.

~~The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decision.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:~~

- ~~(1) Site plan including the following information:
 - ~~(a) Lot lines and setbacks.~~
 - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
 - ~~(c) Landscaping in accordance with Chapter 18A of this Code.~~
 - ~~(d) Location of off street parking and loading facilities and waste collection areas.~~
 - ~~(e) Indication of exterior graphics, as required.~~
 - ~~(f) Indication of any site design methods used to conserve energy.~~~~
- ~~(2) Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- ~~(3) Figures indicating the following:
 - ~~(a) Gross and net acreage.~~
 - ~~(b) Amount of landscaped open space in square feet required and provided.~~
 - ~~(c) Amount of building coverage at ground level in square feet.~~
 - ~~(d) Total trees required and provided in accordance with Chapter 18A of this~~~~

Code.

~~(e) Parking required and provided.~~

~~(f) Total amount of paved area in square feet.~~

~~(g) Such other design data as may be needed to evaluate the project.~~

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Division 3.4 of the Code the following design criteria shall be utilized in the site plan review process:

~~The following criteria shall be utilized in the plan review process:~~

1. **Purpose and intent:** The proposed development fulfills the objectives of this article.
- ~~(2) **Planning studies:** Design, planning studies or neighborhood area studies accepted or approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.~~
2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.
3. **Buffers:** Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.
6. **Energy consideration:** Site design methods to reduce energy consumption shall be encouraged. Every site conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
7. **Parking areas:** Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town of Miami Lakes Code.

8. ***Open spaces:*** Open space shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.
9. ***Graphics:*** Graphics, as required, shall be designated as an integral part of the overall design of the project.
10. ***Art display:*** Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.
11. ***Visual screening for decorative walls:*** In an effort to prevent graffiti and vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - (a) ***Wall with landscaping.*** All concrete block stucco walls abutting right of ways shall be treated with anti-graffiti paint. The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:
 - (1) ***Shrubs.*** Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (2) ***Hedges.*** Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (3) ***Vines.*** Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
 - (b) ***Metal picket fence.*** Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.
12. ***Bikeways and bicycle parking facilities.*** Where feasible all new and substantially redeveloped multi-family developments shall provide bikeways and on-site bicycle parking facilities.

~~Sec. 33-216.3. Consolidation of requests requiring approval by public hearing into one (1) hearing application.~~

~~All requests requiring approval by public hearing may be consolidated into one (1) hearing application.~~

~~ARTICLE XIXB.~~

DIVISION 4.8 RU-5A, SEMI-PROFESSIONAL RO-13 LOW DENSITY
RESIDENTIAL / OFFICE DISTRICT

A. Sec. 33-223.6. Permitted Uses

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RO-13 RU-5A 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. All other uses, including retail uses are hereby prohibited.

1. Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2, and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, accessory uses, area, yard areas, height, density and lot coverage.
2. Multiple family apartment buildings house, apartment, hotel, apartment hotel and motel, containing fewer than eleven (11) units in a single building.
3. Hotels, motels, apartment houses, and apartment hotels, containing eleven (11) or more units, subject to site plan review hereinafter provided. Where applicant fails to secure the approval of both departments the site plan reviewed shall be deemed denied. Where the site plan has been denied, the applicant may correct the same to secure the approval of both departments or appeal the denial for review by the Community Zoning Appeals Board.
4. Offices; where such offices are accessed from a common entrance to the building and from interior hallways. Office buildings shall not have individual storefronts facing the exterior of the building.
5. Mixed Use Buildings; Buildings may contain apartment units, hotel units and offices. However, residential units shall not be located on any floor that contains office uses.

- ~~— (1) Abstract tile~~
- ~~— (2) Accountants—bookkeeping~~
- ~~— (3) Actuaries~~
- ~~— (4) Advertising (no shops)~~
- ~~— (5) Adjusters (insurance)~~
- ~~— (6) Aerial survey and photography~~
- ~~— (7) Appraisers—no sale or rental of any type of merchandise or equipment~~
- ~~— (8) Architects~~
- ~~— (9) Attorneys~~
- ~~— (10) Auditors~~

- ~~(10A) Banks, excluding drive thru banking facilities~~
- ~~(11) Banks, including drive thru banking facilities, upon approval after public hearing on office complex sites of three (3) acres or more~~
- ~~(12) Business analysts counselors or brokers~~
- ~~(13) Building contractors, office only (no shop or storage)~~
- ~~(14) Chiroprodists~~
- ~~(15) Chiropractors~~
- ~~(16) Consulates~~
- ~~(17) Counseling, child guidance and family service~~
- ~~(18) Court reporter, public stenographer~~
- ~~(19) Credit reporting~~
- ~~(19A) Day nursery, kindergarten and afterschool care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA.~~
- ~~(20) Dentist~~
- ~~(21) Detective agencies and investigating service~~
- ~~(22) Drafting and plan service~~
- ~~(23) Engineers, professional~~
- ~~(24) Insurance and bonds~~
- ~~(25) Manufacturers agents~~
- ~~(26) Market research~~
- ~~(27) Medical doctors~~
- ~~(28) Model agencies (no school)~~
- ~~(29) Mortgage broker~~
- ~~(30) Notary public~~
- ~~(31) Optician~~
- ~~(32) Optometrist~~
- ~~(33) Public libraries~~
- ~~(34) Public relations~~
- ~~(35) Real estate~~
- ~~(36) Real estate management~~
- ~~(37) Secretarial service~~
- ~~(38) Shoppers information service~~
- ~~(39) Social service bureau~~
- ~~(40) Stock brokers exchange investment service~~
- ~~(41) Tax consultants~~
- ~~(42) Telephone answering service~~
- ~~(43) Theater ticket agencies~~
- ~~(44) Travel agencies~~
- ~~(45) Zoning consultants~~
- ~~(46) Any use which is found by the Director to be a use similar to one (1) of the above numbered uses and, in his opinion, conforms to the intent of this section.~~

B. Conditional Uses

1. Convalescent homes, eleemosynary and philanthropic institutions.
2. Private clubs, lodges, fraternities and sororities, only upon approval after public hearing.
3. Public art galleries, public libraries and public museums.
4. A community residential facility as defined in Division xx ~~Section 33-1(30.1)~~ shall be permitted if it complies with the following:
 - (a) That the operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services;
 - (b) That the community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone. The one thousand two hundred-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;
 - (c) That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;
 - (d) That the sponsoring agency of the community residential home notify the Administrative Official in writing of its intention to establish said facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and
 - (e) Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.
5. Congregate living facilities, foster homes, group homes, nursing homes, religious institutions, small scale public facilities and utilities.
6. Educational and Child Care Facilities, Non-Public as per Division XX.

C. Accessory uses.

The accessory uses in the RO-13 district are those uses customarily associated with multi-family residential buildings or hotels and for use of the residents or hotel guests only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same lot as the main use. In addition, the following accessory uses are permitted:

1. Business or commercial establishments, restaurants, bars and cabarets open to the public shall be permitted in hotels, motels and apartment hotels provided they are located within the principal building, which contains at least one hundred (100) units, and provided the exterior of any such principal building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highway: in the event the use contains windows which may be seen from the street or highway, said windows shall be of fixed, obscure glass. Such business or commercial establishments and bars in this district shall be entered only through the lobby and no additional entrances shall be permitted, except when the same opens into a courtyard or patio (away from the street side) which is enclosed and which is not visible from the street and, except that a fire door or emergency exit shall be permitted.
2. Apartment developments having a minimum of three hundred (300) residential units may have accessory convenience uses not exceeding one thousand (1,000) square feet as an accessory use to apartment developments, provided that:
 - (a) Such services relate to the needs of the inhabitants of the proposed complex;
 - (b) Such services are not provided direct access from public roads;
 - (c) Such services are not visible from public roads;
 - (d) Detached signs and signs visible from public roads are not used;
 - (e) Such services are designed as an integral part of the total design as determined by site plan review; and
 - (f) Said facility is located in the principal structure or in a community service center structure.

An additional one (1) square foot of retail area shall be permitted for each apartment unit above three hundred (300) units provided, however, that the maximum square footage for such facilities shall not exceed three thousand (3,000) square feet.

3. Hotels and motels with one hundred fifty (150) or more guest rooms may contain liquor package use on the premises for the accommodation and use of their guests only, provided the establishment housing such use is entered only through the lobby within the building and does not have the appearance of commercial or mercantile activity as viewed from the highway. No advertisement of the use will be permitted which can be seen from the outside of the building. These restrictions shall not apply when the hotel or motel site is in a commercial district and the package store is a permitted use and conforms to all of the requirements of said district.

4. Hotels and motels with two hundred (200) or more guest rooms or apartment units under one (1) roof may contain a night club on the premises, provided the exterior of any such building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed obscure glass. Such night club shall be entered only through the lobby, and no additional entrance shall be permitted, except when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street and, except that a fire door or exit shall be permitted.
5. Apartment Hotels must have the minimum number of apartment or hotels units listed above in order to have the respective accessory uses.
6. Cabanas, provided they are strictly incidental to an apartment hotel, motel or hotel. Cabanas shall not be used for overnight sleeping quarters nor rented or leased to any person other than a guest of the apartment house, apartment hotel, motel or hotel.

D. Development Regulations

1. ~~Sec. 33-223.7.~~ Minimum lot width and area.

- (a) Minimum lot width shall be seventy-five (75) feet.
- (b) Minimum lot area shall be ten thousand (10,000) square feet.

2. ~~Sec. 33-223.8. Lot coverage; setback requirements; accessory buildings; type of building permitted.~~

The maximum lot coverage for all structures on the site shall be thirty forty (30 40) percent.

3. Setbacks

- a. Minimum setback from front property line shall be twenty-five (25) feet.
- b. Minimum setback from side property line abutting a highway right-of-way shall be fifteen (15) feet.
- c. Minimum setback from interior side property line shall be fifteen (15) feet.
- d. Minimum setback from rear property line shall be twenty-five (25) feet.
- e. Parking Setbacks:

Front: 25' from front property line.

Street side: 10' from corner side street property lines.

Interior side: 5' from interior side property lines

Rear: 5' from rear property lines.

- f. Minimum spacing between principal buildings and accessory buildings. Minimum spacing between principal buildings shall be twenty (20) feet to nearest portion of building(s) and for accessory buildings, ten (10) feet.
- g. ~~Sec. 33-222.5~~ Other spacing - No building containing a private school, convalescent home, eleemosynary or philanthropic institution shall be located within one hundred (100) feet of any EU, RU-1 or RU-2 Zone or within fifty (50) feet of any property under different ownership.
- h. Accessory buildings:
- (1) Single Family, Two Family, & Townhouses - accessory buildings shall conform to requirements in the respective districts.
 - (2) All other Uses – Accessory buildings shall not be permitted within the front yard or side street setback areas. Otherwise the location, setbacks, lot coverage, height, size etc. shall be determined through the site plan review process.

~~Accessory building shall be permitted provided that they comply with the following setbacks:~~

- ~~(1) Minimum setback from front property line shall be seventy-five (75) feet.~~
- ~~(2) Minimum setback from side property line abutting a highway right-of-way shall be twenty (20) feet.~~
- ~~(3) Minimum setback from interior side property line shall be seven and one-half (7-1/2) feet.~~
- ~~(4) Minimum setback from rear property line shall be five (5) feet.~~

~~Sec. 33-223.9. Minimum square foot content and height of buildings and floor area ratio.~~

- ~~(a) Minimum square foot content. The gross interior square foot area of the principal structure shall not be less than one thousand (1,000) square feet.~~

4. Height

~~The maximum height of any structure shall be two (2) stories but not to exceed thirty-five (35) twenty-four (24) feet above finished grade.~~

5. Floor Area Ratio

~~The floor area ratio shall not exceed 0.60 the following, providing, however, that~~

structure parking shall not count as part of the floor area, but shall be counted in computing building height. In an accessory parking garage which provides additional parking spaces than what is required for a proposed development, the floor area of the garage which contains the parking spaces and driveways above 120% of the parking requirement shall be included in the Floor Area calculations.

One (1) story: 0.40 FAR

Two (2) stories: 0.60 FAR

6. Density Maximum number of apartment and hotel units.

The maximum number of dwelling units in a multiple family housing development or apartment building shall not exceed a density of thirteen (13) dwelling units per acre. Hotels and motels developed for transient residential usage shall not exceed a density of twenty (20) dwelling units per net acre.

The maximum number of units in an Apartment Hotel (defined as a building containing a combination of apartment units and hotel units) shall be calculated on a proportional basis. For example, if a proposed building contains 20% apartment units and 80% hotel units, then 20% of the lot area will be calculated at the apartment density of 13 dwelling units per acre and 80% of the lot area will be calculated at the hotel density of 20 units per acre.

~~Sec. 33-223.10. Other specific requirements.~~

7. Minimum Apartment Unit Size / Average Apartment Unit Size

The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured from the outside of exterior walls to the center line of interior partitions. Non-airconditioned spaces such as balconies shall not be counted towards the required minimum unit size.

8. ~~(a)~~ Landscaped Open space.

On each lot there shall be provided landscaped an open space equal to a minimum of thirty (30) twenty five (25) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than twenty (20) percent of the open space requirement.

9. Landscape.

Landscaping and trees shall be provided in accordance with Division 7 Chapter 18A of this Code.

All landscaped areas shall be continuously maintained in a good, healthy condition,

and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscaped areas, except within trees preservation zones of "natural forest communities" as defined in Section 26B-1, Miami-Dade County Code. Tree preservation zones shall also be maintained in a healthy natural condition free from trash, debris and disturbance of understory vegetation.

~~(d) *Mixed uses.* Depending on lot area available, it shall also be permissible for the occupant of an office to have an accompanying residential use in connection therewith.~~

10. Wall

A decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines including the rear property line; provided, however, in the event that the rear property line abuts a secondary road, said wall shall be set in ten (10) feet from the official right-of-way of the secondary road and said ten-foot strip shall be landscaped; provided further, in the event that the interior side property line abuts RO Residential/Office zoned property zoned RU-5, RU-5A, or a more liberal zoning district, the requirement for the wall along said common interior property line shall not apply.

11. Through lots.

Where the building site is on a through lot, the structure shall front on the principal road, and if there is any question as to which of the two (2) roads is the principal road, the decision of the Administrative Official ~~Director~~ shall be adhered to.

12. Type of buildings permitted.

The principal buildings to be erected shall be without store fronts or display windows and all uses must be entered through a main entrance or lobby to the building.

~~Cantilevers may project from the building wall into the required open space (court only) not more than four (4) feet and the stairways may project from the building wall into the required open space (court only) not more than seven and one half (7-1/2) feet.~~

E. ~~Sec. 33-223.11.~~ Site Plan Review—Generally.

~~The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth~~

~~the grounds for denial. If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decisions.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:~~

- ~~(1) Site plan including the following information:~~
 - ~~(a) Lot lines and setbacks.~~
 - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
 - ~~(c) Landscaping in accordance with Chapter 18A of this Code.~~
 - ~~(d) Location of off-street parking and loading facilities and waste collection areas.~~
 - ~~(e) Indication of exterior graphics, as required.~~
 - ~~(f) Indication of any site design methods used to conserve energy.~~
- ~~(2) Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- ~~(3) Figures indicating the following:~~
 - ~~(a) Gross and net acreage.~~
 - ~~(b) Amount of landscaped open space in square feet required and provided.~~
 - ~~(c) Amount of building coverage at ground level in square feet.~~
 - ~~(d) Total trees required and provided in accordance with Chapter 18A of this Code.~~
 - ~~(e) Parking required and provided.~~
 - ~~(f) Total amount of paved area in square feet.~~
 - ~~(g) Such other design data as may be needed to evaluate the project.~~

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Division 3.4 of the Code the following design criteria shall be utilized in the site plan review process:

1. *Purpose and intent:* The proposed development fulfills the objectives of this article.
- ~~(2) *Planning studies:* Design, planning studies or neighborhood area studies accepted or approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.~~
2. *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, related structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense-use areas.
3. *Buffers:* Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
4. *Scale:* Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
5. *Circulation:* Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.
6. *Energy considerations:* Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
7. *Parking areas:* Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town of Miami Lakes Code. ~~Code of Miami-Dade County.~~
8. *Open spaces:* Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.

9. *Graphics*: Graphics, as required, shall be designed as an integral part of the overall design of the project.
10. *Art display*: Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.
11. *Visual screening for decorative walls*: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
- (a) *Wall with landscaping*. The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:
- (1) *Shrubs*. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
- (2) *Hedges*. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
- (3) *Vines*. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
- (b) *Metal picket fence*. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.
12. *Bikeways and bicycle parking facilities*. Where feasible all new and substantially redeveloped developments shall provide bikeways and on-site bicycle parking facilities.

DIVISION 4.9 RU-4A, RO-50 HIGH DENSITY RESIDENTIAL / OFFICE HOTEL APARTMENT HOUSE DISTRICT

A. Sec. 33-217. Permitted Uses

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4A RO-50 District which is designed, arranged, or intended to be used or occupied for any purpose, except for ~~one (1)~~ of the following uses. All other uses, including retail uses are hereby prohibited.

1. Those uses permitted in the RU-1, RU-1A ~~M(a)~~, RU-1B ~~M(b)~~, RU-2, ~~RU-3~~ and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, accessory uses, area, yard areas, height, density and lot coverage.
2. Multiple family apartment buildings ~~house, apartment, hotel, apartment hotel and motel containing fewer than eleven (11) units in a single building.~~
3. Hotels, motels, ~~apartment houses, and apartment hotels. containing eleven (11) or more units, subject to site plan review hereinafter provided. Where applicant fails to secure the approval of both departments the site plan reviewed shall be deemed denied. Where the site plan has been denied, the applicant may correct the same to secure the approval of both departments or appeal the denial for review by the Community Zoning Appeals Board.~~
4. Offices; where such offices are accessed from a common entrance to the building and from interior hallways. Office buildings shall not have individual storefronts facing the exterior of the building.
5. Mixed Use Buildings; Buildings may contain apartment units, hotel units and offices. However, residential units shall not be located on any floor that contains office uses.

~~(4) Multiple family housing developments provided they are reviewed under the provisions of site plan review hereinafter provided, and only on approval after staff review of the site plan(s) to ensure compliance with all RU 4A District requirements and the plan review criteria. Said plan shall be in compliance with the requirements hereinafter provided. Where motel developments consist of two (2) or more structures, unless each such structure is located on a site meeting all standards of this district, the area shall be restricted to one (1) ownership by covenant running with the land.~~

B. Conditional Uses

1. ~~(5) Convalescent homes, eleemosynary and philanthropic institutions only upon approval after public hearing.~~
2. ~~(6) Private clubs, lodges, fraternities and sororities, only upon approval after public hearing.~~
3. ~~(7) Public art galleries, public libraries and public museums.~~

~~(8) Bungalow villa arrangements (each structure limited to not more than two family occupaney). See definition in this chapter.~~

~~Before a permit shall be granted to place buildings on a lot under the bungalow villa provision, plans shall be filed covering the size and spacing of all buildings intended in the villa and the total area of lot is to be included; not less than ten (10) dwelling units shall be permitted under the provisions of the bungalow villa regulations and, further, the entire area shall be restricted to one (1) ownership by covenant running with the land. Permits shall be obtained for the required ten (10) units at one (1) time and work on all structures shall proceed concurrently.~~

~~(9) Housing projects, whether in single or multiple buildings, and as defined in Chapter 421 of the Florida Statutes, built for or by the Miami-Dade County Department of Housing and Urban Development.~~

4. ~~(10) A community residential facility as defined in Division XX Section 33-1(30.1) shall be permitted in a dwelling unit upon if it complies with the following:~~

~~(a) That the total number of resident clients on the premises not exceed fourteen (14) in number. Facilities for more than fourteen (14) resident clients must be approved through public hearing pursuant to Section 33-13;~~

a. ~~(b)~~ That the operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services;

b. ~~(e)~~ That the community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone. The one thousand two hundred-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;

c. ~~(d)~~ That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;

d. ~~(e)~~ That the sponsoring agency of the community residential home notify the

Administrative Official Director in writing of its intention to establish said facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and

e. (f) Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

5. Congregate living facilities, foster homes, group homes, nursing homes, religious institutions, small scale public facilities and utilities.
6. Educational and Child Care Facilities, Non-Public as per Division XX.
7. Hospitals (other than animal hospitals) including accessory office buildings and accessory commercial service facilities, only upon approval by public hearing; said accessory uses shall comply with the following additional criteria:
 - a. Office buildings:
 1. Office buildings shall be located on a hospital site containing a minimum of ten (10) acres.
 2. Hospital and office buildings shall be under one (1) ownership and the property owner shall file a unity of title agreement or other similar agreement or covenant in lieu thereof in conformance with the provisions of Section 33-31.
 3. Tenants of the office buildings shall be limited to medical personnel affiliated with, and having staff privileges at, the hospital.
 4. The hospital must contain a minimum of one hundred (100) beds.
 5. The office complex shall not exceed forty (40) percent of the hospital's total square footage.
 - b. Commercial service facilities:
 1. Service facilities shall be restricted to cafeterias or restaurant, florist shop, gift shop, financial institution, pharmacy, newspaper and magazine stand, and other similar uses determined by the director to be ancillary to a hospital/office complex.

2. Services shall be permitted and available exclusively for use by medical staff, hospital personnel, patients and visitors of the hospital.
3. Outside advertising or signs (including wall signs) shall be prohibited.
4. Service facilities shall not exceed three (3) percent of the hospital floor area, nor shall they exceed seven (7) percent of the office floor area.
5. Service facilities meeting the above criteria shall not require further public hearing(s) if located within hospitals or related office buildings approved at public hearing(s) held after the effective date of Ordinance Number 88-93.

~~Provisions of Ord. No. 82-6 shall not apply to those buildings for which a building permit has been issued and is in effect and where multiple family housing development or project site plan has been approved prior to February 2, 1982, by resolution of the Zoning Appeals Board or Board of County Commissioners, or prior to February 2, 1982, 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.~~

C. Sec. 33-222.4. Accessory uses.

The accessory uses in the RO-50 district are those uses customarily associated with multi-family residential buildings or hotels and for use of the residents or hotel guests only, such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same lot as the main use. In addition, the following accessory uses are permitted:

1. ~~Business or commercial establishments, of the BU-1 type, restaurants, bars and cabarets open to the public shall be permitted in hotels, motels and apartment hotels provided they are located within the principal building, which contains at least one hundred (100) units, and provided the exterior of any such principal building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highway: in the event the use contains windows which may be seen from the street or highway, said windows shall be of fixed, obscure glass. Such business or commercial establishments and bars in this district shall be entered only through the lobby and no additional entrances shall be permitted, except when the same opens into a courtyard or patio (away from the street side) which is enclosed and which is not visible from the street and, except that a fire door or emergency exit shall be permitted. Hotels, motels, and apartment hotels which extend from a street to the ocean or bay, and which have the required number of guest rooms or apartment units may have the permitted business or commercial establishment on the extreme end of the structure on the waterway side with a direct opening, provided that the~~

~~opening is from the waterway side and cannot be viewed from the street or highway.~~

~~These restrictions shall not apply when the site is in a commercial district and these commercial uses are a permitted use in said district and conform to all of the requirements of said district.~~

2. Apartment developments having a minimum of three hundred (300) residential units may have accessory BU-I type convenience uses not exceeding one thousand (1,000) square feet as an accessory use to apartment developments, provided that:
 - (a) Such services relate to the needs of the inhabitants of the proposed complex;
 - (b) Such services are not provided direct access from public roads;
 - (c) Such services are not visible from public roads;
 - (d) Detached signs and signs visible from public roads are not used;
 - (e) Such services are designed as an integral part of the total design as determined by site plan review; and
 - (f) Said facility is located in the principal structure or in a community service center structure.

An additional one (1) square foot of retail area shall be permitted for each apartment unit above three hundred (300) units provided, however, that the maximum square footage for such facilities shall not exceed three thousand (3,000) square feet.

3. Hotels and motels with one hundred fifty (150) or more guest rooms may contain liquor package use on the premises for the accommodation and use of their guests only, provided the establishment housing such use is entered only through the lobby within the building and does not have the appearance of commercial or mercantile activity as viewed from the highway. No advertisement of the use will be permitted which can be seen from the outside of the building. These restrictions shall not apply when the hotel or motel site is in a commercial district and the package store is a permitted use and conforms to all of the requirements of said district.
4. Hotels and motels with two hundred (200) or more guest rooms or apartment units under one (1) roof may contain a night club on the premises, provided the exterior of any such building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed obscure glass. Such night club shall be entered only through the lobby, and no additional entrance shall be permitted, except when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street and, except that a fire door or exit shall be permitted.
5. Apartment Hotels must have the minimum number of apartment or hotels units listed above in order to have the respective accessory uses.

- ~~(5) Coffee shop and dining room may be permitted in bungalow villa arrangements having fifty (50) or more guest rooms or fifty (50) or more units designed as one-family dwellings, provided that the exterior of any such building shall not contain store fronts and shall not have the appearance of commercial or mercantile activity as viewed from the public highway, nor be identified by any type of sign. Strip lighting by neon or other type of electric lighting to outline a building shall not be permitted.~~

~~The total square foot area of coffee shop or dining room, including kitchen facilities, etc., shall not total more than fifteen (15) square feet, multiplied by each living unit erected on the project.~~

6. Cabanas, provided they are strictly incidental to apartment house, apartment hotel, motel or hotel. Cabanas shall not be used for overnight sleeping quarters nor rented or leased to any person other than a guest of the apartment house, apartment hotel, motel or hotel.

D. Development Regulations

1. Sec. 33-218. Minimum lot width and area.

- a. The minimum lot width shall be one hundred (100) feet.
- b. The minimum lot area shall be ten thousand (10,000) square feet.

2. Sec. 33-219. Lot coverage.

- a. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area.

3. Sec. 33-220. Setback requirements.

- a. Front setback. For structures not exceeding thirty-five (35) feet in height, the minimum setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the setbacks shall be increased by forty (40) percent of the additional height above thirty-five (35) feet, ~~provided, however, that the required front setback shall not exceed fifty (50) feet.~~
- b. Rear setback. For structures not exceeding thirty-five (35) feet in height, the minimum setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the setbacks shall be increased by forty (40) percent of the additional height above thirty-five (35) feet.
- c. Interior side setbacks and side street setbacks. Minimum setbacks for all structures shall be ~~determined by a sixty-three degree line projected from the interior side property line(s) or side street property line(s) upward towards the center of the site; provided, however, that no structure shall be permitted to be closer than~~ twenty-five (25) feet to the interior side property line(s) or side street

property line(s) (see the following sketch) and further provided that the passageway areas to Biscayne Bay or the Atlantic Ocean are adhered to as provided in this article.

- d. Minimum setback between buildings shall be twenty (20) feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site. In that case there shall be provided a minimum clear distance of not less than thirty (30) feet, said distance to be measured on a line projected at right angles from the opening to the opposite wall. ~~Cantilevers and open porches may project from the building wall into the required open space (court only) not more than six (6) feet and stairways may project from the building wall into the required open space (court only) not more than ten (10) feet. Stairways, when located in the required open space (court), shall be supported by the necessary columns only; support by a wall is strictly prohibited.~~

e. Parking Setbacks:

Front: 25' from front property line.

Street side: 15' from corner side street property lines.

Interior side: 5' from interior side property lines

- f. ~~Sec. 33-222.5~~ Other spacing - No building containing a hospital, private school, convalescent home, eleemosynary or philanthropic institution shall be located within one hundred (100) feet of any EU, RU-1 or RU-2 Zone or within fifty (50) feet of any property under different ownership.

g. Accessory buildings:

(1) Single Family, Two Family, & Townhouses - accessory buildings shall conform to requirements in the respective districts.

(2) All other Uses - Accessory buildings shall not be permitted within the front yard or side street setback areas. Otherwise the location, setbacks, lot coverage, height, size etc. shall be determined through the site plan review process.

(5) — ~~Bungalow villas shall be setback as follows:~~

————— (a) — ~~Twenty five (25) feet from the front property line.~~

————— (b) — ~~Twenty (20) feet from a side property line abutting a highway right-of-way, except where the rear of the lot abuts a key lot; in which event, the setback for the key lot shall govern.~~

————— (c) — ~~Ten (10) feet from an interior side lot line.~~

~~_____ (d) Ten (10) feet from the rear property line.~~

~~_____ (e) The minimum clear distance between units of a bungalow villa shall be twenty (20) feet. Ingress and egress to all units shall be provided by a common and continuous clear space with a thirty (30) foot minimum width.~~

Sec. 33-220.1. Passageway areas to the bay or ocean.

~~There shall be a visual passageway area for sites abutting the bay or ocean, said area to extend from the bay or ocean to the street most nearly parallel to the mean high water line. Twenty (20) percent of the total frontage dimension of said sites shall be unencumbered with any structure or off-street parking, with the area(s) running the full length of the property from the street most nearly parallel to the mean high water line, to the bay or ocean. The maximum required view corridor for any one (1) development shall be one hundred (100) feet in width.~~

~~Properties donated or dedicated to Miami-Dade County and accepted by the Board of County Commissioners, or encumbered with a public or semipublic easement that lies within the interior setback areas shall be credited toward this requirement. The purpose of said dedications/easements is to encourage views of the bay or ocean and features such as walkways, public parking areas, fishing piers, gazebos, art objects and other similar amenities. A floor area ratio bonus shall be given for developments abutting the bay or ocean where said dedications/easements are granted pursuant to the provisions of Section 33-222.~~

4. Sec. 33-221. Height.

~~On sites which abut dedicated rights-of-way of one hundred (100) feet or more, each proposed building or structure which exceeds one hundred (100) feet in height shall be designed and situated such that the shadow created by the sun at 12:00 noon on December 21 (a sun angle of forty-one (41) degrees) will not fall on any adjacent property except for public road rights-of-way. Shadow studies shall be provided to the Department. Buildings or structures may be proposed to any height except as controlled by this shadow provision and other provisions in the Code, such as floor area ratio, setbacks, airport regulations, etc. For all other sites, no building or structure or part thereof shall be of a height greater than the width of the widest street upon which such building abuts, unless approved for additional height as a result of public hearing. (See following sketch.)~~

The maximum height shall be six (6) stories and seventy-five (75) feet. All structures higher than two (2) stories or 35 feet shall require site plan approval at a public hearing.

5. ~~Sec. 33-222.~~ Floor area ratio.

The floor area ratio shall not exceed 1.4 ~~the following~~; provided, however, that covered structure parking shall not count as a part of the floor area, but shall be counted in computing building height. In an accessory parking garage which provides additional parking spaces than what is required for a proposed development, the area of the garage which contains the parking spaces and driveways above 120% of the parking requirement shall be included in the Floor Area calculations.

| <i>Height of Buildings</i> | <i>Floor Area Ratio</i> |
|----------------------------|-------------------------|
| 1 story | 0.40 |
| 2 story | 0.60 |
| 3 story | 0.80 |
| 4 story | 1.00 |
| 5 story | 1.20 |
| 6 story | 1.40 |
| 7 story | 1.60 |
| 8 story | 1.80 |
| 9 story or over | 2.00 |

~~A floor area ratio bonus shall be given for developments abutting the bay or ocean where improved easements are dedicated or granted to Miami-Dade County and accepted by the Board of County Commissioners for features such as landscape, walkways, public parking areas, fishing piers, gazebos, restrooms, art objects and other similar amenities. Said areas are to extend the full length of the property from the street most nearly parallel to the mean high water line, to the bay or ocean. Such areas are to be included in density, open space and setback calculations.~~

~~The bonus shall be an additional two (2) square feet of floor area for each one (1) square foot of area devoted for improved public access.~~

6. Density - ~~Sec. 33-222.1.~~ Maximum number of apartment and hotel units.

The maximum number of dwelling units in a multiple family housing development, or apartment, ~~or housing project~~ shall not exceed a density of fifty (50) dwelling units per acre. ~~or eight hundred seventy one and two-tenths (871.2) square feet of lot area per dwelling unit.~~

Hotels and motels ~~and apartment hotels~~ developed for transient residential usage shall not exceed a density of seventy-five (75) dwelling units per net acre. ~~or five hundred eighty and eight-tenths (580.8) square feet of lot area per dwelling unit.~~

The maximum number of units in an Apartment Hotel (defined as a building containing a combination of apartment units and hotel units) shall be calculated on a proportional basis. For example, if a proposed building contains 20% apartment units and 80% hotel units, then 20% of the lot area will be calculated at the apartment density of 50 dwelling units per acre and 80% of the lot area will be calculated at the hotel density of 75 units per acre.

7. Minimum Apartment Unit Size / Average Apartment Unit Size

The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured from the outside of exterior walls to the center line of interior partitions. Non-airconditioned spaces such as balconies shall not be counted towards the required minimum unit size.

Each dwelling unit of a bungalow villa shall provide at least two thousand (2,000) square feet of lot area.

Sec. 33-222.1.1. Subdivision of hotels and motels.

~~_____ (a) _____ Definitions.~~

~~_____ (1) _____ For the purposes of this section the term "subdivision of a hotel or motel" shall mean the sale, conveyance, or long term lease or sublease (for more than six (6) months) of five (5) percent or more, cumulatively, of the units in a hotel or motel by the same seller, lessor or sublessor. This definition is not applicable to the transfer of an entire hotel or motel to the same transferee.~~

~~_____ (2) _____ For purposes of this section the term "subdivided property" shall mean all hotel or motel units and all other components of any subdivided hotel or motel.~~

~~_____ (b) _____ Any person or entity who subdivides a hotel or motel shall deliver written notice of said subdivision to the Director on or before the earlier of either offering to enter into or entering into any sale, conveyance, lease, or sublease which would result in a subdivision.~~

~~_____ (c) _____ If there shall be a subdivision of any hotel or motel no permit, certificate of use and occupancy or any other governmental approval shall be issued or granted except in emergencies for any subdivided property, unless and until the owner shall demonstrate to the Director that the subdivided property shall continue to comply with all the provisions and regulations of this chapter and any resolutions adopted pursuant hereto. The procedure for demonstrating such compliance shall be established by submission of documentation pursuant to regulations to be promulgated by the Director and approved by the Board of County Commissioners.~~

~~(d) (1)~~

~~_____ It shall be presumed that the subdivision of a hotel or motel results in a change of use to nonhotel or nonmotel use. This presumption may be rebutted administratively at a public hearing. An application to rebut shall be filed for public hearing before the appropriate Community Zoning Appeals Board. The presumption shall be rebutted whenever such an applicant shall establish at public hearing that the property will continue to~~

~~be utilized as a hotel or motel. In civil proceedings the presumption of change of use shall shift the burden of proof on this issue to the party against whom it operates; and in criminal proceedings the presumption shall constitute prima facie evidence of a change in use.~~

~~(2) The presumption established by this subsection shall not go into effect for a hotel or motel if: 1) prior to June 6, 1984, units in the hotel or motel have been offered to the public for sale, conveyance, lease, or sublease which would result in a subdivision; 2) an application to rebut is filed pursuant to this subsection within sixty (60) days after June 15, 1984; and 3) said application is approved. For a hotel or motel which may qualify pursuant to this paragraph, no presumption shall go into effect until the later of the expiration of said sixty day period without the filing of an application to rebut, or a final determination that the applicant has failed to rebut the presumption.~~

~~(c) This section shall not apply to any units or other components of a subdivided property which were sold, conveyed, leased, or subleased to the public in bona fide transactions by the subdivider prior to June 15, 1984 nor to any units or components so transferred after June 15, 1984 pursuant to a bona fide contract with the transferee entered into before June 15, 1984. The term "bona fide" shall mean for a valid business purpose other than avoiding the applicability of this section. Except as otherwise specifically provided herein all provisions of this section shall be applicable to all hotel or motel property undergoing subdivision after June 15, 1984 regardless of whether there was any prior subdivision thereof. Nothing contained in this section shall prevent the Director from taking any and all enforcement actions authorized by the Code of Miami-Dade County, Florida, independent of this section.~~

~~**K. Sec. 33-222.2. Parking.**~~

~~Where a parking garage is not more than four (4) feet above grade, it shall not be considered as a structure for zoning purposes in the RU-4 District except as it applies to the special setback provisions in Section 33-43; the same setbacks shall apply as with surface parking. The garage will not be calculated as a part of lot coverage requirements and will not be allowed in the twenty (20) percent unencumbered area, as enumerated in Section 33-220.1.~~

~~If a garage is to be used for parking on the top deck, it must be landscaped according to the provisions of Chapter 18A of the Code of Miami-Dade County; if it is not to be used for parking on the top deck, it shall be developed with landscaping, recreational facilities, etc., with those portions devoted to landscaping being counted as open space pursuant to the provisions of Section 33-222.3.~~

~~**8. Sec. 33-222.3. Landscaped Open space.**~~

On each lot there shall be provided landscaped open space equal to a minimum of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than twenty (20) percent of the open space requirement.

~~On each lot there shall be provided an open space equal to a minimum of forty (40) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking, and shall be landscaped and well maintained with grass, trees, and shrubbery, excepting only areas used as pedestrian walks and ingress and egress drives provided that such drives shall not exceed the minimum width required to serve the parking area.~~

9. ~~Sec. 33-222.3.1. Trees.~~ Landscape - Landscaping and trees shall be provided in accordance with Division 7 of this Code.

10. Wall

A decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines including the rear property line; provided, however, in the event that the rear property line abuts a secondary road, said wall shall be set in ten (10) feet from the official right-of-way of the secondary road and said ten-foot strip shall be landscaped; provided further, in the event that the interior side property line abuts RO Residential/Office zoned property or a more liberal zoning district, the requirement for the wall along said common interior property line shall not apply.

11. Through lots.

Where the building site is on a through lot, the structure shall front on the principal road, and if there is any question as to which of the two (2) roads is the principal road, the decision of the Administrative Official ~~Director~~ shall be adhered to.

12. Type of buildings permitted.

The principal buildings to be erected shall be without store fronts or display windows and all Uses must be entered through a main entrance or lobby to the building.

~~P. — Sec. 33-223. Consolidation of requests requiring approval by public hearing into one (1) hearing application.~~

~~All requests requiring approval by public hearing may be consolidated into one (1) hearing application.~~

E. Sec. 33-217.1. Site Plan Review--Generally.

~~The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and approved or denied within fifteen (15) days from the date of submission. The applicant shall have the right to extend the fifteen-day period by an additional fifteen (15) days upon timely request made in writing to the Department. The Department shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decisions.~~

~~Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to the following:~~

- ~~(1) Site plan including the following information:~~
 - ~~(a) Lot lines and setbacks.~~
 - ~~(b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.~~
 - ~~(c) Landscaping in accordance with Chapter 18A of this Code.~~
 - ~~(d) Location of off street parking and loading facilities and waste collection areas.~~
 - ~~(e) Indication of exterior graphics, as required.~~
 - ~~(f) Indication of any site design methods used to conserve energy.~~
- ~~(2) Floor plans and elevations of all structures, including total gross square foot area of each floor.~~
- ~~(3) Figures indicating the following:~~
 - ~~(a) Gross and net acreage.~~
 - ~~(b) Amount of landscaped open space in square feet required and provided.~~

- ~~_____ (c) Amount of building coverage at ground level in square feet.~~
- ~~_____ (d) Total trees required and provided in accordance with Chapter 18A of this Code.~~
- ~~_____ (e) Parking required and provided.~~
- ~~_____ (f) Total amount of paved area in square feet.~~
- ~~_____ (g) Such other design data as may be needed to evaluate the project.~~

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Division 3.4 of the Code the following design criteria shall be utilized in the site plan review process:

1. *Purpose and intent:* The proposed development fulfills the objectives of this article.
- ~~(2) *Planning studies:* Design, planning studies or neighborhood area studies accepted or approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.~~
2. *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, related structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense-use areas.
3. *Buffers:* Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
4. *Scale:* Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
5. *Circulation:* Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.

6. *Energy considerations:* Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
7. *Parking areas:* Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Code of Miami-Dade County.
8. *Open spaces:* Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.
9. *Graphics:* Graphics, as required, shall be designed as an integral part of the overall design of the project.
10. *Art display:* Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.
11. *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - (a) *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:
 - (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.