

**ORDINANCE NO. 15-184**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE I, SECTION 13-1; AMENDING ARTICLE IV, DIVISION 20, SECTIONS 13-745 AND 13-748; AMENDING DIVISION 21, SECTIONS 13-749, 13-755, 13-762, 13-770, 13-771, 13-772, 13-775, 13-782, 13-788, 13-796, 13-799.1 AND 13-799.3; ADDING NEW SECTIONS 13-799.5 AND 13-799.6; ADDING NEW DIVISION 26, SECTIONS 13-862 THROUGH 13-882; AMENDING ARTICLE VIII, SECTION 13-1801; AMENDING ARTICLE IX, SECTIONS 13-1903 AND 13-1904; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 153.05 +/- ACRE AREA LOCATED EAST AND WEST OF NORTHWEST 67<sup>TH</sup> AVENUE BETWEEN MIAMI LAKES DRIVE AND MIAMI LAKEWAY NORTH, FROM THE RM-50, HIGH DENSITY RESIDENTIAL DISTRICT AND BU-2, SPECIAL BUSINESS DISTRICT TO THE TC, TOWN CENTER DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION OF SOME PORTIONS IN CODE; PROVIDING FOR EXCLUSION OF SOME PORTIONS FROM CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Objective 1.2 of the Town's Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

**WHEREAS**, Policy 1.1.2 of the Town's Comprehensive Plan establishes the Town Center Mixed-Use (TCMU) future land use category and describes the principles under which the area so designated should be developed; and

**WHEREAS**, the existing zoning districts of BU-2, Special Business District and RM-50, High Density Residential District that currently apply to lands designated TCMU by the Comprehensive Plan do not effectively implement the TCMU land use category, and therefore it is necessary to create a new zoning district to efficiently and effectively implement the

Comprehensive Plan and rezone lands in the TCMU land use category to the new zoning district;  
and

**WHEREAS**, pursuant to Section 13-306 of the Code of the Town of Miami Lakes, the Administrative Official has applied for an amendment to the Official Zoning Map from the BU-2, Special Business District and the RM-50, High Density Residential District, to the TC, Town Center District for approximately 153.05 acres of land legally described in Exhibit D and depicted on the map in Exhibit E, each of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, Subsection 13-306(b) provides that proposed amendments to the text of the LDC and to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

**WHEREAS**, the Administrative Official has reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and Recommendation dated July 21, 2015, incorporated into this Ordinance by reference; and

**WHEREAS**, the Town's Planning and Zoning Board, as the Local Planning Agency, considered the proposed amendments at a duly advertised Public Hearing on July 28, 2015, and found the proposed amendments consistent with the Comprehensive Plan, and voted 6-0 to recommend approval with a modification; and

**WHEREAS**, after conducting a properly noticed public hearing, hearing public comments, and considering the recommendations of the Local Planning Agency, Town staff, and the public, the Town Council wishes to adopt the amendments to the text of the Town LDC attached hereto as **Exhibits "A", "B", "C" and "D"**, and also wishes to adopt the proposed

amendment to the Official Zoning Map for the lands legally described in **Exhibit “E”** and depicted on the map in **Exhibit “F”**; and

**WHEREAS**, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

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

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

**Section 2.** **Findings.** Pursuant to Subsection 13-306(b) of the Town Code, the Town Council finds that the proposed amendments to the text of the Land Development Code, and the proposed amendment to the Official Zoning Map, are consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the text of the Land Development Code and to the Official Zoning Map found in Subsection 13-306(b) of the Town Code.

**Section 3.** **Adoption of Amendments to Town Code.** The Town Council hereby adopts the amendments to Article IV, Article VIII and Article IX of the Town LDC, which are attached as Exhibits “A”, “B”, “C” and “D”, respectively, hereto and are incorporated herein<sup>1</sup>.

**Section 4.** **Approval of Rezoning.** The Town Council hereby adopts the amendment to the Official Zoning Map of the Property legally described in **Exhibit “E”** and depicted in **Exhibit**

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<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

“F”, from the RM-50, High Density Residential District and BU-2, Special Business District, to the TC, Town Center District.

**Section 5. Direction to the Administrative Official.** Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Official Zoning Map to implement the terms of this Ordinance.

**Section 6. 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 7. 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 8. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of Exhibits “A”, “B”, “C” and “D” of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

**Section 9. Exclusion from the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance amending the Official Zoning Map be excluded from the Town Code.

**Section 10. Effective date.** This Ordinance shall become effective immediately upon its adoption on second reading.

**FIRST READING**

The foregoing ordinance was offered by Councilmember Nelson Rodriguez who moved its adoption on first reading. The motion was seconded by Councilmember Ceasar Mestre and upon being put to a vote, the vote was as follows:

Mayor Michael A. Pizzi, Jr.	Absent
Vice Mayor Manny Cid	Yes
Councilmember Tim Daubert	Yes
Councilmember Tony Lama	Absent
Councilmember Ceasar Mestre	Yes
Councilmember Frank Mingo	Yes
Councilmember Nelson Rodriguez	Yes

Passed and adopted on first reading this 21<sup>st</sup> day of July, 2015.


**THIS SPACE INTENTIONALLY LEFT BLANK**

**SECOND READING**


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

Mayor Michael A. Pizzi, Jr.	<u>YES</u>
Vice Mayor Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Ceasar Mestre	<u>YES</u>
Councilmember Frank Mingo	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>

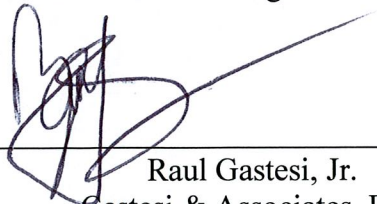
Passed and adopted on second reading this 1<sup>st</sup> day of September, 2015.

  
\_\_\_\_\_  
Michael A. Pizzi, Jr.  
MAYOR

Attest:

  
\_\_\_\_\_  
Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

# EXHIBIT A

## Chapter 13 LAND DEVELOPMENT CODE

### ARTICLE I. IN GENERAL

#### Sec. 13-1. Definitions and references.

- (a) For purposes of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise.

\* \* \*

(39.1) *Community residential home*. Shall have the meaning as defined in Florida Statutes, as may be amended from time to time.



# **EXHIBIT B**

## Chapter 13 LAND DEVELOPMENT CODE

### ARTICLE IV. ZONING DISTRICT REGULATIONS

#### DIVISION 20. – BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICT MASTER LIST

##### Sec. 13-745. Intent and application.

It is the intent of this division to provide in tabular form a listing (herein called the master list) of the uses that shall be permitted in the various business, commercial and industrial districts, and the TC Town Center District, as they exist from time to time as shown on the Official Zoning Map zoning district maps. Any use similar to the listed uses shall be permitted. Any business use not specifically enumerated or similar to any one of the categories listed in Section 13-748 may be granted as a, conditional use or unusual use in any business district, when approved by the Town Council after having been duly considered as set forth in Section 13-303.

- (1) Where a "P" appears on the same line as a listed use, the use shall be permitted in the district as indicated by the column heading in which the "P" appears.
- (2) When an asterisk "\*" appears in any box, refer to the last column which contains additional regulations for any uses wherein an asterisk "\*" has been included. Such additional regulations, as indicated in the last column, are located in Division 21, entitled Additional Business, Commercial, Industrial and Other Use Regulations, or Division 26, entitled TC Town Center District. All other portions of the Town's Land Development Code remains applicable to any and all uses.
- (3) Where a "blank space" appears on the same line as a listed use, the use shall be prohibited in the district as indicated by the column heading in the same manner.
- (4) Where an "C" appears, the listed use shall be subject to, or modified by, the regulation set forth in the use column, and further regulations set forth by the provisions of Section 13-303
- (5) Where an "A" appears on the same line as a listed use, the use shall be permitted only as an accessory to a principle permitted use in the district indicated by the column heading in which the "A" appears.

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##### Sec. 13-748. – Business, Commercial and Industrial Use Master List.

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	<u>TC</u>	*Add'l Regs
Acetylene, generation and storage									P*	P*		§ 13-794
Acupuncture	P	P	P	P	P	P	P			P	<u>P</u>	
Acids and derivatives									P*	P*		§ 13-794
Aircraft hangars and repair shops, aircraft assembling and manufacturing						P*	P*	P*	P*	P*		§ 13-781
Airplane crop dusting field			C	C	C	P	C	C	C	C		

Airport			C	C	C	P	C	C	C	C		
Alcohol, industrial									P*	P*		§ 13-794
All zoning applications by State, County and municipal entities and agencies			C	C	C	C	C	C	C	C	<u>C</u>	
Aluminum, powder and paint manufacture									P*	P*		§ 13-794
Ammonia (uses involving)									P*	P*		§ 13-794
Amusement center			C	P	P	P						
Amusement rides and enterprises			C	C	C	C	C	C	C	C		
Animal reduction plants									P*	P*		§ 13-794
Antennas for amateur radio stations	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	<u>P*</u>	§ 13-750
Antique shops			P	P	P	P					<u>P</u>	
Apparel stores			P*	P*	P*	P*					<u>P*</u>	§ 13-751
Archery ranges			C	C	C	C	C	C	C	C		
Armories, arsenals							P	P	P	P		
Art galleries and museums (educational and philanthropic)			C	C	C	C	C	C	C	C	<u>P</u>	
Art good stores, artist studios and photograph shops and galleries			P	P	P	P					<u>P</u>	
Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers								P	P	P		
Asphalt or asphalt products									P*	P*		§ 13-794
Attended, non-motorized donation collection vehicles			P*	P*	P*	P						§ 13-752
Auction sales (not automobile-related)			C	C	C		C	C	C	C		§ 13-754
Auditoriums				P	P	P	P	P	P	P	<u>P</u>	
Automobile auction and automobile wholesale distribution										C		§ 13-753
Auto, truck, machinery salvage yards			C	C	C		C	C	C	C		
Auto painting, top and body work							P	P	P	P		
Automobile and light truck sales				C*	C*	C*	P*	P*	P*	P*		§ 13-

(new and used)													753
Automobile and truck rentals including new and/or used vehicles						P/C*	P/C*	P/C*	P/C*	P/C*			§ 13-754
Automobile new parts and equipment, sales only				P	P	P							
Automobile parking garages	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	<u>P*</u>		§ 13-755
Automobile self-service gas stations				P*	P*	P*							§ 13-756
Automobile service stations				P*	P*	P*							§ 13-757
Automobile storage within a building				P	P	P							
Automobile tires, batteries and accessories (new) retail only installation permitted				P	P	P							
Automobile washing (mobile)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	<u>P*</u>		§ 13-799.1
Automobile washing (stationary)				P/A*	P/A*	P/A*							§ 13-799.1
Bait and tackle shops				P	P	P						<u>P</u>	
Bakeries, retail only (baking permitted on premises)			P	P	P	P						<u>P</u>	
Bakeries—wholesale only with incidental retail uses						P	P	P	P	P		<u>P</u>	
Banks, excluding drive-in teller service			P	P	P	P						<u>P</u>	
Banks, including drive-in teller service				P	P	P	P	P	P	P	<u>P/C*</u>		§ 13-879
Barber shops	C*	C*	P	P	P	P					C*	<u>P</u>	§ 13-790
Bars, pubs and cabarets	A*	A*		C*	P*	P*						<u>P*</u>	§ 13-758 § 13-782 § 13-783
Barbeque stands or barbeque pits provided that establishments using wood burning for cooking are permitted as a conditional use							P/C						
Bathing beach			C	C	C	C	C	C	C	C			
Beauty parlors, Manicurists	C*	C*	P	P	P	P					C*	<u>P</u>	§ 13-

												790
Bicycle sales, rentals and repairs (nonmotorized)			P	P	P	P					<u>P</u>	
Billiard rooms and pool rooms				P	P	P					<u>P</u>	§ 13-782 § 13-783
Blacksmith, gas steam fitting shops							P	P	P	P		
Blast furnace									P*	P*		§ 13-794
Bleaching products									P*	P*		§ 13-794
Blooming mill									P*	P*		§ 13-794
Boat or yacht repairing or overhauling, or boat building							P*	P*	P*	P*		§ 13-781
Boat salvage			C	C	C	C	C	C	C	C		
Boat slips used for the tying up of boats for the purpose of overhauling or repairing							P	P	P	P		
Boats carrying passengers on excursion, sightseeing, pleasure or fishing trips				P	P	P						
Boiler manufacture (other than welded)									P*	P*		§ 13-794
Bombing field			C	C	C	C	C	C	C	C		
Bottling plants						P	P	P	P	P		
Bowling alleys				P*	P*	P*					<u>P*</u>	§ 13-759
Box lunches, distribution			C	C	C	C	C	C	C	C		
Brass and bronze foundries									P*	P*		§ 13-794
Brewery			A*	A*	A*	A*	P	P	P	P	<u>A*</u>	§ 13-796
Business or commercial establishments	A*	A*										§ 13-758
Cabanas	A*	A*										§ 13-761
Cabinet shops						P*	P*	P*	P*	P*		§ 13-781
Calcium carbide									P*	P*		§ 13-794
Call center										P*	<u>P*</u>	§ 13-

												787
Canal excavation, where not a part of C. & S.F.F.C.D and County secondary canal system		C	C	C	C	C	C	C	C	C		
Canning factories						P*	P*	P*	P*			§ 13-781
Carnivals, circuses		C	C	C	C	C	C	C	C	C	<u>C</u>	
Carpentry shops					P							
Carpet cleaning						P	P	P	P			
Casein								P*	P*			§ 13-794
Caterers				A*	A*	P	P	P	P	<u>A*</u>		§ 13-788
Caustic soda								P*	P*			§ 13-794
Celluloid								P*	P*			§ 13-794
Cellulose products								P*	P*			§ 13-794
Cement and clay products, such as concrete blocks, pipe, etc.							P	P	P			
Cement, lime, gypsum or plaster of Paris								P*	P*			§ 13-794
Charcoal pulverizing								P*	P*			§ 13-794
Charcoal, lampblack or fuel briquettes								P*	P*			§ 13-794
Check cashing store					P							
Chlorine								P*	P*			§ 13-794
Cider and vinegar								P*	P*			§ 13-794
Cleaning and polishing preparation: dressings and blackings								P*	P*			§ 13-794
Coal tar product								P*	P*			§ 13-794
Cocktail lounge-bars (accessory to restaurant use)			A*	A*		A*	A*	A*	A*	<u>A*</u>		§ 13-762
Coke oven products (including fuel gas) and coke oven product storage								P*	P*			§ 13-794
Coffee shop (no food preparation)		P	P	P	P					<u>P</u>		

Cold storage warehouses and precooling plants						P	P	P	P	P		
Commercial chicken hatcheries							P*	P*	P*	P*		§ 13-781
Community residential home (subject to the requirements of F.S. ch. 419.001, as amended)	P	P									<u>P/C*</u>	§ 13-799.6
Commuter Colleges	C*				P*	P*	P*	C*	C*	C*	<u>P*</u>	§ 13-785
Concrete, clay or ceramic products, hand manufacture or involving only small mixer where all such manufacturing and equipment is within an approved building and storage and drying areas are enclosed as provided in this chapter							P	P	P	P		
Confectionery, ice cream stores and dairy stores			P	P	P	P					<u>P</u>	
Conservatories and music and dance schools			P*	P*	P*	P*					<u>P*</u>	§ 13-759
Contractors' offices and yards							P	P	P	P		
Contractor's plants and storage yards						P						
Convalescent homes	C	C	C	C	C	C	C	C	C	C	<u>C</u>	
Convention halls				P	P	P					<u>P</u>	
Cotton wadding									P*	P*		§ 13-794
Cottonseed oil, refining									P*	P*		§ 13-794
Creosote									P*	P*		§ 13-794
Cultural arts			C	C	C	C	C	C	C	C	<u>P</u>	
Dancing halls or dancing academies in air conditioned buildings				P*	P*	P*					<u>P*</u>	§ 13-759
Day camp			C	C	C	C	C	C	C	C		
Day nursery, kindergarten and after school care	C*	C*					P*	P*	P*	P*	<u>P*</u>	§ 13-785
Department stores					P	P					<u>P</u>	
Dentist	P*	P*	P*	P*	P*	P*	P*			P*	<u>P*</u>	§ 13-1610
Distillation, manufacture or refining of coal, tar, asphalt, wood, bones									P*	P*		§ 13-794

Distillery (alcoholic), breweries and alcoholic spirits									P*	P*		§ 13-794
Dog kennel, dog day care			C*	C*	C*	C*	C*	C*	C*	C*		§ 13-789
Donated goods centers			P*	P*	P*	P*						§ 13-763
Dredging base or place where dredging supplies are kept and where dredges or boats or machinery are stored, repaired or rebuilt							P*	P*	P*	P*		§ 13-781
Drugstores			P*	P*	P*	P*					<u>P*</u>	§ 13-791 § 13-1610
Dry cleaning and dyeing plants						P	P	P	P	P		
Dry cleaning establishments				P*	P*	P*					<u>P*</u>	§ 13-799
Dyestuff									P*	P*		§ 13-794
Dynamite storage								C*	C*	C*		§ 13-794
Educational and child care facilities, non-public	C*	C*	P*	P*	P*			C*	C*	C*	<u>P*</u>	§ 13-785
Electric power plant			C	C	C	C	C	C	C	C		
Electric substation			C	C	C	C	C	C	C	C		
Electrical appliance and fixtures stores including related repair shops				P	P	P						
Electrolysis (by appointment only - walk-in)	P	P	P	P	P	P					<u>P</u>	
Electrolysis (including retail sales and walk-in)			P	P	P	P					<u>P</u>	
Eleemosynary and philanthropic institutions	C	C									<u>P</u>	
Employment agencies				P	P	P					<u>P</u>	
Engine sales and service, gas, oil, steam, etc.						P	P	P	P	P		
Excelsior									P*	P*		§ 13-794
Executive office center (no retail sales)	P*	P*	P*	P*	P*					P*	<u>P*</u>	§ 13-799.2
Explosives									C*	C*		§ 13-794







Indian village			C	C	C	C	C	C	C	C		
Infirmary, commissary, or any one (1) or combination of such related incidental facilities			C	C	C	C	C	C	C	C	<u>C</u>	
Information booth, gate house and security station			P*	P*	P*	P*						§ 13-767
Ink manufacture from primary raw materials (including colors and pigments)									P*	P*		§ 13-794
Insecticide, mixing, packaging and storage							P*	P*	P*	P*		§ 13-781
Insecticides, fungicides, disinfectants, or related industrial and household products (depending on materials and quantities used)									P*	P*		§ 13-794
Institutions for handicapped persons, including but not limited to incidental related facilities such as workshops, sales of products fabricated therein, residential quarters, educational training facilities			C	C	C	C	C	C	C	C	<u>C</u>	
Interior design shops, office and display only			P	P	P	P					<u>P</u>	
Jewelry stores, including incidental sales and purchases of used jewelry			P	P	P	P					<u>P</u>	
Junior department stores				P	P	P					<u>P</u>	
Junkyard			C	C	C	C	C	C	C	C		
Jute, hemp and sisal products									P*	P*		§ 13-794
Laboratories, material testing							P	P	P	P		
Lake excavation and asphalt plant, concrete batching plant, concrete block plant, prestressed and precast concrete products plant, rock crushing and screening plant ancillary thereto or in connection therewith			C	C	C	C	C	C	C	C		
Lampblack, carbonblack and boneblack									P*	P*		§ 13-794
Landing field			C	C	C	C	C	C	C	C		
Lawn mowers, retail, sales and service				P	P	P						
Lead oxide									P*	P*		§ 13-

												794
Leather goods and luggage shops			P	P	P	P					<u>P</u>	
Leather goods manufacturing, excluding tanning						P	P	P	P	P		
Linoleum and other similar hard surface floor coverings (other than wood)									P*	P*		§ 13-794
Liquor package stores	A*	A*			P*	P*					<u>P*</u>	§ 13-768 § 13-782 § 13-783
<u>Live/work units</u>											<u>P*</u>	<u>§ 13-775</u>
Livery stables, for riding clubs, or a stable for sheltering horses, not closer than three hundred (300) feet to an RU District							P	P	P	P		
Locksmiths (including sharpening and grinding shops in the BU-3)						P	P	P	P	P	<u>P</u>	
Locomotive and railroad car building and repair									P*	P*		§ 13-794
Lodges	C	C										
Lumberyards						P*	P*	P*	P*	P*		§ 13-781
Machine shops							P	P	P	P		
Mail order offices, without storage of products sold			P	P	P	P					<u>P</u>	
Marinas for the following purposes only: Commercial boat piers or slips for docking purposes; yacht or boat storage, for laying up, but not for repairs or overhaul; and boats carrying passengers on excursion, sightseeing, pleasure or fishing trips					P	P						
Marine warehouses							P	P	P	P		
Mast	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		§ 13-769
Match manufacture and storage									P*	P*		§ 13-794
Mattress manufacturing and renovating							P	P	P	P		

Medical office or clinic	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	<u>P*</u>	§ 13-1610
Metal and metal ores, reduction, refining, smelting and alloying										P*	P*		§ 13-794
Metalizing processes							P	P	P	P			
Milk or ice distributing station from which extensive truck or wagon deliveries are customarily made							P	P	P	P			
Millwork shops							P*	P*	P*	P*			§ 13-781
Molasses									P*	P*			§ 13-794
Mortuaries or funeral homes				P	P	P							
Motion picture and television production studios							P	P	P	P			
Motorcycles sales and repair				P	P	P							
Multiple family apartment buildings (standalone)	P	P										<u>P</u>	
Municipal recreation building (owned and operated by a municipality, County, State or the United States Government)	P	P										<u>P</u>	
Museum			P	P	P	P						<u>P</u>	
Natatoriums				P	P	P						<u>P</u>	
Newsstand			P	P	P	P						<u>P</u>	
Night Clubs	A*	A*			C*	C*						<u>C*</u>	§ 13-770 § 13-782 § 13-783
Nitrate (manufactured and natural) of an explosive nature; and storage										P*	P*		§ 13-794
Nitroleng of cotton or other materials										P*	P*		§ 13-794
Novelty works							P*	P*	P*	P*			§ 13-781
Nurseries-horticultural													
Nursing homes	C*	C*	C	C	C	C	C	C	C	C	C	<u>C</u>	
Nylon										P*	P*		§ 13-794
Office buildings containing uses			P*	P*	P*	P*	P*	P*	P*	P*	P*	<u>P*</u>	§ 13-

otherwise allowed in the district												792 § 13-793
Office parks					P*	P*						§ 13-792 § 13-793
Oil and gas well drilling and essential, incidental uses thereto, such as minimum storage facilities			C	C	C	C	C	C	C	C		
Oil cloth, oil treated products and artificial leather									P*	P*		§ 13-794
Oil refinery									P*	P*		§ 13-794
Oil wells									P*	P*		§ 13-794
Oils, shortening and fats (edible)									P*	P*		§ 13-794
Open-air theaters				P	P	P	C	C	C	C	<u>P</u>	
Optical stores			P	P	P	P					<u>P</u>	
Ore pumps and elevators									P*	P*		§ 13-794
Ornamental metal workshops							P*	P*	P*	P*		§ 13-781
Outdoor dining			A*	A*	A*	A*	A*	A*	A*	A*	<u>P/A*</u>	§ 13-771
Outdoor display			C	C	C	C	C	C	C	C	<u>P</u>	
Outdoor paint testing laboratory			C	C	C	C	C	C	C	C		
Outdoor storage of non-hazardous materials							P*	P*	P*	P*		§ 13-799.4
Outside walk-up window service			A*	A*	A*	A*					<u>A*</u>	§ 13-772
Oxygen storage and filling of cylinders							P	P	P	P		
Package stores in shopping centers				P*	P*	P*					<u>P*</u>	§ 13-782 § 13-783
Pain management clinics	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	<u>C*</u>	§ 13-1610
Paint and wallpaper stores			P	P	P	P					<u>P</u>	
Paint manufacture, depending upon materials and quantities used									P*	P*		§ 13-794

Palmist and psychic readers			C	C	C	C	C	C	C	C	<u>P</u>	
Paper and paperboard (from paper machine only)									P*	P*		§ 13-794
Paper and pulp mills									P*	P*		§ 13-794
Parking (noncommercial parking in zones more restrictive than in which the use it serves is located)			C	C	C	C	C	C	C	C		
Parking lots—commercial and noncommercial							P	P	P	P		
Parks	P	P	P	P	P	P	P	P	P	P	<u>P</u>	
Passenger and freight—stations and terminals— boats, trucks, buses, and railroads							P	P	P	P		
Pawnbrokers						C						
Pet shops and dog beauty parlors (Pet Grooming) in air-conditioned buildings				P	P	P					<u>P</u>	
Petroleum products storage tank									P/C*	P/C*	P/C*	§ 13-798
Petroleum, gasoline and lubricating oil—refining and wholesale storage									P*	P*		§ 13-794
Pharmacy	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	<u>C*</u>	§ 13-1610
Pharmaceutical storage							P*	P*	P*	P*		§ 13-781
Phenol									P*	P*		§ 13-794

Photograph galleries			P	P	P	P					<u>P</u>	
Pickles, vegetable relish and sauces, sauerkraut									P*	P*		§ 13-794
Pistol ranges			C	C	C	C	C	C	C	C		
Plant nursery				P	P	P						§ 13-797
Plastic material and synthetic resins									P*	P*		§ 13-794
Playground (owned and operated by a municipality, County, State or the United States Government)	P	P									<u>P</u>	
Police and fire stations							P	P	P	P	<u>P</u>	
Pony rings			C	C	C	C	C	C	C	C		
Post office stations and branches, including self-service centers			P	P	P	P					<u>P</u>	



Postal mail processing centers (which may include ancillary post office services)							P	P	P	P		
Potash									P*	P*		§ 13-794
Pottery shops			P	P	P	P					<u>P</u>	
Poultry markets and commercial fishing hatcheries						P*						§ 13-781
Poultry slaughtering and packing (wholesale)									P*	P*		§ 13-794
Power or steam laundries							P*	P*	P*	P*		§ 13-781
Printing shops				P	P	P	P	P	P	P	<u>P</u>	
Private clubs	C	C		P/C*	P/C*	P/C*	P/C*	P/C*	P/C*	P/C*	<u>P/C*</u>	§ 13-799.3
Private playgrounds and recreational area and private recreation buildings	P*	P*	C	C	C	C	C	C	C	C	<u>P*</u>	§ 13-773

Proxylin										P*	P*		§ 13-794
Public and private utility facilities			C*	C*	C*	C*	C*	C*	C*	C*	C*	<u>C*</u>	§ 13-780
Public art galleries	C	C										<u>P</u>	
Public libraries	C	C										<u>P</u>	
Public museums	C	C										<u>P</u>	
Pyroxylin										P	P		
Race tracks			C	C	C	C	C	C	C	C	C		
Radio production studios	C	C			C	P	P	P	P	P	P		
Radio and TV transmitting stations			C	C	C	P	P	P	P	P	P		

Radioactive waste handling										C*	C*		§ 13-794
Railroad motor truck and water freight and passenger stations						P							
Railroad shops								P	P	P			
Rayon and rayon yarns										P*	P*		§ 13-794
Refractories (coal fired)										P*	P*		§ 13-794
Refuse disposal										P*	P*		§ 13-794
Regional shopping centers					P*	P*							§ 13-783 § 13-784
Religious facilities/institutions	C	C	P	P	P	P	P	P	P	P	P	<u>P</u>	
Rendering and storage of dead animals, offal, garbage and waste products										P*	P*		§ 13-794



Rooftop commercial activity (use otherwise allowed)											<u>C*</u>	§ 13-799.5
Rubber—natural or synthetic, including tires, tubes, or similar products, gutta percha, chickle and valata processing									P*	P*		§ 13-794
Salesrooms and showrooms							P*	P*	P*	P*		§ 13-777
Salesrooms and storage show rooms—wholesale						P	P	P	P	P		
Sawmill								P	P*	P*		§ 13-794
Schools	C*	C*	P*	P*	P*			C*	C*	C*	<u>P*</u>	§ 13-785
School—technical trade schools, such as, but not limited to aviation, electronic, mechanics; also physical training schools, such as, but not limited to gymnastics and karate							P	P	P	P		
Scrap metal reduction									P*	P*		§ 13-794
Secondhand stores for the disposal of furniture, fixtures and tools						P						



Slaughterhouse									P*	P*		§ 13-794
Sleep testing centers for medical observation or other medical observation facilities (including overnight)							C			C	<u>C</u>	
Small scale public facilities and utilities	C	C										
Smelting									P*	P*		§ 13-794
Soap manufacturing, vegetable byproducts, only								P	P	P		
Soaps (other than from vegetable by-products) or detergents, including fat rendering									P*	P*		§ 13-794
Solvent extraction									P*	P*		§ 13-794
Spa (day spa) including massage, skin treatments, manicurists	C*	C*	P	P	P					C*	<u>P</u>	§ 13-790
Sporting goods stores			P	P	P	P					<u>P</u>	

Standpipe	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	<u>P*</u>	§ 13-769
Starch manufacture									P*	P*		§ 13-794
Steel fabrication							P*	P*	P*	P*		§ 13-781
Steel works and rolling (ferrous)									P*	P*		§ 13-794
Stockyards									P*	P*		§ 13-794
Storage batteries, wet cell									P*	P*		§ 13-794
Storage warehouse for food, fodder, etc.							P	P	P	P		
Sugar refining									P*	P*		§ 13-794
Tailor shops			P	P	P	P					<u>P</u>	



Tanning salon			P	P	P	P					<u>P</u>	
Taxidermy (use will be permitted only within a fully enclosed, air-conditioned building)							P*	P*	P*	P*		§ 13-781
Telephone exchange				P	P	P	P	P	P	P		
Telephone service unit yards							P	P	P	P		
Testing laboratory or plant			C	C	C	C	C	C	C	C		
Testing—jet engines and rockets									P*	P*		§ 13-794
Textile, hosiery and weaving mills							P*	P*	P*	P*		§ 13-759
Textiles bleaching									P*	P*		§ 13-794
Theaters for live stage production and motion pictures				P	P	P					<u>P</u>	

Tire vulcanizing and retreading or sale of used tires						P*							§ 13-781
Tobacco shops			P	P	P	P						<u>P</u>	
Tourist attractions			C	C	C	C	C	C	C	C	C	<u>C</u>	
Tower	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		§ 13-769
Townhouses	P	P										<u>P</u>	§ 13-775
Trailers or tourist camp			C	C	C	C	C	C	C	C	C		
Trap range			C	C	C	C	C	C	C	C	C		
Truck storage, only within an enclosed building or an area enclosed by a CBS wall						P							
Turpentine and resin									P*	P*			§ 13-794

Upholstery shops (including furniture repair in the BU-3)						P	P	P	P	P		
Utility facilities, public and private			C*	C*	C*	C*	C*	C*	C*	C*	<u>C*</u>	§ 13-780
Utility work centers—power and telephone, etc.							P	P	P	P		
Variety stores			P*	P*	P*	P*					<u>P*</u>	§ 13-791
Vending machine sales and service							P	P	P	P		
Veterinarian, animal hospital and pet emergency				P*	P*	P*	P*	P*	P*	P*	<u>P*</u>	§ 13-789
Vulcanizing							P*	P*	P*	P*		§ 13-781
Wallboard and plaster, building insulation									P*	P*		§ 13-794
Warehouses for storage or products in the form sold in a BU District							P	P	P	P		

Warehouse, membership					C*	C*	P*	P*	P*	P*		§ 13-778
Water tank and tower			C	C	C	C	C	C	C	C		
Water tower	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		§ 13-769
Water treatment plant			C	C	C	C	C	C	C	C		
Water use facilities			C	C	C	C	C	C	C	C	<u>C</u>	
Welding shops							P*	P*	P*	P*		§ 13-781
Welding supplies							P	P	P	P		
Windmill	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		§ 13-769
Wire ropes and cable									P*	P*		§ 13-794

Wireless supported service facilities	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	C*	§ 13-779
Wood and coal yards									P	P	P	P			
Wood burning barbeque (commercial)			C	C	C	C	C	C	C	C	C	C			
Wood preserving treatment												P*	P*		§ 13-794
Wool pulling or scouring												P*	P*		§ 13-794
Yeast												P*	P*		§ 13-794
Zoo			C	C	C	C	C	C	C	C	C	C			

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**DIVISION 21. ADDITIONAL BUSINESS, COMMERCIAL, INDUSTRIAL AND OTHER USE REGULATIONS**

Sec. 13-749. – Purpose and intent.

The regulations contained in this division shall govern all uses in the RO, BU, TC and IU Districts, as made applicable by the Master Business List in Article IV, Division 20 and the provisions of the individual zoning districts wherein any such use shall be established or maintained.

\* \* \*

Sec. 13-755. - Automobile parking garages.

(a) Automobile parking garages may be allowed in the RO, BU and IU Districts in accordance with the conditional use process in Section 13-303, and subject to the following provisions:

- (1) No automobile parking garage shall be over six stories in height.
(2) No automobile parking garage shall be located closer than 200 feet to an RU District or to a hospital, religious facility/institution or building used for public assemblage, except that a parking garage may be located closer than 200 feet to a hospital, religious facility/institution or building used for public assemblage when the parking garage and such facility are shown on the same approved site plan.
(3) Any automobile parking garage in the RO or BU Districts shall be lined with active, ground-floor uses facing all street frontages.
(4) In addition to the criteria for review of conditional uses contained in Section 13-303(b)(3), requests for automobile parking garages shall be subject to urban design review to ensure that any such garage is designed appropriately for its surrounding context and to be architecturally consistent with existing buildings in the immediate vicinity.

(b) Parking garages may be allowed in the TC District where such parking garage is found to meet the site plan review standards of Section 13-881, and all other applicable regulations.

\* \* \*

Sec. 13-762. - Certain cocktail lounge-bars in restaurants.

Restaurants in the BU-1A, BU-2, TC and IU Districts may include an accessory cocktail lounge-bar use, subject to compliance with the provisions governing alcoholic beverages and outdoor dining of this Code, as applicable, and with the following:

- (1) The restaurant occupies no less than 4,000 square feet of gross floor space, and has accommodations for service of at least 200 or more patrons at tables;
(2) The restaurant prepares and serves fully cooked meals daily and contains full kitchen facilities, meaning commercial grade burners, ovens, range hood(s) and refrigeration units of such size and quantity to accommodate the occupancy content of the restaurant, and provided that the restaurant shall be prohibited from advertising itself as a bar, cocktail lounge-bar, saloon, nightclub or similar type of establishment;
(3) That once the restaurant use is terminated, the cocktail lounge use will automatically terminate;
(4) That the cocktail lounge-bar in the restaurant structure shall not have separate outside patron entrances, provided, however, a fire door exit shall be permitted, when the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergencies; and provided the cocktail lounge-bar shall be so located that there is no indication from the outside of the structure that the cocktail lounge-bar is within the structure;
(5) That the accessory cocktail lounge-bar is no larger than 15 percent of the gross square footage of the restaurant;
(6) That the alcoholic beverages are served for on-premises consumption only; and,
(7) That the operating hours for the cocktail lounge-bar shall not extend beyond the permitted hours of operation for the restaurant.

\* \* \*

Sec. 13-770. - Night clubs.

- (a) Hotels, motels and apartment hotels in the RO Districts with 200 or more guest rooms or apartment units under one 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 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.
(b) Night clubs in the BU-2 or TC Districts shall be located no closer than 500 feet to any RU District boundary.
(c) All night clubs shall comply with the provisions pertaining to alcoholic beverages per Sections 13-782 and 13-783
(d) In reviewing an application for a night club, the Department and/or Town Council (as applicable) shall apply the following supplemental review criteria which, in the case of a night club in the BU-2 or TC districts, shall be in addition to the standard conditional use review criteria:
(1) An operational/business plan which addresses hours of operation, number of employees, menu items (if applicable), goals of business and other operational characteristics pertinent to the application.
(2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g. valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.
(3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.
(4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.
(5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.
(6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.
(7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.
(8) Proximity of proposed establishment and adjacent pre-existing uses.
(e) Night clubs may not admit patrons under the age of 21, and shall observe the limitations on the hours and days of sale of alcoholic beverages contained in Section 13-783

Sec. 13-771. - Outdoor dining.

- (a) Permitted accessory use. Outdoor dining shall be permitted as an accessory use in conjunction with a restaurant as defined by Subsection 13-1(a) of the Code and subject to the following restrictions:
(1) The restaurant shall be a permitted use in the subject zoning district.
(2) The outdoor dining area shall be managed, operated and maintained as an integral part of the immediately adjacent restaurant where applicable.
(3) The outdoor dining area shall not reduce required parking or landscaping for the site.
(4) The outdoor dining area shall be specifically delineated on the site plan and building permit plan and included in calculations for required parking as set forth in Section 13-1801 of the Code.

- (5) The applicant shall provide a landscaping plan for the outdoor dining area where required by Chapter 18A of the Code [of Miami-Dade County].
- (6) The amount of area designated for outdoor dining shall not exceed 40 percent of the dining area within the restaurant. The amount of seating in the outdoor dining area shall not exceed 40 percent of the seating provided in the restaurant. However, these limitations shall not apply in the TC District, where up to 100 percent of seating may be outdoors.
- (7) Outdoor dining that is located on a sidewalk along a public or private street shall be restricted to the sidewalk frontage of the licensed restaurant to which the permit is issued or within the sidewalk frontage of the building where the validity licensed restaurant is located. The area of the permit may also extend by a maximum total of 50 feet on either side of the permittee's business subject to the conditions provided in this section.
- (8) No outdoor dining shall be placed closer than ten feet to a side or rear property line.
- (9) Permits shall not be issued where the tables and chairs would be placed within five feet of bus stops, taxi stands, fire hydrants, alleys, bike racks, or any type of public street furniture or fixtures.
- (10) No tables, or chairs, umbrellas, fixtures, or other permissible objects shall be permitted within five feet of a pedestrian crosswalk or corner curb cut.
- (11) Outdoor dining shall be located in such a manner that a distance of not less than six feet is maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, parking meters, traffic signs, trees and all similar obstacles shall constitute obstructions.
- (12) Tables, chairs, umbrellas, fixtures, and other permissible objects, including planters, shall be stored indoors when the restaurant is closed.
- (13) Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material.
- (14) The Town Manager or his or her designee may require the temporary removal of outdoor dining areas when street, sidewalk, right-of-way, or utility repairs necessitate such action.
- (15) The Town Manager or his or her designee may cause the immediate removal or relocation of all or parts of the outdoor dining areas in emergency situations or for safety considerations.
- (16) Tables, chairs, umbrellas and other permissible objects provided within an outdoor area shall be maintained with a clean and attractive appearance and shall be in good repair at all times.
- (17) All tables, chairs, umbrellas, plants, planters, or any other items or parts of items shall be readily removable, and shall not be physically attached, chained or in any other manner affixed to any structure, tree, post, sign or other fixture, curb or sidewalk within or near the permitted area.
- (18) No food preparation, plastic food displays, food storage, or refrigeration apparatus or equipment, or fire or fire apparatus or equipment, shall be allowed in the outdoor dining area. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with any manufacturer's recommendations, and are located at least two feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
- (19) No outside public address system shall be permitted. Unamplified music shall be permitted in the outdoor dining area subject to compliance with Sections 21-28 and 21-28.1 of the Town Code. In the TC District, amplified music may be allowed through approval of a minor conditional use, upon a finding that the amplified music cannot be heard, nor any vibration or other disturbance caused, inside any existing residential units with all windows and doors of the residential units closed, in addition to other applicable criteria for the approval of the minor conditional use. The Applicant for such minor conditional use shall have the burden of submitting any evidence and documentation to support such a finding.



- (20) The seating of patrons in the outdoor dining area shall only be permitted between the hours of 7:00 a.m. to 12:00 a.m. In the TC District, these hours of operation may be extended through the approval of a minor conditional use.
(21) No signage shall be permitted on any outdoor furniture, umbrellas or fixtures.
(22) Blinking and flashing type lighting shall be prohibited in the outdoor dining area.
(b) Certificate of use and occupancy. The certificate of use and occupancy for such establishment shall reflect whether or not outdoor dining is permitted. The certificate of use and occupancy shall be automatically renewable annually by the Building Department upon compliance with all terms and conditions, including, but not limited to, the maintenance of the facility in accordance with the approved plans.
(c) Plan approval. Any request for outdoor dining shall be reviewed and approved administratively by the Building Department.
(1) Application forms. The Building Department shall make available application forms for the review of outdoor dining.
(2) Content. An outdoor dining application shall be accompanied by a site plan and building permit plans delineating those areas and structures on the property to be utilized for outdoor dining. The Building Department may require additional information from the application where it is deemed necessary.
(3) Plan review. The Building Department and appropriate staff shall review the site plan and building permit plans to determine whether the outdoor dining area complies with all applicable life safety codes and with the conditions set forth in this part.
(4) Modification to previously approved plans. Despite the express terms of any prior County or Town zoning approval, a previously approved site plan may be modified administratively by the Building Department solely for the purpose of delineating areas for outdoor dining. An application for a modification shall be filed in the same manner as set forth in Subsection 13-771(c), above. However, revisions to the approved site plan shall not in any way deviate from the previously approved site plan with the sole exception of delineating the outdoor dining area and providing for revised parking and landscaping calculations.
(5) Zero front setbacks permitted upon public hearing. In no event shall the provision of outdoor dining create a zero front setback without first having been reviewed and approved at a public hearing. Said setback shall be shown to be compatible with adjoining uses.

Sec. 13-772. - Outside walk-up window service.

Outside walk-up window service may be allowed as an accessory use in the BU and TC Districts where the principal use is selling food and drink products, provided that a sidewalk of at least seven feet in width abuts the store unit. No outside stools, chairs or tables may be allowed as part of outside walk-up window service.

\* \* \*

Sec. 13-775. - Residential uses in the RO, BU, TC and IU Districts.

Residential uses are allowed in the RO, BU, TC and IU Districts only insofar as they comply with the following provisions:

- (1) Single family, two-family, townhouses and multiple family apartment buildings are permitted uses in the RO Districts. Single-family, two-family and townhouse uses shall be subject, however, to the requirements, restrictions and limitations of the RU-1, RU-1A, RU-1B, RU-2 or RU-TH district, as appropriate.

- (2) In the BU Districts, residential uses may be permitted only in conjunction with business or commercial uses, with at least 70 percent of the residential units vertically integrated with business or commercial uses in the same building.
(3) In the IU Districts, except as hereinafter provided, residential uses shall be limited to watchman's or caretaker's quarters in connection with an existing industrial use and located on the premises concerned.
(4) In the TC District, townhomes and multiple family apartment buildings (including condominium buildings) are permitted uses. Single-family and two-family uses shall be prohibited in the TC District. In order to ensure flexibility in future use and occupancy, any new townhouse in the TC District with frontage on a Type 1 Street shall be designed with a minimum slab-to-ceiling height of ten feet.
(5) In the TC District, live-work units shall be permitted, subject to the following restrictions:
(a) The entire ground floor of the unit shall be occupied by an office or commercial use otherwise allowed in the TC District, but which does not include use of hazardous materials, and shall not be subject to the restrictions of home offices of Section 13-1602;
(b) All improvements and occupations shall be in conformance with the Florida Building Code and other applicable regulations;
(c) The live-work unit shall be designed and maintained as one integrated unit, with access between the residential and non-residential portions of the unit without the need to go outdoors.
(d) Establishment of the live-work use, and any change in use/occupancy of the nonresidential portion of the live-work use, shall be subject to administrative site plan review, including review of the floor plan, to ensure safety and consistency with the purpose and intent of the TC District. The Administrative Official may impose reasonable conditions, including limitations upon the non-residential use, to ensure consistency with the purpose and intent of the TC District and other provisions of the Land Development Code and Comprehensive Plan.

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Sec. 13-782. - Sale of alcoholic beverages.

- (a) Distance from religious facility or school. Unless approved as a conditional use, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,000 feet from a freestanding religious facility/institution or public school. The 1,000-foot distance requirement shall be measured and computed as follows:
(1) From a religious facility/institution, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the religious facility/institution structure, and
(2) From a public school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.
(b) Compliance prerequisite to issuance of licenses, permits and certificates. No certificate of use or occupancy, license, building or other permit shall be issued to any person, firm, or corporation for the sale of alcoholic beverages to be consumed on or off the premises where the proposed place of business does not conform to the requirements of Subsection (a).
(c) Nonconforming uses; definition of abandonment. The uses referred to in Subsection (a) that are in violation of the provisions thereof, and that were in existence on or before June 14, 1956, shall be deemed to be nonconforming and as such may continue until there is an abandonment thereof, provided that such nonconforming uses have been established and proven to the satisfaction of the Administrative Official on or before October 1, 1956, and not thereafter. After October 1, 1956, the right to establish a use not conforming with the requirements of Subsection (a) shall have expired

and shall not thereafter be recognized. Any uses, created and established in a legal manner, which may thereafter become nonconforming, may continue until there is an abandonment. Once a nonconforming use is abandoned it cannot be re-established unless it can conform to the requirements of this chapter. Abandonment shall consist of a change of use or of a suspension of active business with the public for a period of not less than three months, or prior to the end of the period, on a written declaration of abandonment by the tenant and owner of the premises if under lease, and if not, by the owner.

(d) Exceptions to spacing and distance requirements. The restrictions and spacing requirements set forth in Subsections (a) shall not apply:

(1) To private clubs, provided such clubs conform to all the requirements of a private club as stated in F.S. ch. 561 and other applicable State laws, and providing that there are no signs of any type exhibited or displayed or other indications that can be seen from the exterior of the clubhouse, building or structure that alcoholic beverages are served. Before a certificate of use and occupancy to serve alcoholic beverages will be issued, the applicant must submit necessary data to prove that it is eligible for the use and complies with F.S. ch. 561 or other applicable State laws; provided, anything to the contrary notwithstanding, these requirements must be complied with, including in cases where the club intends to serve only beer and/or wine.

(2) Reserved.

(3) Restaurants in BU Districts. To dining rooms or restaurants located in the BU or TC Districts which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other dining rooms or restaurants in other more liberal districts ~~complying with the requirements of the BU District~~ and which serve cooked, full course meals, daily prepared on the premises, providing that only a service bar is used and the sale of alcoholic beverages are sold only to persons seated at tables.

(4) Certain cocktail lounge-bars in restaurants. Cocktail lounge-bars as an accessory use in restaurants located in any IU, BU Districts shall be permitted subject to the following conditions:

a. Reserved.

b. The restaurant prepares and serves fully cooked meals daily and contains full kitchen facilities, meaning commercial grade burners, ovens, range hood(s) and refrigeration units of such size and quantity to accommodate the occupancy content of the restaurant, and provided that the restaurant shall be prohibited from advertising itself as a bar, cocktail lounge-bar, saloon, nightclub or similar type of establishment;

c. That once the restaurant use is terminated, the cocktail lounge use will automatically terminate;

d. That the cocktail lounge-bar in the restaurant structure shall not have separate outside patron entrances, provided, however, a fire door exit shall be permitted, when the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergencies; and provided the cocktail lounge-bar shall be so located that there is no indication from the outside of the structure that the cocktail lounge-bar is within the structure;

e. That the accessory cocktail lounge-bar is no larger than percent of the gross square footage of the restaurant;

f. That the alcoholic beverages are served for on-premises consumption only; and

g. That the operating hours for the cocktail lounge-bar shall not extend beyond the hours of operation for the restaurant, and the restaurant must continue to offer a full menu for as long as alcohol is served in the cocktail-lounge bar.

(5) Beer and wine for off-premises consumption. To the sale of beer and wine as a grocery item for consumption off the premises, from grocery stores.

- (6) Convention halls in BU Districts. To convention halls located in BU or IU districts, which meet the following requirements:
a. Where the hall is part of the operation of a hotel or motel and directly under its management.
b. Where the square footage area of the convention hall is at least 10,000 square feet.
c. Where the seating capacity of the hall is in excess of 500 persons.
d. Where the sign advertising the cocktail lounge or bar use is incorporated into the sign proper for the convention hall.
(7) Beer and wine in bowling alleys. To beer and wine bars in bowling alleys:
a. Where there are no signs of any type exhibited or displayed, or other indications, that can be seen from the outside of the structure concerned, that beer or wine or other malt and vinous beverages are being served, and
b. When such bowling alleys are in a fully air conditioned building having at least 10,000 square feet of floor space under one roof and under one ownership of title, and
c. Where the building contains at least six alleys usable for bowling, and where the bowling alley has facilities for the service of food and beverages in an area separate from the alleys themselves and contains at least 2,000 square feet of usable floor space, including the bar and other facilities for the service of food and beverages and has accommodations for at least 60 patrons at tables, and
d. Provided that such building be not less than 500 feet from a school or religious facility/institution measured as provided hereinabove.
(8) Reserved.
(9) Cocktail lounges in golf course clubhouses and beer in ancillary refreshment stands located on said golf course. To cocktail lounges in golf course clubhouses and beer in ancillary refreshment stands located on said course, whether governmentally or privately owned provided a bona fide regular, standard golf course is maintained and consists of at least nine holes, with clubhouse, locker rooms and attendant golf facilities and comprising in all at least 100 acres of land. Failure of such club to maintain the golf course, clubhouse and golf facilities shall ipso facto terminate the privilege of the cocktail lounge and sale of beer from the refreshment stands.
(10) Tennis clubs and indoor racquetball clubs. To any chartered or incorporated club owning or leasing and maintaining any bona fide tennis club or four-wall indoor racquetball club consisting of not less than ten regulation-size tennis courts or ten regulation-size four-wall indoor racquetball courts, or a combination of tennis courts and four-wall indoor racquetball courts numbering 15, with clubhouse facilities, pro shop, locker rooms, and attendant tennis or racquetball facilities, all located on a contiguous tract of land owned or leased by such club and providing that there are no signs of any type exhibited or displayed or other indications that can be seen from the exterior of the clubhouse, building or structure that alcoholic beverages are served.
(11) Not-for-profit theaters with live performances. To any State-chartered not-for-profit legal entity organized principally for the purpose of operating a theater with live stage performances and with not fewer than 100 seats. Sales of alcoholic beverages shall be permitted only for consumption on the premises and only to patrons during any regularly scheduled live theater performance. No sit-down bar shall be permitted.
(12) The distance separation requirements of this Section shall be of no effect for the establishment of uses in the TC District.
(e) Prerequisites to use of premises as exception. For the purpose of this chapter, the right to use premises for the sale of beer, wine or liquor for consumption on, or off, such premises shall be

established at such time as a building permit or certificate of use is issued, the application for which states that such use is to be established, and provided that the structure for which the building permit was issued is completed, and an occupancy permit issued for such use within the time prescribed for the completion of said structure under these regulations. In cases where the use is to be established in an existing structure, such use will be considered as existing at such time as the certificate of use for such use has been issued, provided the use has been established within the time prescribed in the permit.

- (f) Sketch indicating location. For the purpose of establishing the distance between such uses and religious facilities/institutions or public schools, the applicant for such use shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any religious facility/institution or school within 2,000 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the Administrative Official shall govern.
(g) Expansion of nonconforming use. A legally existing alcoholic beverage use made nonconforming by reason of the regulations establishing distance restrictions between any such uses and religious facilities/institutions or schools, shall not be expanded unless and until such expansion shall have been approved as a conditional use "Expansion" as used herein, shall include the enlargement of space for such use and uses incidental thereto, the extension of a beer and wine bar to include intoxicating liquor, and the extension of a bar use to a night club use.
(h) Certificate void after 30 days if premises not established. All alcoholic beverage uses must be established on the premises within 30 days of the date of the issuance of a certificate of use and occupancy, otherwise said certificate of use and occupancy shall be null and void.
(i) Compliance prerequisite to issuance of license. Anything to the contrary notwithstanding, no liquor license of any type may be used in a manner contrary to this chapter. No liquor license shall be issued unless a current certificate of use or occupancy in the applicant's name accompanies the application. The license as issued shall note thereon any special limitations or restrictions applicable due to the zoning on the property.

\* \* \*

Sec. 13-788. - Caterers in the BU-2, and BU-3 and TC Districts.

Caterers may be allowed in the BU-2, and BU-3 and TC Districts as an accessory use to a restaurant.

\* \* \*

Sec. 13-796. - Brewery as an accessory use to a restaurant in the BU and TC Districts.

A brewery may be allowed as an accessory use to a restaurant in the BU and TC Districts where the brewery is no more than 25 percent of the total square footage of the restaurant, inclusive of any outdoor dining areas.

\* \* \*

Sec. 13-799.1. - Automobile washing.

- (a) Automobile washing (stationary) uses need not be within a fully enclosed building if one of the following circumstances apply:
(1) If the automobile washing occurs within a permanent structure, the structure may remain open to allow the entrance and exit of vehicles. Such a use shall require approval by administrative site plan review, and the Administrative Official may impose requirements for landscaping, building orientation, height and operations to mitigate any negative visual impacts to the public right-of-way or adjacent properties.

- (2) If accessory to a gas station, automobile washing may occur under a tent or canopy. Such a use shall require approval by administrative site plan review. Such a use must be so located as not to obscure the main structure and shall be substantially screened from view of the public right-of-way by landscaping, fencing or similar methods. Further, such accessory use may only be established if the site will continue to meet all requirements with regard to landscaping, open space, lot coverage, parking requirements and other provisions of this chapter.
- (b) Automobile washing (mobile) may be allowed by the Administrative Official in the RO, BU, TC and IU Districts upon legally established, paved parking areas. The business shall be required to obtain a certificate of use (CU). The application for the CU shall include documentation indicating all sites within the Town at which such automobile washing will occur and authorization from the property owner of each such site.
  - (1) The Administrative Official shall have the authority to reject any or all of the proposed sites, to revoke approval for any or all of such sites, or require modifications/conditions regarding the allowed days and times at which the use can occur upon a finding that such denial, modification(s) or condition(s) are necessary to ensure that adequate parking exists on each site.
  - (2) Before issuance of a CU for automobile washing (mobile), the Administrative Official shall have completed, at the applicant's expense, a background check of the proposed owner and/operator of the business, consistent with the same requirements for peddlers and solicitors in Section 35-1(d)(5). A "pass" response to the background check is required to issue the CU.

\* \* \*

Sec. 13-799.3. – Private clubs.

Private clubs in the BU, TC and IU Districts wherein alcohol will be served shall be subject to conditional use per section 13-303.

\* \* \*

Sec. 13-799.5. – Rooftop commercial activity in the TC District

Commercial activity on a rooftop in the TC District, where such would otherwise be allowed in the district as a permitted, conditional or accessory use, shall require approval as a minor conditional use, regardless of the size of such use.

Sec. 13-799.6 – Community Residential Homes in the TC District

- (a) A community residential home of six or fewer residents shall be a use permitted by right in the TC District, subject to the requirements of s. 419.001, Florida Statutes.
- (b) A community residential home of between seven and fourteen residents shall be a conditional use in the TC District, subject to the requirements of s. 419.001, Florida Statutes.

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DIVISION 26. - TC TOWN CENTER DISTRICT

Sec. 13-862. - Purpose and intent.

It is the purpose and intent of this division to implement the provisions of the Town Center Mixed-Use (TCMU) future land use category of the Town of Miami Lakes Comprehensive Plan, and to facilitate the creation of a vibrant, mixed-use town center that provides a high quality environment for its residents, workers and visitors, and serves as the center of economic and civic life in Miami Lakes. It is explicitly the intent of this division that the TC District shall function as a whole, where activities interact within the

District and contribute to the vitality of the Town Center, and are not isolated as to their individual parcels. The provisions of this division apply to the TC Town Center District.

Sec. 13-863. - Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any TC District except for one or more of the uses permitted by the Master List of Business, Commercial and Industrial Uses as set forth in Division 20 of this article.

Sec. 13-864. – Conflicts with other regulations.

Where the provisions of this division conflict with other provisions of the Town Code or other regulations or standards, including but not limited to zoning, subdivision, landscaping and public works rules, regulations or standards, the provisions of this division shall control to the extent of such conflict. However, this shall not be construed to mean that a provision of this Division authorizing a land use or improvement would necessarily supersede a law or regulation of another agency which lawfully prohibits the same land use or improvement.

Sec. 13-865. – Street types – establishment and hierarchy.

There is hereby established a hierarchy of street types in the TC District, numbered “1” through “3”. The table below establishes the street type of each existing street segment in the Town Center area. A “1” street type shall be considered the highest street type in the hierarchy, a “2” street type shall be considered next highest, and so on. Assignment of a street type to any new street segments, including both public and private streets, shall be reserved to the Town Council after a public hearing. These street types shall be shown on all site plan or other development plans submitted to the Town for approval.

<b>Street</b>	<b>Segment</b>	<b>Street Type</b>
Main Street	All segments	1
NW 67 <sup>th</sup> Avenue / Ludlam Road	All segments	2
Miami Lakes Drive	All segments	2
Bull Run Road	All segments	3
Eagle Nest Lane	All segments	3
Eagle Nest Terrace	All segments	3
New Barn Road	All segments	3
Cow Pen Road	All segments	3
Meadow Walk	All segments	3
Miami Lakeway North	All segments	3

Sec. 13-866. – Building orientation and frontage determination.

- (a) Buildings shall be oriented to the lot. The primary building entrance shall face the front lot line, except in the following scenarios:
- 1) In cases of a corner lot, the primary entrance may be directly on the corner, where such a placement is found to meet the site plan review standards in Section 13-881.
  - 2) Where the front lot line abuts a Type 3 street and accessory parking is placed to the side of the building, the primary entrance may face said accessory parking. However, in such case, the building façade facing the front lot line shall be designed to be architecturally equal in importance to the façade where the primary entrance is located, and shall include a secondary entrance facing the front of the lot, if feasible.

(b) On a corner lot, the front lot line shall be that which runs along the higher street type in the street hierarchy. Where the street types along a corner lot are the same, the Administrative Official, in consultation with the applicant for development approval, shall determine the front of the lot based upon principles of good urban design and ensuring pedestrian safety, comfort and convenience. Rear and side lot lines shall then be determined based on other provisions of this chapter.

Sec. 13-867. – Required building setbacks.

The following table shows the minimum and maximum setbacks for buildings according to the street type on which the lot fronts.

<b>Required Building Setbacks (in feet)</b>							
<b>Street Type (at front of lot)</b>	<b>Front</b>		<b>Street Side</b>	<b>Interior Side</b>		<b>Rear</b>	
	<b>Minimum</b>	<b>Maximum</b>		<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
1	0	15 <sup>1, 2, 4</sup>	Apply the front setback requirement for the side street type	0	None	15 if adjacent to RU district; otherwise, 5.	None
2	5	15 <sup>1, 2, 3, 4</sup>		0			
3	5	18 <sup>1, 2, 4</sup>		0			

1. Maximum front and side street setbacks shall be determined by averaging the setback of the building from the adjacent right-of-way line at points every three feet along the building face. Measurements shall be taken from the base of the building, except that projecting balconies on the second and third floors may be included, but shall constitute no more than one-half of the setback measurement points along the building.
2. The required maximum front setbacks for all street types shall not apply if a property owner chooses to include a plaza and/or courtyard between the front lot line and building. In such case, the maximum front setback shall be increased to 50 feet, and the requirements of Subsection 13-878(e) shall be met. However, where this option is chosen, in no case shall vehicular parking be placed between the front lot line and the building, nor shall off-street vehicular parking be placed in any location adjacent to the plaza/courtyard.
3. The required maximum front setbacks shown here for Type 2 streets shall not apply if a property owner chooses to place vehicular parking between the front lot line and the building. However, in that case, the property owner shall be subject to the requirements of Subsection 13-875(g). When this option is chosen, there may be placed a maximum of two rows of parking, a drive aisle, a walkway parallel with and directly in front of the building up to five feet wide and those items required to comply with Subsection 13-875(g). The distance required for these items added together shall then constitute the required front setback.
4. At streets where an existing easement prevents construction of buildings within the easement, the maximum average front and side street setbacks along the relevant street may be increased as necessary up to a maximum setback of 20 feet.

Sec. 13-868. – Projections into required setbacks and adjacent rights-of-way.

(a) Entrance steps, stoops (including covered stoops), window and door awnings and decorative architectural features may project an unlimited distance into required setbacks, and may project up to two feet into the public right-of-way, subject to the restrictions in Subsection (c) of this section. Additionally, on upper floors, balconies may project an unlimited distance into required setbacks, and may project up to five feet into the public right-of-way. Provided, however, that any elements projecting into required setbacks or the public right-of-way must be approved through the site plan review process, and found to be consistent with the criteria in Section 13-881. Additionally, any elements projecting into the public right-of-way shall be subject to Subsection (c) of this Section.



- (b) Ground floor colonnades or arcades may project an unlimited distance into required front setbacks, and a sufficient distance into the public right-of-way to cover the portion of a sidewalk to within two feet of the edge of the sidewalk nearest to the roadway; provided, however, that any colonnade or arcade projecting into required setbacks or the public right-of-way must be approved through the site plan review process, and found to be consistent with the criteria in Section 13-881. Additionally, any elements projecting into the public right-of-way shall be subject to Subsection (c) of this Section.
- (c) Any projections into the public right-of-way are subject to approval by the Public Works Department or other department with appropriate responsibility for public rights-of-way, whose decisions shall be based upon public safety, compliance with the Americans with Disabilities Act and other provisions to ensure handicapped accessibility, sufficient vertical clear distance for proper functioning of the right-of-way and needs for the current or future provision of public infrastructure and services utilizing the public right-of-way. Where another governmental entity also has jurisdiction over the public right-of-way in question, the approval of that governmental entity must also be obtained. Any permit issued for projections into the public right-of-way shall be revocable, and removal of said projecting elements shall be required if and when said permit is revoked.

Sec. 13-869. – Accessory buildings and accessory structures.

Accessory buildings and accessory structures shall not be permitted in the front or street side setbacks, and shall be at least five feet from rear and interior side property lines. However, the Administrative Official may adjust this five feet setback requirement from rear and side property lines through the site plan review process, where it is found that a smaller setback is required to shield or house an existing utility structure or facility. The maximum height of accessory buildings and accessory structures shall be one story, but in no case shall exceed 20 feet.

Sec. 13-870. – Building height.

Sec. 13-870. – Building height.

The maximum height of buildings shall be five stories, except where a building includes vertically integrated mixed uses, in which case the maximum height shall be seven stories. However, where a building includes frontage on a Type 1 Street, the ground floor must be occupied with active uses, as defined in this Code, in order to qualify for height above five stories. Height may be limited by the Opa-Locka Airport Zoning Ordinance of Miami-Dade County.

Sec. 13-871. – Lot coverage and maximum impervious area.

The maximum lot coverage of all buildings shall be 70 percent. The maximum impervious area on a site shall be 85 percent.

Sec. 13-872. – Densities and intensities of use.

- (a) Residential density shall be limited to a maximum of 42.5 dwellings units per acre, except as provided for in Section 13-873, below.
- (b) Non-residential building square footage shall be limited to a maximum of 1.06 times the square footage of the lot, except as provided for in Section 13-873, below. However, parking structures,

or the portions of buildings dedicated as a parking structure, shall not be included in this maximum building square footage.

- (c) The density and intensity limitations of subsections (a) and (b), above are intended to be cumulative, and a lot may include both residential and non-residential uses up to the maximums set forth above.

Sec. 13-873. – Development rights transferrable.

Development rights as determined by Section 13-872, above, shall be transferable between properties in the TC District, including unused development potential on developed properties. In order to utilize this provision, a covenant running with the land, in a form acceptable to the Administrative Official and the Town Attorney, encumbering both the property to which development potential is being transferred, and the property from which development potential is being transferred, shall be recorded among the public records. If allowable development potential is changed at a future date by regulatory action, the development potential of properties that have been subject to a transfer shall nevertheless continue to be diminished, or enhanced, as applicable, by the number of dwelling units and non-residential square feet transferred to or from said properties. The Town shall keep a record of such transfers. Transfers of development potential shall not relieve the obligation for all development actually constructed to meet any and all permitting, concurrency, infrastructure, public facilities and similar requirements, nor shall it relieve any property of maximum heights or other development requirements.

Sec. 13-874. – Architectural standards.

- (a) The buildings on each lot shall form a minimum percentage of frontage on each adjacent street, within the maximum setback from said street, according to the street types as set forth below:
- (1) Street type 1: 60 percent.
  - (2) Street type 2: 50 percent.
  - (3) Street type 3: 40 percent.

However, no continuous portion of a lot's street frontage on a Type 1 street greater than 25 percent of such total frontage on that street shall be without a building within the maximum setback from said street.

- (b) Minimum glazing requirements shall be as follows:
- (1) Non-residential building surfaces facing a Type 1 or Type 2 street, and non-residential uses facing a Type 3 street, shall be a minimum of 30 percent glazed on the ground floor. All glazing required by this subsection shall be of a type that permits view of activities and spaces within. The bottom edge of glazed areas required by this subsection shall be no greater than 36 inches above the finished grade.
  - (2) Residential building surfaces facing any street, including each residential floor or portion thereof of a mixed-use building, shall be a minimum of 25 percent glazed.
- (c) In order to ensure flexibility in future use and occupancy, the ground floor of any new multifamily residential building fronting on a Type 1 Street, regardless of its intended or initial use and/or occupancy, shall be designed and constructed with a minimum slab-to- ceiling height of ten feet,

six inches, and the slab shall be non-structural, such that it can be modified in the future to accommodate commercial uses/occupancies.

Sec. 13-875. – Parking and loading.

- (a) All development within the TC District shall comply with the parking provisions found in Sections 13-1801 and 13-1802 and elsewhere in this land development code, except as specifically modified in this section.
- (b) No off-street vehicular parking spaces shall be placed between a front lot line and the building, except as specifically allowed with regard to Type 2 streets pursuant to Section 13-867.
- (c) Off-street vehicular surface parking lots (not including parking structures) are expressly forbidden in the TC District, except where they are accessory to a legally established use or uses on the same parcel, or in connection with a use or uses on another parcel, as allowed by subsection (h) of this Section.
- (d) All off-street loading areas shall be completely screened from view of streets and any RU zoned areas, by a wall of the same color and material as the principal building.
- (e) On-street loading shall only be allowed upon approval of a minor conditional use, which shall require submittal and approval of an operational plan demonstrating how the on-street loading will avoid unreasonable disruption of vehicular, pedestrian and bicycle traffic, and other common uses of public or private streets.
- (f) Off-street vehicular parking may be placed within the required setback from a Type 3 street, provided that the building frontage requirements of Subsection 13-874(a) have been satisfied, and the following requirements are complied with:
  - (1) The off-street vehicular parking shall be placed at least seven feet from the property line abutting the Type 3 street.
  - (2) A masonry wall with a minimum height of two feet, six inches and a maximum height of five feet, or a decorative open picket fence with a minimum height of three feet, six inches and a maximum height of five feet, six inches, shall be placed between the Type 3 street and the off-street vehicular parking. The fence or wall shall be set back a minimum of two feet and a maximum of six feet from the property line, or from the back of a street utility easement where applicable, along the Type 3 street.
  - (3) A hedge shall be placed immediately adjacent to the wall or fence required by Subsection (f)(2) of this Section, on the street side of the wall or fence.
  - (4) Shade trees shall be placed between the wall or fence required by Subsection (f)(2) of this section and the property line abutting the Type 3 street or between the wall or fence and the parking spaces, at a maximum spacing of 20 feet on-center along the Type 3 street, for the entire length that off-street vehicular parking is in the required front setback from the Type 3 street.
  - (5) Where a fence and/or hedge is utilized along a Type 3 street pursuant to this subsection, pedestrian access points shall be provided at intervals no greater than 200 linear feet

along the street edge. More frequent pedestrian access points may be permitted through the site plan review process at the discretion of the Administrative Official.

- (g) If off-street vehicular parking is placed in the front or side street setback between a Type 2 street and a building, as provided for in Section 13-867, then all of the following shall also apply:
- (1) The sidewalk along the street must be at least eight feet wide. If necessary, the property owner shall dedicate sufficient right-of-way and extend the sidewalk such that it is at least eight feet wide, in accordance with Subsection 13-877(b).
  - (2) No more than five feet from the back of the sidewalk along the Type 2 street, the property owner shall construct a masonry wall of a minimum of three feet and a maximum of four and one-half feet in height and a minimum of 8 inches in width for. Gaps in this wall shall only be allowed for vehicular or pedestrian access to the site, as permitted, and for the placement of bicycle parking or amenities. Where the property use is non-residential or mixed-use, pedestrian access points shall be provided at intervals no greater than 200 linear feet along the street edge. More frequent pedestrian access points may be permitted through the site plan review process at the discretion of the Administrative Official.
  - (3) Between the off-street vehicular parking and the wall described in subsection (d)(2) above, a hedge shall be provided and maintained at a height of no less than four feet, and no greater than as otherwise provided in the Town Code. Gaps in this hedge shall only be allowed for vehicular or pedestrian access to the site, as permitted, and for the placement of bicycle parking or amenities. Where the property use is non-residential or mixed-use, pedestrian access points shall be provided at intervals no greater than 200 linear feet along the street edge. More frequent pedestrian access points may be permitted through the site plan review process at the discretion of the Administrative Official.
- (h) Where a site in the TC District is adjacent to a greenway per the adopted Greenways and Trails Master Plan, required vehicular parking may be replaced by bicycle parking at the rate of five bicycle parking places to each required vehicular space. Required vehicular parking may be reduced by up to 20 percent by this method. Such bicycle parking spaces shall be in addition to those otherwise required by Article VIII of this chapter, and shall be placed so as to be accessible to the designated greenway.
- (i) Surplus vehicular parking on any property in the TC District (parking in excess of that required by this chapter) may be utilized to meet all or a portion of the required vehicular parking on another property or properties in the TC District. When this option is utilized, a covenant running with the land encumbering all properties involved, and in a form acceptable to the Administrative Official and the Town Attorney, shall be recorded among the public records. The burden shall be on the property owner and/or applicant to demonstrate compliance with minimum parking requirements, and to produce any documentation as necessary.
- (j) The use of shared parking – the reduction in the number of required parking spaces based on time of day variation by different types of land uses – may be approved, either for one site or between two or more sites, through the site plan approval process. In order for a shared parking arrangement to be approved, the Applicant must submit appropriate data and analysis, utilizing professionally acceptable methodologies, establishing reasonably expected levels of parking utilization by types of land uses at different times of the day. When this option is utilized involving two or more properties, a covenant running with the land encumbering all properties involved, and

in a form acceptable to the Administrative Official and the Town Attorney, shall be recorded among the public records.

- (k) Where a building on a Type 1 Street includes active uses on the ground floor directly fronting the Type 1 Street, the required vehicular parking for said active uses shall be reduced by ten percent, in addition to any other reductions in required parking available in this Code.

Sec. 13-876. – Access management.

- (a) The number of vehicular ingress and egress points shall be minimized. Whenever possible, access shall be provided through an adjacent property which has legal access to a public or private street, either directly or through another property or properties. If access through an adjacent property is not possible, an access point onto a lower hierarchy street type shall be preferred to access onto a higher hierarchy street type.
- (b) The Town may, through the site plan approval process or through other applicable development approval processes, require provisions for vehicular and/or pedestrian cross-access to adjacent properties, including but not limited to stub-outs, depiction and notation on the site plan and recording of a cross access easement. Where an adjacent property has such stub-out, easement, etc. to access the subject property, the Town may require use of that connection point or points. If adjacent properties are undeveloped or are developed but have not provided for cross-access to the subject site, the Town may require establishment of a potential connection point or points that, in the judgment of the Administrative Official, Town Council or designated Town Board, as appropriate, is the most advantageous to the purpose and intent of this division.
- (c) If a plan, study or similar planning document that has been adopted by the Town Council calls for an alley or similar way connecting properties, the Town may require dedication of such alley or way as right-of-way or as an easement, as a condition of any development approval.

Sec. 13-877. – Dedications and public improvements.

- (a) Any development approval may be conditioned upon the dedication of right-of-way or easements as needed to provide or improve any public infrastructure specifically called for in the Capital Improvements Element of the Miami Lakes Comprehensive Plan or the provisions of this Division, and subject to the approval of the Public Works Department or other department with appropriate responsibility for public rights-of-way, including but not limited to bus stop infrastructure or shelters or greenways, including sufficient space for designated greenways to deviate behind existing bus shelters where there is not adequate room for the greenways in front of the existing shelter.
- (b) The minimum public sidewalk width within the TC District shall be eight feet. New construction or substantial renovations on a property in which the public sidewalk adjacent to the property is missing or damaged, shall require the construction, reconstruction or repair, as appropriate, of said public sidewalk by the property owner concurrent with the construction project. Widening of an existing sidewalk to meet the eight feet standard shall only be required upon development of a vacant site or redevelopment of a property to an extent that any nonconforming site improvements would be required to be brought into full compliance with this Division according to the provisions of Subsection 13-882(e)3. In such cases, the sidewalk shall be widened along the entire street frontage of the property. Said construction, reconstruction or repair shall meet the Town's standards, and meet with the approval of the Public Works Department or other

department with appropriate responsibility for public rights-of-way, prior to acceptance by the Town, and the work may require posting of a performance bond, at the discretion of the Town.

Section 13-878. – Open space and landscaping requirements.

- (a) Notwithstanding any provision of the Town Code to the contrary, each site shall provide a minimum of twelve percent of its net lot area as landscaped open space, except where this requirement is modified per subsection (b) and/or subsection (c) of this Section, below.
- (b) In-lieu of providing all or a portion of the landscaped open space required by subsection (a) of this Section, a property owner may choose to aggregate all or a portion of required landscaped open space together on one site within the TC District. In order to utilize this option, said aggregated space must be readily accessible to the public, must be a minimum of one-quarter acre, and must be approved through the site plan review process. Additionally, where this option is utilized, in whole or in part, to meet the required landscaped open space for residential uses in the TC District, said space may be counted toward any land dedication otherwise needed to meet the requirements of parks concurrency. When this option is utilized, a covenant running with the land encumbering all properties involved, and in a form acceptable to the Administrative Official and the Town Attorney, shall be recorded among the public records. The burden shall be on the property owner and/or applicant to demonstrate compliance with landscaped open space requirements, and to produce any documentation as necessary. However, notwithstanding the provisions of this subsection, sufficient landscaping shall be provided on-site to appropriately complement building architecture and other functions on each site, as determined through the site plan review process, and to meet other explicit requirements of this Code.
- (c) Where a building includes a habitable rooftop, including but not limited to a recreation area or outdoor dining space, said habitable rooftop area shall be counted toward the amount of land required for landscaped open space per subsection (a) of this Section.
- (d) Except as provided in subsection (e) of this Section, below, each site shall provide the number of trees, shrubs and other landscape materials as provided in Chapter 18A, in an amount equal to those required for the BU-2 district. However, placement of trees, shrubs and other landscape materials shall be determined through the site plan review process, consistent with the site plan review standards in Section 13-881.
- (e) Where all required trees and shrubs cannot be provided on-site, the property owner may choose a cash in-lieu payment to the Town instead of providing that portion of trees or shrubs that cannot be provided on-site, subject to approval by the Town. In order to utilize this provision, the property owner shall provide to the Town a good faith estimate, at the prevailing market rate as approved by the Administrative Official, of the cost to purchase and install that portion of trees and shrubs that cannot be provided on-site, which shall constitute the amount of the required payment. The Town may only use these funds in furtherance of projects identified in the adopted Beautification Master Plan that are within the TC District. If there are no projects in the TC District for which these funds may be utilized, the Town shall not accept the cash in-lieu, and the property owner/developer shall either modify the proposed project to accommodate the required trees and shrubs, or apply for a variance. However, notwithstanding the provisions of this subsection, sufficient landscaping shall be provided on-site to appropriately complement building architecture and other functions on each site, as determined through the site plan review process, and to meet other explicit requirements of this Code.

- (f) If a plaza or courtyard is placed in the front or side street setback between any street type and a building, as provided for in Section 13-867, said plaza/courtyard shall remain open to the public except in the case of emergencies or in the case of special events, as approved by the Town in accordance with Section 13-1616.5. Said plaza/courtyard may be counted as open space, including as aggregated open space per subsection (b) of this section.

Section 13-879. – Drive-thru facilities.

- (a) Except as provided for in Subsection (b) below, no drive-thru facility of any kind, including but not limited to those in connection with eating establishments, pharmacies and automatic teller machines, shall be located within any required front or side street setback. Further, any drive-thru facility, including any designated or reasonably foreseeable vehicle stacking area, shall be completely screened from view from any Type 1 or Type 2 street.
- (b) Establishment of any type of drive-thru facility located within any required side street setback shall require approval as a minor conditional use. Drive-thru facilities within a required front setback may not be approved as a minor conditional use, and shall be prohibited. In addition to all other applicable criteria for approval of a minor conditional use, said drive-thru facility shall comply with the following:
  - 1. The drive-thru facility shall contain no more than two vehicle lanes;
  - 2. The drive-thru facility must be physically and architecturally integrated as part of the structure of the primary building, and shall not be detached;
  - 3. The design of the drive-thru facility, and the entire site, shall minimize the impact of the facility on surrounding properties and streets, and shall maintain the integrity of the Town Center area as a pedestrian-oriented district.
- (c) Property owners shall be responsible for ensuring that vehicle stacking does not back up into a public or private street. Properties where this this requirement is repeatedly violated shall be subject to citation and/or revocation of zoning approvals. Additionally, the applicant for a development approval may be required to provide a queuing analysis to demonstrate that sufficient space will be available for queuing of vehicles for any drive-thru facility when, in the judgment of the Administrative Official, such queuing analysis is necessary.

Section 13-880. – Comprehensive signage plan.

- (a) Signs in the TC District shall comply with Article IX, Sign Code, of this chapter, except as provided in Subsection (b) below.
- (b) The property owners within the TC District may collectively apply for approval of a comprehensive signage plan in the TC District. Said comprehensive signage plan shall address such things as types, location, sizes, heights, illumination, materials and similar characteristics of signs throughout the TC District. The Town Council shall have the authority to approve or deny a comprehensive signage plan proposed for the TC District, and shall take such action by resolution following a quasi-judicial public hearing and after hearing the recommendations of the Administrative Official and the Planning and Zoning Board. Upon approval of a comprehensive signage plan by the Town Council, the comprehensive signage plan shall constitute the signage regulations for the TC District, and shall supersede the provisions of Article IX of this chapter.

However, where the comprehensive signage plan is silent on any particular standard, any provisions of Article IX of this chapter addressing such standard shall control.

Section 13-881. – Site plan review standards.

All site plan reviews and approvals in the TC District shall be by the Administrative Official. The Administrative Official may approve, approve with modifications and/or conditions or deny a site plan. Affected parties may appeal the Administrative Official's action on a site plan application to the Town Council in accordance with Section 13-310. In addition to other applicable standards in this Code, including those in Subsection 13-304(h), in order to be approved, a site plan must meet the following criteria:

- (1) Demonstrate consistency with the purpose and intent of the TC Zoning District;
- (2) Demonstrate consistency in all respects with the Town of Miami Lakes Comprehensive Plan.
- (3) Landscaping must be so designed as to, primarily, improve the safety, convenience and comfort of pedestrians in the public right-of-way and, secondarily, to complement the building architecture and define and delineate pedestrians paths.
- (4) Lighting must be so designed as to provide for the safety, comfort and convenience of pedestrians on the public right-of-way and on the particular site, shall include fixtures at a human scale and shall be utilized to highlight architectural features.
- (5) Signs must complement, and not detract from, the building architecture.
- (6) All signs, when taken as a whole, must be primarily oriented toward pedestrians in terms of location, size and height.
- (7) Demonstrate that building design utilizes the street as its primary organizing feature.
- (8) Facilities for disposal and handling of refuse shall be screened from view from the public right-of-way and areas of high pedestrian activity, and shall include measures as needed to prevent unpleasant odors from impacting habitable areas, including on upper floors of buildings.
- (9) In the case of non-residential uses, open spaces must be so located and oriented that they invite and allow for access and use by the general public, primarily pedestrians. Where residential uses and non-residential uses are mixed on a site, the portion of open spaces that must be oriented to the general public shall be proportional to the portion of building square footage dedicated to non-residential use.
- (10) Building design shall take account of existing architecture in the immediate vicinity, including immediately adjacent properties, and shall neither clash with such architecture, nor shall it serve to create an unduly monotonous streetwall that would fail to maintain the visual interest of pedestrians.

Section 13-882. – Nonconformities.

- (a) For purposes of this Section, the terms “nonconforming use”, “nonconforming structure” and “nonconforming site improvement” shall have the meanings set forth as follows:
  1. “Nonconforming use” shall mean a land use, whether such use occurs within or outside a structure or in some combination thereof, that was in compliance with the zoning regulations that were applicable to it when it was established, and for which all required permits were issued, but which would not be allowed under the current regulations of this Division.
  2. “Nonconforming structure” shall mean any structure meeting the definition of a “building” according to the definition in Section 13-1(24) which was legally established in its current form, but which would not be allowed under the current regulations of this Division.



3. “Nonconforming site improvement” shall mean a deliberate man-made improvement to a site, other than the principal structure, including but not limited to parking and loading areas; walkways; fences and walls; lighting; landscaping; fill, digging and other changes in grade, decks and similar improvements which were legally established with all required permits, but which would not be allowed under the current regulations of this Division.

(b) Intent

1. It is the intent of this section to regulate nonconforming uses, structures and site improvements in the TC District so as to manage their impacts and allow necessary maintenance and limited expansions where appropriate, while encouraging their conversion to conforming status over time.
2. A change in tenancy, ownership or management of a nonconforming use, structure or site improvement shall not be construed to terminate a nonconforming status, provided the change is otherwise lawful and in compliance with this Division.
3. The existence of a nonconformity shall not be used as a reason to add new uses, structures or site improvements that are not allowed by the regulations of this Division, and shall not be used as a justification for a variance.

(c) Nonconforming uses, as defined in this section, may continue, subject to the following provisions:

1. In the event that a nonconforming use is discontinued and replaced by a permitted use, regardless of how brief such period of time is and regardless of whether the permitted use obtains a certificate of use during such period, the nonconforming use shall not be resumed.
2. When a nonconforming use ceases for three consecutive months, or for twelve months during any three-year period, whether or not replaced by another use or uses, the nonconforming use shall not be resumed. The issuance or existence of or a required license, permit or other governmental authorization to conduct such nonconforming use shall not mean that the use has not ceased, but the lack of any such required license, permit or authority shall create a rebuttable presumption that the use has ceased. Actions or activities of the property owner or agent of the property owner attempting to lease or rent the premises shall not be considered a use of the property in determining whether a nonconforming use has ceased.
3. Where a structure contains, or partially contains, a nonconforming use, the removal or destruction of the structure, whether voluntary or involuntary, to an extent of more than 50 percent of the current replacement value of the structure or to an extent of more than 50 percent of the gross square footage of the structure, shall mean that the nonconforming use shall not be resumed. This shall be true whether the structure in question was conforming or nonconforming at the time of its removal or destruction.
4. Where a structure contains, or partially contains, a nonconforming use, and the structure becomes subject to an order to demolish by the Miami-Dade County Unsafe Structures Board, or there is a failure to comply with an order of the Miami-Dade County Unsafe Structures Board to correct one or more violations regarding the structure within the specified time period, the nonconforming use shall cease and may not be resumed.

- (d) Nonconforming structures, as defined in this section, may continue, subject to the following provisions:
1. Internal and external repairs (including but not limited to re-roofing, painting, window and door replacement, mechanical equipment repair and replacement and plumbing and electrical maintenance), alterations and improvements to a nonconforming structure that do not increase the size of the nonconforming structure (including but not limited to square footage and height), are permitted, so long as they do not increase the degree of nonconformity in any respect.
  2. The following shall govern the expansion of a nonconforming structure:
    - a. The expansion of a nonconforming structure shall be permitted if the total square footage of the improvement, and the total cumulative square footage of all expansions since the date that the structure became nonconforming, is less than or equal to 50 percent of the square footage of the structure at the time it became nonconforming. However, the Administrative Official may allow an expansion of greater than 50 percent of the structure at the time it became nonconforming, upon finding both that the proposed improvement would decrease an existing nonconformity with respect to the street frontage requirements of Subsection 13-874(a) and that the proposed improvement would further the purpose and intent of the TC District as expressed in Section 13-862.
    - b. The expansion shall be in compliance with all provisions of this Division, and shall not increase the degree of nonconformity of the structure in any respect.
    - c. Except as specifically provided for in this Subsection 13-882(d)2, if the total square footage of the proposed improvement, and the total cumulative square footage of all expansions since the date that the structure became nonconforming, is greater than 50 percent of the square footage of the structure at the time it became nonconforming, the entire structure and site improvements shall be brought into compliance with current regulations.
  3. If a nonconforming structure is subject to an order by the Miami-Dade County Unsafe Structures Board to be demolished, or there is a failure to comply, within the specified time period, with an order of the Miami-Dade County Unsafe Structures Board to correct one or more violations regarding said structure, then any future construction on the site shall be in compliance with current regulations.
  4. If a nonconforming structure is destroyed, or partially destroyed, through deliberate action of the owner, by natural disaster, explosion, fire, war, act of God or similar, the following shall govern the replacement or reconstruction of the nonconforming structure:
    - a. Should the nonconforming structure be destroyed to an extent of 50 percent or more the replacement value of the structure on the date of destruction, or to an extent of 50 percent or more of the gross floor area of the structure on the date of destruction, said nonconforming structure shall not be reconstructed except in full compliance with the requirements of this Division.
    - b. Should the nonconforming structure be destroyed to an extent that is both less than 50 percent of the replacement value of the structure on the date of destruction, and less than 50 percent of the gross floor area of the structure on the date of destruction, the portion

of the nonconforming structure that remains undamaged may remain; however, the portion of the structure that has been destroyed shall only be replaced such that the replacement portion complies with the provisions of this Division.

5. If a nonconforming structure is moved for any reason for any distance whatever, other than as a result of governmental action requiring such movement, it shall thereafter conform to the provisions of this Division.

(e) Nonconforming site improvements may continue, subject to the following provisions:

1. No change shall be made in any nonconforming site improvement which increases the nonconformity. However, changes, such as repairs and replacements, may be made in site improvements which maintain or decrease the degree of nonconformity, so long as these changes are not integrally connected with changes in one or more structures that would trigger compliance with current regulations, as otherwise provided.
2. Full compliance with current landscaping requirements on a site, including with parking lot landscaping requirements, shall be required when a principal structure on a site is expanded by an amount equal or greater than either 20 percent of its replacement value or by 20 percent or more of its square footage on the date that this Section 13-882 became effective. For purposes of this provision, all expansions of square footage of any such structure shall be considered cumulatively from the date that this Section 13-882 became effective. Compliance with this provision may be satisfied through any of the methods as otherwise allowed in Section 13-878.
3. All site improvements on a site shall be brought into full compliance with this Division upon the occurrence of any one of the following:
  - a. The total cumulative square footage of all expansions of a principal structure after the effective date of this Section 13-882 equal or exceed 50 percent of the square footage of the structure on said effective date;
  - b. A nonconforming principal structure on the site is required to be brought into full compliance with this Division according to the provisions of this Section 13-882; or,
  - c. A new principal structure is constructed on the site.

# EXHIBIT C

## Chapter 13 LAND DEVELOPMENT CODE

### ARTICLE VIII. PARKING REQUIREMENTS

Sec. 13-1801. – Off-street parking.

\* \* \*

(k) Location on same lot as use; exceptions.

- (1) Off-street parking areas shall be located on the same lot, parcel or premises as the use to be served; provided, if the use to be served is a business, or commercial, the parking area therefore may be on a lot or parcel of land that is in an IU or BU District and is within 300 feet from the site of such business or commercial use to be served; provided such business, commercial shall immediately terminate in the event such parking area therefor is not available and all those having any right, title or interest in and to such business or commercial use property site shall execute and place on the public records of this County a covenant approved by the Director that such business commercial [use] shall cease and terminate upon the elimination of such parking area, and that no business commercial [use] shall be made of such property until the required parking area is available and provided.
- (2) Off-street parking areas shall be located on the same lot, parcel or premises as the use to be served; provided, if the use to be served is an apartment building, the parking area therefor may be located on a lot or parcel of land that is in the same apartment district which permits the use, or more liberal apartment or business district and within 300 feet from the site of such apartment structure to be served, said distance to be measured by the normal and legal way a pedestrian would travel; provided such apartment use shall immediately terminate in the event such parking area therefor is not available and all parties having any right, title or interest in and to such apartment shall execute and place on the public records of this County a covenant approved by the Director that such apartment use shall cease and terminate upon the elimination of such parking area, and that no apartment or other use shall be made of such property until the required parking area is available and provided.
- (3) In the TC District, the location of required parking spaces shall be governed by the provisions of the district regulations and Sec. 13-1802 of this article.

# EXHIBIT D

Chapter 13 LAND DEVELOPMENT CODE

ARTICLE IX. SIGNS

Sec. 13-1903. - General requirements for all signs.

(j) Maintenance of signs.

- (1) All signs shall be properly maintained in a safe and legible condition at all times. In the event that a use having a sign is discontinued for a period of 45 days, all signs and all component parts which identified the use are to be removed from the site, and the site on which the sign was located left in a presentable manner. Sign removal shall be the responsibility of the owner of the property.
(2) Latticework, painting, etc. Where the rear of any sign is visible from a street, waterway, park or residence, or from a RU, RO, RM, BU, TC or IU District, the exposed structural members of such sign shall be either concealed by painted latticework, slats or be suitably painted or decorated, and such back screening shall be designed, painted and maintained to the satisfaction of the Director.
(3) Cutting weeds. The owner of each sign not attached to a building shall be responsible for keeping the weeds cut on his property within a radius of 50 feet from the sign or to the nearest highway or waterway.
(4) Removal of dilapidated signs. The Director may cause to be removed any sign which shows neglect or becomes dilapidated or where the area around such sign is not maintained as provided herein after due notice has been given. The owner of the sign and/or the property shall be financially responsible for the removal of the sign.

\* \* \*

(o) Window signs. Nonilluminated signs in the RO, BU, TC or IU Districts where retail and/or service retail occur on the ground floor, placed on the inside of the glass of a window shall be permitted at a maximum of eight square feet in the aggregate, and temporary signs provided that the aggregate area of such signs does not exceed 25 percent of the area of the window glass on the ground floor and shall be located on the same premises whereon such is situated or the products sold. Such signs shall be permitted for no more than 14 calendar days in a three-month calendar quarter period. Ground floor window signs for an atrium multistory glass curtain wall shall not exceed a maximum square footage of ten percent of the one face of the total glass to which the sign is attached, and must otherwise comply with this article and applicable building codes.

(p) Temporary signs. Before a temporary sign (other than a sign placed in a window) shall be put in place, a permit shall be obtained unless specified by Subsection (k) of this section. Temporary signs that conform with all regulations of this article shall be permitted for a maximum of 90 days, unless otherwise specified herein, from the date of issuance of the permit or if no permit is required as outlined below:

Type of signs permitted: Real estate; subdivision; construction; future construction; special events. No permit required for signs that are no larger than six square feet and which are not electrically illuminated.

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Construction signs	Maximum of 40 square feet for a detached sign, including construction signs painted on an approved construction shed, 22 inches by 28 inches in RU Districts	1 general sign to include each trade provided the total sign area does not exceed 40 square feet, except for in RU Districts the sign may not exceed 22 inches by 28 inches	15 feet from official R.O.W. 15 feet to property under different ownership or centered between interior property lines	Same as real estate signs	Same as subdivision signs	Same as real estate signs
Future construction signs	Maximum of 40 square feet in BU, TC, AU, RO, RM, GU and IU District, 22 inches by 28 inches in RU Districts	1 sign	Same as subdivision signs	Same as real estate signs	Shall not exceed 15 feet from ground level to top of sign	Same as real estate signs
Real estate	Real estate signs in an AU/GU District (not of a residential character) and all BU, TC and IU Zones shall be limited to 40 square feet. Real estate signs in AU and GU Districts (of a residential character) and RU shall be limited to 22 inches by 28 inches. RM, and RO Districts shall be limited to 24 square feet	1 sign only	Real estate signs shall be no closer than 5 feet to an official R.O.W. line unless attached to an existing building 15 feet to an interior side property line or centered on a lot between interior side property lines	Permitted. See general provision on illumination	Real estate signs shall not exceed 10 feet measured from grade to top of sign	No permit required for signs that are no larger than 6 square feet and which are not electrically illuminated. Real estate signs shall only be permitted on premises advertised for rent or for sale. No temporary sign shall be maintained on the premises for a period to exceed 90 days, unless justifiable reason is shown to the satisfaction of the Director and approval is secured upon proper



						application. Upon the expiration of the approved period, the sign shall be removed from the premises
Subdivision signs	Maximum of 40 square feet per sign. Subdivisions of 200 feet or more lineal street frontage the total square footage for all signs shall not exceed 120 square feet	3 per subdivision	Not closer than 15 feet to official R.O.W. Not closer than 15 feet to property under a different ownership	Same as real estate signs	Shall not exceed 15 feet from ground to top of sign	Same as real estate signs
Special events signs include carnivals, concerts, public meetings, real estate open house events, sports events, political campaigns, noncommercial speech and other uses of a similar nature	Maximum size of 22 inches by 28 inches except as to site of use which shall be governed by applicable zoning district regulations	Signs shall be unlimited in number as to off-site locations and limited to, number as permitted in the zoning district for on-site locations (point of sale signs). Except real estate open house events shall be permitted only in the RU and RM Districts and the total number of signs per open house event shall be 4 signs, one per property with written consent of the property	5 feet from official R.O.W. and 5 feet from property under different ownership, except for site of use which shall be governed by applicable zoning district regulations	Same as real estate signs	Not applicable, except for in residential RU and RM Districts political signs shall be permitted at a height not to exceed 2 feet, measured from grade to top of sign	Special events signs shall be removed within 10 days after the special event or last election which candidate or issue was on the ballot. Promoters, and sponsors and candidates shall be responsible for compliance with the provisions of this section and shall remove signs promoting or endorsing their respective special events or candidacies when such signs are displayed or used in violation of this section

Table with 7 columns and 1 row, containing the word 'owner' in the third column.

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Sec. 13-1904. - Additional requirements for signs.

No sign shall be permitted except signs that meet the general requirements of Section 13-1903 and the following additional requirements:

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- (3) Mix-Use (RO-13, RO-50, TC); Business (BU-1, BU-1A, BU-2, BU-3) and Industrial Districts (IU-1, IU-2, IU-3, IU-C). No sign shall be permitted in an area zoned (RO), (BU), (TC) or (IU) District except signs permitted under this section and the following: There may be one sign where a leasing office is set out, two square feet in area and shall not exceed a height above the ground of eight feet.

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b. Criteria for signage attached to building.

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- 2. Where retail and/or service retail occur on the ground floor, individual point of sale ground floor tenant signage may occur in a signage band on the building, marquee or canopy, provided it is done in a coordinated manner and it complies with Subsection (3)b.5 of this section. Buildings in the BU or TC Districts offering ground floor retail space (retail storefronts) and in the RO, IU Districts a business consisting of more than one building shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis. (See Figures 1 and 2 for required dimensions.)

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- 5. If a single building consists of more than one business establishment, there shall not be more than one exterior point of sale sign affixed to the building for each such business establishment, except as specifically provided for hereinafter. Maximum capital letter height on any service retail tenant sign in a multitenanted shopping or office building shall be 18 inches (including any ascenders and descenders) for tenants occupying less than 5,000 square feet and 24 inches for tenants occupying greater than 5,000 square feet. Maximum capital letter height (including ascenders and descenders) for single-tenanted buildings of less than 20,000 square feet shall be 24 inches. Maximum capital letter height (including ascenders and descenders) for single-tenanted buildings exceeding 20,000 square feet shall be 30 inches. Maximum square footage of a sign must not exceed ten percent of the one face of the occupied building area to which the sign is attached. If a business establishment in the IU District consists of more than one building, a secondary sign may be affixed to a wall of each such building. The secondary sign or signs for any business establishment shall not exceed 50 percent of the maximum permissible area for a single sign for said business. Each business establishment that is situated on land that abuts the Red Road Canal right-of-way (regardless of the underlying zoning designation and the size of the occupancy) shall be permitted to have a maximum letter height of 42 inches for

a sign that faces Red Road (NW 57 Avenue). Where a building in the TC District consists of more than one business establishment, a tenant occupying a corner space with frontage on two streets may have one exterior point of sale sign on each façade, up to a maximum of two signs.

\* \* \*

8. On ~~the~~ a BU or TC District building where a colonnade or arcade is located and where retail and/or service retail occur on the ground floor, individual point of sale ground floor tenant signage may occur in a hanging sign not to exceed six square feet in size placed on the building over the entry, provided it is done in a coordinated manner and it complies with Subsection (3)b.5 of this section. Buildings in ~~the~~ a BU or TC District offering ground floor retail space (retail storefronts) and in the RO, IU Districts a business consisting of more than one building shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis. Three dimensional "symbol" signs shall be permitted after a public hearing. (See Figures 1 and 2 for required dimensions.)

\* \* \*

12. In the TC District, where a building includes active uses, as defined in this Code, that front directly on a Type 1 Street, there may be one additional sign in addition to those otherwise allowed by this chapter. Said sign may be located anywhere on the building and may face in any direction. Said sign shall occupy no greater than ten percent of the building face to which it is attached, and shall be subject to the same construction, materials, illumination and other restrictions, except size restrictions, that are otherwise applicable.

# EXHIBIT E

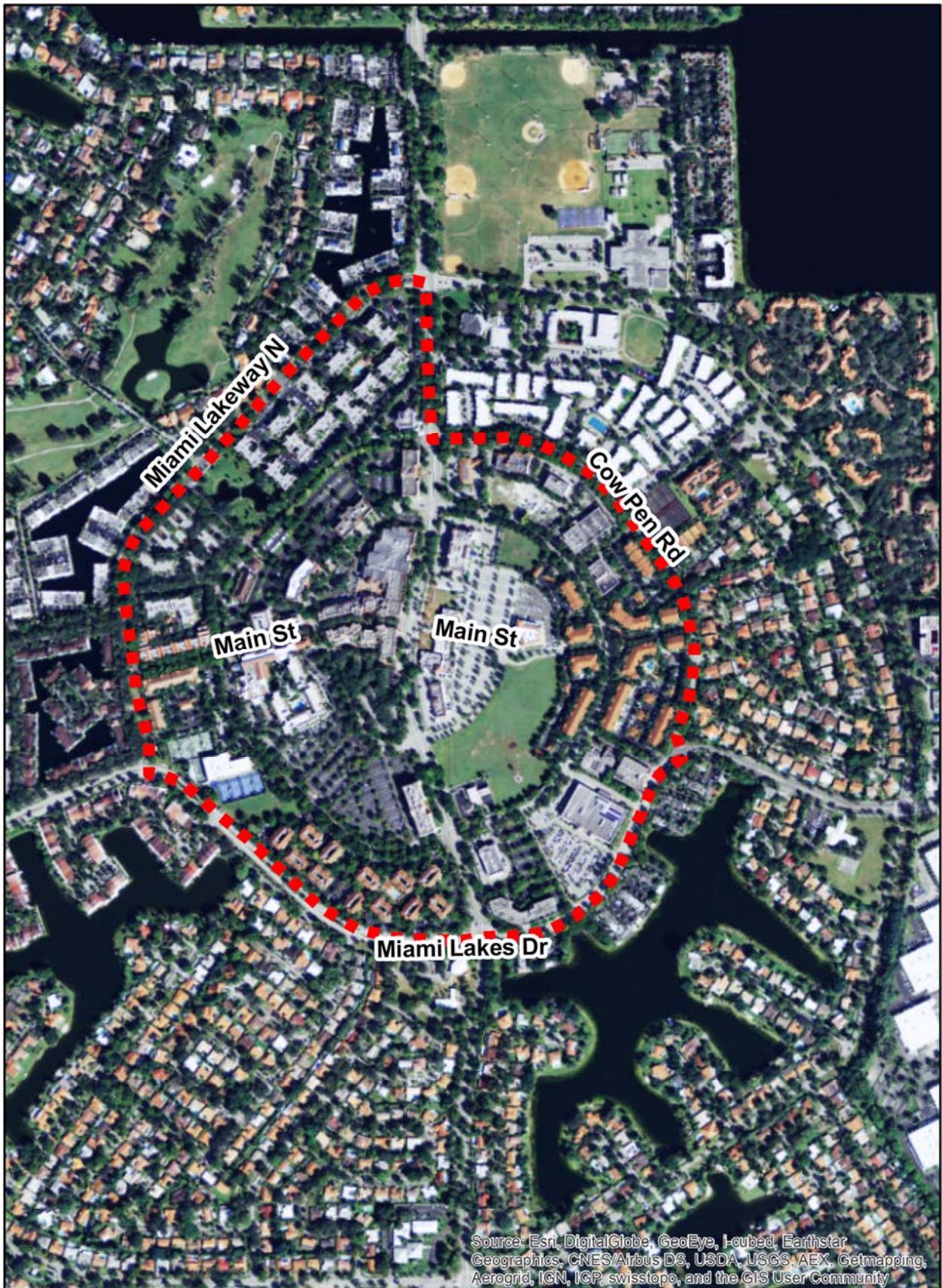
## LEGAL DESCRIPTION

Portions of Sections 13, 14, 23 and 24, Township 52 South, Range 40 East, lying and being in the City of Miami Lakes, Miami-Dade County, Florida, more particularly described as follows:

COMMENCE at the NE Corner of the SE 1/4 of said Section 14, thence run S02°13'20"E along the easterly line of the aforementioned Section 14 for a distance of 930.06 feet to the POINT OF BEGINNING (said point is also the centerline intersection of Miami Lakeway North and NW 67th Avenue; the next 8 (eight) courses run along the centerline of Miami Lakeway North; thence run N84°43'20"W for a distance of 53.19 feet to a point of curvature; thence southwesterly along a circular curve to the left, having a radius of 409.26 feet and a central angle of 51°54'32", for an arc distance of 370.78 feet to the point of tangency; thence run S43°22'08"W for a distance of 1,574.39 feet to a point of curvature; thence southwesterly along a circular curve to the left, having a radius of 409.26 feet and a central angle of 50°35'36", for an arc distance of 361.38 feet to the point of tangency; thence S07°13'28"W, for a distance of 510.89 feet to a point of curvature; thence southeasterly along a circular curve to the left, having a radius of 1,130.00 feet and a central angle of 11°57'40", for an arc distance of 235.90 feet to a point of reverse curvature; thence southwesterly along a circular curve to the right, having a radius of 300.00 feet and a central angle of 24°45'20", for an arc distance of 129.62 feet to the point of tangency; thence run S05°34'12"W, for a distance of 67.04 feet to a point being the centerline intersection of Miami Lakeway North and Miami Lakes Drive; the next 8 (eight) courses run along the centerline of Miami Lakes Drive; said point also being a point of curvature (said point bears N04°33'44"E, from the radius point of said curve); thence southeasterly along a circular curve to the right, having a radius of 300.00 feet and a central angle of 38°14'56", for an arc distance of 200.27 feet to the point of tangency; thence run S47°11'20"E for a distance of 236.80 feet; thence run S42°48'40"W for a distance of 60.00 feet; thence run S47°11'20"E for a distance of 625.00 feet to a point of curvature; thence northeasterly along a circular curve to the left, having a radius of 800.00 feet and a central angle of 47°59'39", for an arc distance of 670.12 feet to the point of tangency; thence run N84°49'01"E for a distance of 502.61 feet to a point of curvature; thence northeasterly along a circular curve to the left, having a radius of 708.64 feet and a central angle of 61°54'21", for an arc distance of 755.66 feet to the point of tangency; thence run N22°54'40"E for a distance of 707.96 feet to a point, being the centerline intersection of Miami Lakes drive and Cow Pen Road, the next 5 (five) courses run along the centerline of Cow Pen Road; thence continue N22°54'40"E for a distance of 58.23 feet to a point of curvature; thence northwesterly along a circular curve to the left, having a radius of 810.00 feet and a central angle of 60°13'31", for an arc distance of 851.41 feet to the point of tangency; thence run N37°18'51"W for a distance of 413.32 feet to a point of curvature; thence southwesterly along a circular curve to the left, having a radius of 810.00 feet and a central angle of 54°54'29", for an arc distance of 776.24 feet to the point of tangency; thence run S87°46'40"W for a distance of 264.16 feet; thence run N02°13'20"W for a distance of 824.01 feet to the POINT OF BEGINNING.



# EXHIBIT F



Source: Esri, DigitalGlobe, GeoEye, I-cubed, Earthstar  
Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping,  
Aerogrid, IGN, IGP, swisstopo, and the GIS User Community