

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, REORGANIZING, REFORMATTING, CONSOLIDATING, AMENDING, ADOPTING AND ENACTING A NEW ARTICLE I, SECTION 13-1(A), INCORPORATING EXISTING DEFINITIONS AND REPLACING EXISTING SECTIONS 13-1(A) AND 33-1, A NEW ARTICLE IV, DIVISION 8, SECTIONS 13-542 THROUGH 13-546, “RO-13 LOW DENSITY RESIDENTIAL/OFFICE DISTRICT” TO REPLACE EXISTING SECTIONS 13-542 THROUGH 13-546, A NEW ARTICLE IV DIVISION 9, SECTIONS 13-562 THROUGH 13-566 “HIGH DENSITY RESIDENTIAL OFFICE DISTRICT” TO REPLACE EXISTING SECTIONS 13-562 THROUGH 566, A NEW ARTICLE IV, DIVISION 12, SECTIONS 13-603 THROUGH SECTION 13-618 “BU-1 NEIGHBORHOOD BUSINESS DISTRICT” TO REPLACE ARTICLE XXIV, SECTIONS 33-237 THROUGH 33-245.2, A NEW ARTICLE IV, DIVISION 13, SECTIONS 13-619 THROUGH 13-634 “BU-1A, LIMITED BUSINESS DISTRICT” TO REPLACE EXISTING ARTICLE XXV, SECTIONS 33-246 THROUGH 33-251.5, A NEW ARTICLE IV, DIVISION 14, SECTIONS 13-635 THROUGH 13-650 “BU-2, SPECIAL BUSINESS DISTRICT” TO REPLACE EXISTING ARTICLE XXVI, SECTIONS 33-252 THROUGH 33-253.9, A NEW ARTICLE IV, DIVISION 15, SECTIONS 13-651 THROUGH 13-667, “LIBERAL BUSINESS DISTRICT” TO REPLACE EXISTING ARTICLE XXVII, SECTIONS 33-254 THROUGH 33-256.8, A NEW ARTICLE IV DIVISION 16, SECTIONS 13-668 THROUGH 13-687, “IU-1, INDUSTRIAL LIGHT MANUFACTURING DISTRICT” TO REPLACE EXISTING ARTICLE XXIX, SECTIONS 33-359 THROUGH 33-261.3, A NEW ARTICLE IV, DIVISION 17, SECTIONS 13-688 THROUGH 13-702 “IU-2, HEAVY MANUFACTURING DISTRICT” TO REPLACE EXISTING ARTICLE XXX, SECTIONS 33-263 THROUGH 33-263.4, A NEW ARTICLE IV, DIVISION 18, SECTIONS 13-703 THROUGH 13-718 “IU-3, INDUSTRIAL UNLIMITED DISTRICT” TO REPLACE EXISTING ARTICLE XXXI, SECTIONS 33-264 THROUGH 33-266.5, A NEW ARTICLE IV, DIVISION 19, SECTIONS 13-719 THROUGH 13-744 “IU-C, INDUSTRIAL USE CONDITIONAL” TO REPLACE EXISTING ARTICLE XXXII, SECTIONS 33-267 THROUGH 33-278.4, A NEW ARTICLE IV, DIVISION 20, SECTIONS 13-745 THROUGH 13-748 “BUSINESS, COMMERCIAL AND INDUSTRIAL USE MASTER LIST” REFORMATTING, ORGANIZING AND CONSOLIDATING LOCATION OF PERMITTED USES IN CERTAIN ZONING DISTRICTS, A NEW ARTICLE IV, DIVISION 21, SECTIONS 13-749 THROUGH 13-799 “ADDITIONAL BUSINESS, COMMERCIAL, INDUSTRIAL AND OTHER USE REGULATIONS” REFORMATTING, ORGANIZING AND CONSOLIDATING REGULATION OF CERTAIN USES, A NEW ARTICLE IV, DIVISION 22, SECTION 13-800 THROUGH 13-820 “PAD

PLANNED AREA DEVELOPMENT DISTRICT” REPLACING EXISTING, ARTICLE XXXIIIB, SECTIONS 33-284.10 THROUGH 33-284.21, A NEW ARTICLE IV, DIVISION 23, SECTIONS 13-821 THROUGH 13-841, “TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT” REPLACING EXISTING ARTICLE XXXIIH, SECTIONS 33-284.46 THROUGH 33-384.54, A NEW ARTICLE IV, DIVISION 24, SECTIONS 13-842 THROUGH 13-855 “GP GOVERNMENTAL PROPERTY DISTRICT”, REPLACING EXISTING ARTICLE XXXIIIC, SECTIONS 33-284.22 THROUGH 33-284.23, A NEW ARTICLE IV, DIVISION 25, SECTIONS 13-856 THROUGH 13-861 “GU INTERIM DISTRICT”, REPLACING EXISTING ARTICLE XIII, SECTIONS 33-194 THROUGH 33-198, REVISIONS TO ARTICLE V, SECTIONS 13-1505 AND 13-1509 TO REGARDING AWNINGS, FENCES AND WALLS IN BUSINESS AND INDUSTRIAL DISTRICTS, ADDING A NEW ARTICLE VI, SECTION 13-1611, EXISTING USES, REPLACING EXISTING SECTION 33-34, ADDING A NEW ARTICLE VI, SECTION 13-1612, NONCONFORMING USE, REPLACING EXISTING SECTION 33-35, ADDING A NEW ARTICLE VI, SECTION 13-1613, OUTDOOR LIGHTING, REPLACING EXISTING SECTION 33-4.1, ADDING A NEW ARTICLE VI, SECTION 13-1614, COMPLIANCE WITH FAA RULES, REPLACING EXISTING SECTION 33-56, ADDING A NEW ARTICLE 13-1615, RIGHT-OF-WAY PLAN AND MINIMUM WIDTH, REPLACING EXISTING SUBSECTIONS 33-135(C), (D), (E) AND (F), AMENDING ARTICLE VIII, SECTION 13-1801 “OFF-STREET PARKING”, REPLACING EXISTING ARTICLE VII, SECTIONS 33-122 THROUGH 33-132, OF THE TOWN’S CODE; PROVIDING FOR REPEAL OF SPECIFICALLY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RETENTION OF OMITTED REGULATIONS; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) upon incorporation adopted Chapter 33 of the Miami –Dade County Code (2000), entitled “Zoning” as the Town of Miami Lakes Land Development Code (“the Town LDC”) by Section 8.3 of the Town Charter; and

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, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the “LDC Ordinances”) to better address and serve the needs of the Town; and

WHEREAS, the Town desires to reorganize, reformat, consolidate, update and streamline the portions of the Town LDC relating to commercial and industrial properties; and

WHEREAS, the Town has undertaken a comprehensive reorganization, reformatting and consolidation of the portions of the Town's LDC relating to commercial and industrial properties; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), found the proposed amendments to be consistent with the Town's Comprehensive Plan at a duly advertised Public Hearing on May 15, 2012; and

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; 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 ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendments to Articles I, III, IV, V, VI and VIII of the Town LDC, which are attached as Exhibit A hereto and are incorporated herein.

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

Section 4. Omitted Provisions. Any provision of the Town Code currently in effect which is not reorganized or amended by this Ordinance, or which is otherwise omitted from this Ordinance, but which does not specifically conflict with any provision of this Ordinance, shall be unaffected hereby, and shall remain in full force and effect.

Section 5. 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 6. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions 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 7. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

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

Mayor Michael Pizzi _____

Vice-Mayor Ceasar Mestre _____

Councilmember Mary Collins _____

Councilmember Tim Daubert _____

Councilmember Nelson Hernandez _____

Councilmember Nick Perdomo _____

Councilmember Richard Pulido _____

PASSED AND ADOPTED on first reading this _____ day of _____, 2012.

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

Mayor Michael Pizzi	_____
Vice-Mayor Ceasar Mestre	_____
Councilmember Manny Cid	_____
Councilmember Tim Daubert	_____
Councilmember Tony Lama	_____
Councilmember Nelson Hernandez	_____
Councilmember Nelson Rodriguez	_____

PASSED AND ADOPTED on second reading this _____ day of _____, 2013.

MICHAEL PIZZI
MAYOR

ATTEST:

MARJORIE TEJEDA
TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:

JOSEPH S. GELLER
GREENSPOON MARDER
TOWN ATTORNEY

EXHIBIT A

ARTICLE 1. IN GENERAL

Section 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.
- (1) *Accessory building.* A secondary residence, garage, tiki hut, storage shed, or other building or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building. An accessory building may include servant's quarters unless prohibited by existing deed restrictions. Also see *Guesthouse*.
 - (2) *Accessory wireless equipment building.* Any building/cabinet, shelter, or structure associated with a Wireless Supported Service Facility constructed for the primary purpose of housing the electronics, mechanical equipment, backup power, power generators and other free standing equipment associated with the operation of the facility.
 - (3) *Advertising signs.* A surface whereon advertising matter is set in public view, including reference to any use of premises whereon it is displayed or posted.
 - (4) *Aged person* means any person age sixty (60) or over who is currently a resident of the State and who, because of a functional impairment, requires personal assistance with the activities of daily living but does not require nursing home or institutional care.
 - (5) *Alcoholic beverages.* The term "alcoholic beverages" shall be as defined by Section 561.01(4), Florida Statutes.
 - (6) *Alley.* A narrow thoroughfare dedicated or used for public passageway up to twenty-five (25) feet in width, upon which usually abut the rear of the premises, or upon which service entrances or buildings abut, and not generally used as a thoroughfare by both pedestrians and vehicles, which is not used for general traffic, and is not otherwise officially designed as a street.
 - (7) *Alteration.* Any change in the arrangement of a building, including any work affecting the structural parts of a building or any change in wiring, plumbing or heating systems.
 - (8) *Amusement center.* Any indoor place or enclosure which contains three (3) or more amusement devices of any description, including but not limited to, pinball amusement games, computer amusement games and/or games of chance for the public amusement, patronage or recreation.

ARTICLE 1. IN GENERAL

- (9) *Antennas*. Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, which includes but is not limited to telephonic, radio or television communications. Types of Antennas included, but are not limited to, whip antennas, panel, and/or Cylinder Type Antennas.
- (10) *Antennas (cylinder type)*. Antennas which are fully housed within cylindrical design canisters.
- (11) *Antenna support structure*. A facility that is constructed and designed primarily for the support of Antennas, which include the following types:
 - (i) *Guyed tower*. A tower that is supported in whole or in part by guy wires and ground anchors or other means of support in addition to the superstructure of the tower itself;
 - (ii) *Lattice tower*. A tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section;
 - (iii) *Monopole*. A tower of a single pole design; and
 - (iv) *Camouflaged structure*. A structure designed to support antenna and designed to blend into the existing surroundings.
- (12) *Apartment*. A room or a suite of rooms within an apartment house, arranged, intended or designed to be used as a home or residence of one (1) family with kitchen facilities for the exclusive use of the one (1) family.
- (13) *Apartment building*. A building which is used or intended to be used as a home or residence for three (3) or more families living in separate apartments, in which the yard areas, hallways, stairways, balconies and other common areas and facilities are shared by families living in the apartment units.
- (14) *Apartment garage*. A building designed and intended to be used for the housing of vehicles belonging to the occupants of an apartment building on the same premises, in connection with living quarters and having a square foot area not more than sufficient to house a number of automobiles not exceeding the number of apartments contained in the principal building.
- (15) *Apartment hotel*. Any public lodging establishment which otherwise meets the definition of a hotel, but which also has units with kitchen equipment and housekeeping facilities.
- (16) *Arterial highway*. Highways enumerated in Section 33-133 of the Miami-

ARTICLE 1. IN GENERAL

Dade County Code.

- (17) *Bar or saloon.* Any place devoted primarily to the selling or dispensing and drinking of malt, vinous or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises.
- (18) *Barbecue pit or building.* An open or enclosed pit or fireplace or an open on enclosed building used primarily for cooking meats in the "barbecue style."
- (19) *Barbecue stand.* A refreshment place where space is provided or allowance is made for automobiles to gather for the primary purpose of serving the occupants barbecued meats.
- (20) *Basement.* That portion of a building between floor and ceiling which is so located that one-half (1/2) or more of the clear height from floor to ceiling is below-grade.
- (21) *Beer.* The word "beer" shall be as defined in Section 563.01, Florida Statutes.
- (22) *Block.* A block shall be deemed to be all that property frontage along one (1) highway lying between the two nearest intersecting or intercepting streets and railroad right-of-way or waterway, golf course, campus, park or similar open space.
- (23) *Boundary of district.* The center line of a street or right-of-way or the center line of the alleyway, between the rear or side property lines or, where no alley or passageway exists, the rear or side property lines of all lots bordering on any district limits or any district boundary shown on the Town of Miami Lakes Official Zoning Map referenced in Section 13-4.
- (24) *Building.* A building is any structure having a roof entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.
- (25) *Building height.* The height of a building with a gabled or hip roof shall be the vertical distance measured from the average elevation of the finished building site to the top of the roof of the uppermost story. The height of a building with a flat or nearly flat roof shall be measured from the footing as stated above to the highest point of the roof (but not the parapet or coping shall be used). A flat roof shall be considered a roof that has a slope of less than seven (7) degrees with the horizontal.

ARTICLE 1. IN GENERAL

- (26) *Building line.* The extreme overall dimensions of a building as staked on the ground, including all area covered by any vertical projection to the ground of overhang of walls, roof or any other part of a structure, whichever is nearest to the property line, will be considered as the building line.
- (27) *Building site.* The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.
- (28) *Bungalow court.* A bungalow court is a group of three (3) or more family units on one (1) or more adjoining lots, having separate outside entrances on the ground floor level for each single family dwelling, including all open spaces required by this chapter; and all maintained under one (1) ownership.
- (29) *Bungalow villas.* A bungalow villa is a group of ten (10) or more one-story dwelling units containing not more than two (2) single family units per structure, located on one (1) or more adjoining lots and having separate outside entrances on the ground floor level for each single family dwelling, designed to provide accommodations for transient or overnight guests. Structures may be designed for full residential use including cooking and similar facilities, and must be maintained under one (1) ownership.
- (30) *Business.* See *Place of business*.
- (31) *Cabaret.* The term shall mean a place of business other than a "night club" located in a hotel or motel having fifty (50) or more guest rooms, where liquor, beer or wine is sold, given away or consumed on the premises, and where music or other entertainment is permitted or provided for the guest of said hotel or motel only.
- (32) *Cafeteria.* A place where food is obtained by self-service and eaten on the premises.
- (33) *Center line, highway.* A line running parallel with the highway right-of-way which is half the distance between the extreme edges of the official right-of-way width as determined by the provisions of this chapter or the Town of Miami Lakes Comprehensive Plan.
- (34) *Certified survey.* A survey, sketch, plan, map or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineer, registered surveyor, architect or other legally recognized person.
- (35) *Church or religious facility/institution.* A church, synagogue or other

ARTICLE 1. IN GENERAL

structure in which worship services pertaining to a particular system of beliefs are held. Wherever the term "church" is used in this chapter the terms "religious facility" or "religious institution" shall also apply.

- (36) *Club, pressing.* A pressing, cleaning or laundry agency where no gasoline or explosive of any kind is used.
- (37) *Club, private.* An organization or association of persons for some common purpose, such as but not limited to a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for profit or to render a service which is customarily carried on as a business. Such organizations and associations must be incorporated under the Laws of Florida as a non-profit corporation and such corporation's major purpose shall not be for the purpose of serving alcoholic beverages to its members or others.
- (38) *Commercial districts.* Either business, industrial or arts and crafts districts.
- (39) *Community residential home.* A dwelling unit licensed to serve clients of the State of Florida Department of Health and Rehabilitative Services, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family. Supervisory and supportive staff as may be necessary to meet the physical, emotional, and social needs of the resident clients shall be excluded from said count.
- (40) *Conditional permit.* A permit issued subject to revision or cancellation by the issuing department under the terms of this chapter.
- (41) *Convention hall.* An assembly or meeting place for delegates for action on particular matters such as political, fraternal, veterans affairs and the like.
- (42) *Court.* An open, unoccupied, unobstructed space, except for trees, shrubs and foundations, statuary, other than a yard, on the same lot as a building.
- (43) *Court, bungalow.* See *Bungalow court*.
- (44) *Court, inner.* A court surrounded by a structure and not extending to a street or alley or to a front, side or rear yard.
- (45) *Court, outer.* A court extending to a street or alley or to a front or rear yard.
- (46) *Cubic content.* The cubic content of a building is its bulk volume exclusive of the volume below grade. In ascertaining the cubic content of gabled buildings, the height shall be measured from the top of footings (which measurement shall not be below the average elevation of the

ARTICLE 1. IN GENERAL

building site) to a point halfway between the plate and ridge. For a flat roof the highest point of the roof (but not the parapet or coping) shall be used. In determining cubic content, only one-half (1/2) credit shall be given for attached, open porches and porte-cocheres; only two-thirds credit shall be given attached, enclosed garages. No credit shall be given for attached, screened enclosures when roof is of screen.

The cubic content required by this chapter and the zoning maps is hereby changed to a square footage requirement by dividing the cubic content requirement by ten (10). After March 21, 1972, minimum building sizes will be established on property which is rezoned by the application of minimum square footage figures rather than that of cubic content, and such figures shall be depicted on the zoning maps on a square footage basis. In ascertaining the square footage of a building, the gross horizontal floor area of the floor, or several floors between the exterior faces of the exterior walls of such building shall be included, with only two-thirds credit being given for attached garages and one-half (1/2) credit being given for attached open porches and porte-cocheres. No credit shall be given for screened enclosures when roof is of screen, nor shall credit be given for detached accessory buildings.

(47) *Department.* Unless otherwise specified within this chapter, department shall mean the Department of Planning and Zoning or its successor.

(48) *Dependent child* means:

(a) A child who has been found by the court:

(1) To have been abandoned, abused, or neglected by his parents or other custodians;

(2) To have been surrendered to the department of a licensed child placing agency for purpose of adoption;

(3) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the Department of Health and Rehabilitative Services, whereupon, pursuant to State requirements, a performance agreement has expired and the parent(s) have failed to substantially comply with the requirements of the agreement;

(4) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption and a natural parent or parents have signed a consent pursuant to Florida Rules of Juvenile Procedure; or

(5) To be at substantial risk of imminent abuse or neglect by the parent(s) or the custodian; or

ARTICLE 1. IN GENERAL

(b) A child for whom there is no pending investigation by the State of Florida Department of Health and Rehabilitative Services into an allegation or suspicion of abuse, neglect or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Health and Rehabilitative Services for an adjudication of dependency or delinquency; provided that the child has also been found by the court:

(1) To have persistently run away from his parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services and treatment offered by the State of Florida Department of Health and Rehabilitative Services;

(2) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services and treatment offered by the State of Florida Department of Health and Rehabilitative Services; or

(3) To have persistently disobeyed the reasonable and lawful demands of his parents or legal custodians and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.

(49) *Depth of lot.* The depth of a lot is the depth between its mean front street line and its mean rear line.

(50) *Development disability* means a disorder or syndrome which is attributable to retardation, cerebral palsy, autism, epilepsy, or spina bifida and which constitutes a substantial handicap that can reasonably be expected to continue indefinitely.

(51) *Director.* The word "Director" shall mean the Director of the Department of Planning and Zoning or designee, unless the context clearly indicates otherwise.

(52) *Dispense or Dispensing.* The transfer of possession of one or more doses of a controlled substance identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time, by a pharmacist, health care practitioner or any other person to the ultimate consumer thereof or to one who represents that it is his or

ARTICLE 1. IN GENERAL

her intention not to consume or use the same but to transfer the same to the ultimate consumer or user for consumption by the ultimate consumer or user.

- (53) *Dog kennel.* The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in a dog hospital, dog beauty parlor or pet shop, as permitted by law, or the keeping of five (5) or more dogs, six (6) months or older, on premises used for residential purposes, or the keeping of more than one (1) dog on vacant property or on property used for business or commercial purposes, shall constitute a kennel.
- (54) *Domestic violence* means any assault, battery, sexual assault, sexual battery or any criminal offense resulting in physical injury or death of one (1) family or household member by another who is or was residing in the same single dwelling unit.
- (55) *Domestic violence center* means a facility that provides shelter, counseling and referral services to victims of domestic violence.
- (56) *Drugstore.* A retail establishment which includes a pharmacy and which may offer other accessory services such as photo processing, eyeglass care, etc, but in which no more than thirty (30)% of the gross floor area of the establishment is utilized for prescription drug storage, dispensing or prescription drug related customer service area.
- (57) *Dwelling, one family.* A private residence building used or intended to be used as a home or residence in which all living rooms are accessible to each other from within the building and in which the use and management of all sleeping quarters, all appliances for sanitation, cooking, ventilating, heating or lighting are designed for the use of one (1) family only.
- (58) *Dwelling, duplex.* A residence building designed for, or used as the separate homes or residences of two (2) separate and distinct families, but having the appearance of a single family dwelling house. Each individual unit in the duplex shall comply with the definition for a one (1) family dwelling.
- (59) *Electrical power plant* means any electrical generating facility of twenty (20) megawatts or more using any process or fuel and includes associated facilities except those electrical generating facilities the regulation and certification of which are expressly preempted by Chapter 403, Florida Statutes.
- (60) *Estate.* Any residential site comprising an area of one (1) acre or more shall come within the meaning of the word "estate".

ARTICLE 1. IN GENERAL

- (61) *Family*. One (1) person, or group of two (2) or more persons living together and interrelated by blood, marriage or legal adoption, occupying a dwelling unit designed as a single-family use, as a separate housekeeping unit with a single set of kitchen facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.
- (62) *Filling station*. See *Gas station*.
- (63) *Floor area ratio*. The floor area of the building or buildings on any lot divided by the area of the lot.
- (64) *Frontage*. Distance measured along a highway right-of-way.
- (65) *Fruit and vegetable stand*. Any portable establishment for the retail sale of locally grown fresh fruit and vegetables and food products derived from such fruit and vegetables.
- (66) *Garage, community*. A structure or series of structures under one (1) roof, and under one (1) ownership, for the storage of vehicles by three (3) or more owners or occupants of property in the vicinity, where said structure has no public shop or mechanical services in connection therewith.
- (67) *Garage, mechanical*. See *Garage, public*.
- (68) *Garage, private*. A structure not larger than five hundred (500) square feet in area for the private use solely for the owner or occupant of the principal building on a lot or of his family or domestic employees for the storage of noncommercial motor vehicles, and which has no public shop or mechanical service in connection therewith.
- (69) *Garage, public*. A structure for the storage, care, repair, or refinishing of motor vehicles, or a structure containing a public shop, or where automobile mechanical service is provided.
- (70) *Gas station*. A structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles but not including space or facilities for the storage, painting, repair, refinishing, bodywork or other servicing of motor vehicles.
- (71) *Governmental center*. A site or tract of land where three (3) or more departments or divisions of a government are located.
- (72) *Grade*. The established grade of premises, whether vacant or improved, is the highest elevation of the sidewalk at the property line as fixed by the County.

ARTICLE 1. IN GENERAL

- (73) *Gridiron system.* A rectangular system of street and blocks.
- (74) *Group home.* A dwelling unit licensed by the State of Florida Department of Health and Rehabilitative Services which is licensed to serve resident clients and which provides a living environment for not more than six (6) unrelated residents who operate as a functional equivalent of a family. Supervisory and supportive staff as may be necessary to meet the physical, emotional, and social needs of the resident clients shall be excluded in said count.
- (75) *Guesthouse.* A single family building in the rear yard area of a residence which is not occupied year around, but which is used as temporary residence, only. Such a building shall conform to the requirements for accessory buildings, except that a sink, bathtub and cooking facilities may be provided. Only nonpaying and personal guests of the occupant of the principal residence shall occupy a guesthouse. Year around occupancy shall not be permitted by the same guest, nor shall the owner occupy the guesthouse and rent the principal residence.
- (76) *Height of building.* See *Building height*.
- (77) *Highway.* Any public thoroughfare wider than twenty-five (25) feet including streets, which affords primary access to abutting property, and any thoroughfare of less width which is not classed as any alley. Also see definition of arterial highway.
- (78) *Home office.* An office designed for and operated as a home occupation/office location in a dwelling unit, and carried on by a person residing in the dwelling unit involving only written correspondence, telephones, computers, or other common office equipment, and which is clearly ancillary and secondary to the use of the dwelling for residential purposes. A home office shall preclude any business operation which requires or permits customers or patrons to visit the dwelling. The incidental taking of office work home and completing same, by a person having a business address other than the residence, shall not constitute the establishment of a home office and shall continue to be permitted in conjunction with a residential use without regard to the provisions of Section 13-1602 of this chapter. It is further provided that an office use ancillary to a permitted, bonafide agricultural use shall not constitute a home office.
- (79) *Hospital.* An institution licensed by the state of Florida that (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy;

ARTICLE 1. IN GENERAL

and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. A hospital may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

- (80) *Hotel*. A building in which lodging, or boarding and lodging, are provided as the more or less temporary residence of individuals who are lodged therein and in which ingress and egress to and from all rooms are made through an inside lobby supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding, lodging house or an apartment building. Keys to the rooms and mail for the occupant of the hotel are received and generally kept by the attendant at the desk in the lobby. Daily linen service and other normal and customary hotel services shall be offered to the individuals lodged therein. No more than five (5) percent of the individual hotel units shall be occupied for more than six (6) months. Kitchen facilities in individual units may be offered.
- (81) *Institution or Asylum*. A facility dedicated to the custody, care, treatment, or provision of services for individuals overtly of harm to themselves or others, criminals or the chemically dependent, or a philanthropic or welfare institution not otherwise classified as a hospital, nursing facility or special residential facility.
- (82) *Intoxicating liquors*. For the purpose of this chapter, "intoxicating liquors" shall be as defined in Section 561.01(8), Florida Statutes.
- (83) *Junk*. Old and dilapidated automobiles, trucks, tractors and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed within the County limits. Also see *Trash*.
- (84) *Abandoned property*. Wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left abandoned and unprotected from the elements.
- (85) *Light truck* shall mean a truck having a net vehicle weight not to exceed five thousand (5,000) pounds.

ARTICLE 1. IN GENERAL

- (86) *Lot.* Parcel of land shown on a recorded plat or any piece of land described by a legally recorded deed.
- (87) *Lot, corner lot.* Any lot situated at the junction of and abutting on two (2) or more intersections or intercepting streets or public highways. If the angle of intersection of the direction lines of two (2) highways is more than one hundred thirty-five (135) degrees, the lot fronting on said intersection is not a corner lot.
- (88) *Lot, interior.* Any lot which is not a corner lot.
- (89) *Lot, key.* A "key" lot is a lot so divided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both of the sides of the aforesaid "key" lots.
- (90) *Lot lines, front.* In the case of a lot abutting upon only one (1) street, the front lot line is the line separating such lot from such street. In the case of a corner lot that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any other lot, one (1) such line shall be elected to be the front lot line for the purpose of this chapter, provided it is so designated by the building plans which meet the approval of the Director. Also see *Right-of-way*.
- (91) *Lot lines, rear.* The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the Director.
- (92) *Lot lines, side.* A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (93) *Lot, through.* Any lot having frontage on two parallel or approximately parallel streets or other thoroughfares, except platted lots required to maintain a decorative wall along the rear property line as required by the plat.
- (94) *Mapped streets.* A mapped street is any approved street shown on an official map or the projection of any existing street through an unsubdivided parcel of land, whether the street is dedicated, or in existence or not. For the purpose of this definition, all five acre fractional lines shall be deemed the center lines of mapped streets, unless the same are waived by the Director and the Director of Public Works.
- (95) *Medical Office or Clinic.* An establishment where patients, who are not lodged overnight except for observation or emergency treatment, are

ARTICLE 1. IN GENERAL

admitted for examination and treatment by a person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiroprodists, naturopaths, optometrists, dentists, surgeons, acupuncturists, podiatrist, psychiatrists, or any such profession, the practice of which is lawful in the State of Florida. Medical Office or Clinic specifically excludes Pain Management Clinics, as defined in this Chapter, regardless of whether such clinics are registered with the State of Florida. Pharmacies are not medical offices or clinics.

- (96) *Mentally ill* means an impairment of the emotional processes, of the ability to exercise conscious control of one's actions, or of the ability to perceive reality or to understand, which impairment substantially interferes with a person's ability to meet the ordinary demands of living, regardless of etiology; except that, for the purposes of this definition, the term does not include retardation or developmental disability, simple intoxication, or conditions manifested only by antisocial behavior or drug addiction.
- (97) *Mobile home (trailer)*. A non-self-propelled vehicle or conveyance, permanently equipped to travel upon the public highways, that is used either temporarily or permanently as a residence or living quarters. Such mobile home may be affixed to the ground in accordance with the provisions of the Florida Building Code, but shall not otherwise be permanently secured to a foundation.
- (98) *Motel*. A building or a group of two (2) or more buildings designed to provide sleeping accommodations for transient or overnight guests. Each building shall contain a minimum of ten (10) residential units or rooms which shall generally have direct, private openings to a street, drive, court, patio, or the like.
- (99) *Multiple family housing development or project*. Three or more single family buildings, or more than one (1) two-family building or more than one (1) multiple family building on a building site, or any combination thereof.
- (100) *Neighborhood*. The area, included in one (1) predominant type of use, such as residential neighborhood, together with the area having values ardently affected by any usage in that area.
- (101) *Neighborhood store*. A retail establishment which supplies household requirements to the immediately surrounding residential neighborhood, such as a delicatessen, grocery, drug-sundry, tobacco stores, etc.
- (102) *New subdivision*. A subdivision of land into lots, parcels or tracts, excluding any subdivision included under "old" subdivision.

ARTICLE 1. IN GENERAL

- (103) *Night club*. Any place of business located within any building or establishment under one (1) roof and on one (1) floor, established and operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises, having a seating capacity of not less than forty (40) people at tables; having an aggregate floor space of not less than two thousand two hundred (2,200) square feet, and providing a dance floor containing not less than three hundred eight (308) square feet; such floor space providing for dancing to be free from chairs, tables or other obstructions at all times.
- (104) *Nonconforming use*. Use of any property or premises in any manner which does not comply with the regulations provided for the district in which the property or premises are situated, if such use was originally legally established.
- (105) *Office (Office Building)*. An establishment, or building, providing executive, management, administrative or professional services, but not involving the sale of merchandise except as incidental to a permitted use, and as regulated by other sections of the Code, and not involving medical services or the sale or prescription of controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035 or 893.0355, Florida Statutes. Typical uses include, but are not limited to, real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering services, telephone marketing, professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions, interior decorating consulting services, and business offices of private companies, utility companies, public agencies, trade associations, unions, and nonprofit organizations.
- (106) *Outparcel*. A parcel of land designated on a plat or site plan for one or more free-standing nonresidential building, where said parcel is adjacent to a right-of-way or property line and is located in front of a principal commercial development or may be owned, leased or rented to any entity other than the entity owning the principal development.
- (107) *Official right-of-way*. This term shall be interpreted to mean the zoned right-of-way width as established in this chapter or the Town of Miami Lakes Comprehensive Plan.
- (108) *Old subdivisions*. A subdivision on which the plat has been officially accepted and recorded prior to August 2, 1938, and which has not been reverted to acreage, tracts or blocks.
- (109) *Pain Management Clinic*. Any type of medical office, clinic, or facility which advertises in any medium for any type of pain-management

ARTICLE 1. IN GENERAL

services, or employs a physician or an osteopathic physician on-site, who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications and/or which is required to be registered with the State of Florida Department of Health pursuant to 458.3265 F.S. or 459.0137 F.S. with the exception of the following:

1. A clinic that is licensed as a facility pursuant to Chapter 395 F.S.
2. A facility in which the majority of physicians who provide services in the clinic primarily provide surgical services.
2. A clinic that is owned and operated by a publicly held corporation which corporation's shares are traded on a national exchange or on the over-the-counter stock market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million.
3. A clinic that is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;
4. A clinic that does not prescribe or dispense controlled substances for the treatment of pain.
6. A clinic that is owned by a corporate entity exempt from federal taxation under 26 U.S.C.§.501(c).

A physician is deemed to be primarily engaged in the treatment of pain where the physician is prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic, non-malignant pain. Chronic, non-malignant pain is pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of the disease or the injury that is the cause of the pain or more than ninety (90) days after surgery.

- (110) *Pharmacy.* Any establishment where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.
- (111) *A physically handicapped or disabled person* shall mean a person who has a physical or mental impairment which substantially limits one (1) or more major life activities or who has a record of having, or is regarded as having, such physical or mental impairment.
- (112) *Pigeon loft, noncommercial.* The maintenance of not more than fifty (50) carrier or racing pigeons for the purpose of engaging in the hobby of racing pigeons for sport.

ARTICLE 1. IN GENERAL

- (113) *Pit*. A hole in the ground, such as a rock quarry or other excavation.
- (114) *Place of business*. Any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in or on which one (1) or more persons engage in a gainful occupation.
- (115) *Planning Division*. The words "Planning Division" shall mean the Planning Division of the Department of Planning and Zoning.
- (116) *Point of sale*. The boundary of the room and the necessary parts of the building in which products are sold.
- (117) *Poultry market*. A commercial establishment or place where live poultry is kept and offered for sale.
- (118) *Prescribing practitioner*. Any health care practitioner licensed to prescribe controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time.
- (119) *Principal building*. The building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zone classification in which it is located.
- (120) *Repairs*. Restoration of portions of a building to its condition as before decay, wear or damage, but not including alteration of the shape or size of any portion.
- (121) *Resident client* shall include an aged person, a physically disabled or handicapped person, developmentally disabled person, dependent child, or a nondangerous mentally ill person.
- (122) *Residential*. The term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area or piece of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.
- (123) *Restaurant*. A building, room or rooms, not operated as a dining room in connection with a hotel, where food is prepared and served to a group of families, a club or to the public and for consumption on the premises.
- (124) *Retail*. An establishment, serving a limited market area and engaged in the retail sale or rental, from the premises, of frequently or recurrently needed items for household use, but which shall not include any establishment which meets the definition of "pharmacy" as provided in this section. Typical uses include apparel stores, bakeries and delicatessens that sell all food prepared at retail on the premises, candy

ARTICLE 1. IN GENERAL

stores, florists, garden supply stores, gift shops, grocery stores, hardware stores, hobby supply shops, ice cream shops, meat markets other than fish or seafood, jewelry stores, music and video tape rental stores, pet supply and grooming, souvenir shops, variety and general merchandise stores.

- (125) *Resubdivision*. Any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorage or other use. Any change in the shape or size of any lot, tract or parcel of land previously approved for building purposes whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development, anchorage or other use.
- (126) *Right-of-way line*. The outside boundaries of a highway right-of-way, whether such right-of-way be established by usage, dedication or by the official right-of-way map.
- (127) *Rooming house*. A residential building used, or intended to be used, as a place where sleeping or housekeeping accommodations are furnished or provided for pay to less than five (5) transient or permanent guests or tenants and in which less than five (5) and more than three (3) rooms are used for the accommodation of such guests or tenants, but which does not maintain a public dining room or cafe in the same building, nor in any building in connection therewith.
- (128) *Screen enclosure*. A frame erected of metal or wood spaced and constructed in accordance with the Florida Building Code, as from time to time amended, which framing and overhead supports are only covered with insect screening of metal, fiberglass or other approved insect screening material when such screening possesses at least fifty (50) percent open area per square inch, provided that such framing and overhead supports are solely for the purpose of supporting such screening and shall not have the effect of appearance of a roof or a wall, building siding or louvered structure.
- (129) *Sector(s)*. A group of antennas, excluding cylinder types, not to exceed four (4).
- (130) *Seed drying facility*. A bin or other enclosed structure used to remove moisture from seed so that deterioration from insects, mold, and enzymic activity will be negligible. Such bin or structure may house respiration and heating equipment and other associated control devices such as thermostats, air inlets, recirculators, stirrers and other similar devices.
- (131) *Servants' quarters*. A secondary residential building occupied by an employee of the principal residential building and conforming to the restrictions of this chapter, including those for accessory buildings.

ARTICLE 1. IN GENERAL

- (132) *Service bar*. The term service bar shall mean a liquor, beer or wine or other alcoholic, vinous or malt beverage bar or counter used in connection with the operation of a bona fide restaurant, situated in the kitchen or some room where guests are not allowed to enter and not situated within the room or that portion of the restaurant wherein food is served to guests; at which bar or counter drinks are prepared solely for the purpose of service to and consumption by the guests of the restaurant, and from which bar and counter drinks are dispensed solely for consumption by the guests of the restaurant seated at tables within the room or portion of the restaurant wherein food is served to the guests. No service of drinks or food is permitted to guests or patrons at the service bar.
- (134) *Service station*. See *Gas station*.
- (135) *Setback*. The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property line so grouped shall be used in determining offsets.
- (136) *Site*. Area of premises to be covered by a structure.
- (137) *Sponsoring agency* shall mean an agency or unit of government, a profit or nonprofit agency, or any person or organization which intends to establish or operate a group home or a community residential home.
- (138) *Store*. A building in which commodities are sold at retail or wholesale. Also, see *Neighborhood store*.
- (139) *Story*:
- (a) That portion of a building included between the uppermost surface of any floor and the uppermost surface of the floor or roof next above.
 - (b) That portion of a building between floor and ceiling which is so located that more than half of the clear height from floor to ceiling is above grade.
 - (c) In any residential building in which the area of the upper floor does not exceed two-thirds of the area of the floor immediately below it, such upper floor shall not be considered a story.
 - (d) That portion of a building in a high flood hazard district below the elevation of the regulatory flood level and below the lowest habitable floor, and constructed in accordance with Town Ordinance No. 10-122, as may be amended from time to time, shall not be considered a story.

ARTICLE 1. IN GENERAL

- (140) *Street*. See *Highway*.
- (141) *Structural alterations*. Any change in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joists or roof joists.
- (142) *Structure*. Anything constructed or erected the use of which requires rigid location on the ground, or attachment to something having a permanent location on the ground, including buildings, walls, fences, signs, light standards, towers, tanks, etc.
- (143) *Subdivision*. A division of a lot, tract or parcel of land or water into two (2) or more lots, plats, sites or other subdivisions of land or water for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorage, right-of-way dedication or other use.
- (144) *Tearoom*. A room in a building for use in serving light meals and nonalcoholic beverages.
- (145) *Tent*. Any structure or enclosure, the roof or one-half (1/2) or more of the sides of which are of silk, cotton, canvas or any light material, either attached to a building or structure or unattached.
- (146) *Testing laboratory or plant*. A testing laboratory shall mean a plant which tests materials, products, methods and systems in accordance with established standards or procedures.
- (147) *Tourist cottage*. A single family dwelling used as one (1) of the units of a tourist park.
- (148) *Tourist park*. Any lot or plot of ground upon which three (3) or more single family camp cottages or two (2) or more trailers are located and maintained for the accommodation of transients, where a charge is or is not made.
- (149) *Trailer*. A non-self-propelled vehicle or conveyance permanently equipped to travel upon the public highways, that is used either temporarily or permanently as a residence or living quarters. Such mobile home may be affixed to the ground in accordance with the provisions of the Florida Building Code, but shall not otherwise be permanently secured to a foundation.
- (150) *Trailer camps*. See *Tourist park*.
- (151) *Trailer park*. See *Tourist park*.
- (152) *Reserved*.

ARTICLE 1. IN GENERAL

- (153) *Trash*. Cuttings from vegetation, refuse, paper, bottles, rags. Also see *Junk*.
 - (154) *Unincorporated areas*. Any land in the County not lying within the boundaries of a duly incorporated village, town, municipality or other such governmental unit.
 - (155) *Utility shed*. An accessory detached storage building.
 - (156) *Vehicle*. A conveyance for persons or materials.
 - (157) *Warehouse, membership*. A use designed and operated for warehousing and sale of merchandise at retail and wholesale prices to members.
 - (158) *Waterfront*. Any site shall be considered as waterfront premises provided any or all of its lot lines abut on or are contiguous to any body of water, including creek, canal, bay, ocean, river or any other body of water, natural or artificial, not including a swimming pool, whether said lot line is front, rear or side.
 - (159) *Wine*. The word "wine" shall be as defined in Section 461.01(4), Florida Statutes.
 - (160) *Wireless supported services*. Wireless services including, but not limited to, Personal Wireless Services (as defined in 47 United States Code, 322(c)(7)(C)(I)), as amended from time to time, and any other services which are provided via the transmitting and/or receiving of electromagnetic waves and also including telephonic, radio, and television communications.
 - (161) *Wireless supported service facility*. Antennas, antenna support structures and accessory wireless equipment building or any combination thereof utilized for or in connection with the provision of wireless supported services.
 - (162) *Yard*. An open space on the same lot with a building, said space being unoccupied and unobstructed from the ground upward, except as otherwise permitted herein.
 - (163) *Yard, rear*. The yard area lying to the rear of the principal building.
 - (164) *Yard, side*. The yard area lying to the sides of the principal building.
 - (165) *Zoning Official*. The Zoning Official shall be the Director.
- (b) All references in this chapter to chapter 18A are to chapter 18A of the Code of

ARTICLE 1. IN GENERAL

Metropolitan Dade County as the same existed on December 5, 2000, and subsequently amended by the Town.

ARTICLE IV Zoning District Regulations

DIVISION 8 - RO-13 LOW DENSITY RESIDENTIAL/OFFICE DISTRICT (RU-5A)

Sec. 13-542. Permitted uses.

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RO-13 District which is designed, arranged, or intended to be used or occupied for any purpose, except for one or more of the uses permitted by the master list of business, commercial and industrial uses as set forth in Article IV, Division 20 of this chapter. All other uses, including retail uses are hereby prohibited.

Sec. 13-543 through 13-544. Reserved.

Sec. 13-545. Development regulations.

- (a) Minimum lot width and area.
 - (1) Minimum lot width shall be seventy-five (75) feet.
 - (2) Minimum lot area shall be ten thousand (10,000) square feet.
- (b) Lot coverage - The maximum lot coverage for all structures on the site shall be thirty (30) percent.
- (c) Setbacks
 - (1) Minimum setback from front property line shall be twenty-five (25) feet.
 - (2) Minimum setback from side property line abutting a highway right-of-way shall be fifteen (15) feet.
 - (3) Minimum setback from interior side property line shall be fifteen (15) feet.
 - (4) Minimum setback from rear property line shall be twenty-five (25) feet.
 - (5) Parking Setbacks:
 - Front: 25' from front property line
 - Street side: 10' from corner side street property lines
 - Interior side: 5' from interior side property lines
 - Rear: 5' from rear property lines
 - (6) Minimum spacing between principal buildings and accessory buildings. Minimum spacing between principal buildings shall be twenty (20) feet to nearest portion of building(s) and for accessory buildings, ten (10) feet.
 - (7) Other spacing - No building containing a private school, convalescent home, eleemosynary or philanthropic institution shall be located within one hundred (100) feet of any RU-1 or RU-2 Zone or within fifty (50) feet of any property under different ownership.

ARTICLE IV Zoning District Regulations

- (8) Accessory buildings:
- a. Single-Family, Two-Family, & Townhouses - accessory buildings shall conform to requirements in the respective districts.
 - b. All other Uses – Accessory buildings shall not be permitted within the front yard or side street setback areas. Otherwise the location, setbacks, lot coverage, height, size etc. shall be determined through the site plan review process.
- (d) Height - The maximum height of any structure shall be two (2) stories but not to exceed thirty-five (35) feet above grade.
- (e) Floor Area Ratio - The floor area ratio shall not exceed 0.60 providing, however, that structure parking shall not count as part of the floor area, but shall be counted in computing building height. In an accessory parking garage which provides additional parking spaces than what is required for a proposed development, the floor area of the garage which contains the parking spaces and driveways above 120% of the parking requirement shall be included in the Floor Area calculations.
- (f) Density Maximum number of apartment and hotel units - The maximum number of dwelling units in a multiple family housing development or apartment building shall not exceed a density of thirteen (13) dwelling units per acre. Hotels and motels developed for transient residential usage shall not exceed a density of twenty (20) dwelling units per net acre. The maximum number of units in an Apartment Hotel (defined as a building containing a combination of apartment units and hotel units) shall be calculated on a proportional basis. For example, if a proposed building contains 20% apartment units and 80% hotel units, then 20% of the lot area will be calculated at the apartment density of 13 dwelling units per acre and 80% of the lot area will be calculated at the hotel density of 20 units per acre.
- (g) Minimum Apartment Unit Size / Average Apartment Unit Size - The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured from the outside of exterior walls to the center line of interior partitions. Non-airconditioned spaces such as balconies shall not be counted towards the required minimum unit size.
- (h) Landscaped Open space - On each lot there shall be provided landscaped ~~an~~ open space equal to a minimum of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than twenty (20) percent of the open space requirement.
- (i) Landscape - Landscaping and trees shall be provided in accordance with Chapter 18A, Landscape Ordinance, of this Code. All landscaped areas shall be continuously maintained in a good, healthy condition, and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscaped areas, except within trees preservation zones of "natural forest communities" as defined in Chapter 42. Tree preservation zones shall also be maintained in a

ARTICLE IV Zoning District Regulations

healthy natural condition free from trash, debris and disturbance of understory vegetation.

- (j) Wall - A decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines including the rear property line; provided, however, in the event that the rear property line abuts a secondary road, said wall shall be set in ten (10) feet from the official right-of-way of the secondary road and said ten-foot strip shall be landscaped; provided further, in the event that the interior side property line abuts RO Residential/Office zoned property or a more liberal zoning district, the requirement for the wall along said common interior property line shall not apply.
- (k) Through lots - Where the building site is on a through lot, the structure shall front on the principal road, and if there is any question as to which of the two (2) roads is the principal road, the decision of the Administrative Official shall be adhered to.
- (l) Type of buildings permitted - The principal buildings to be erected shall be without store fronts or display windows and all uses must be entered through a main entrance or lobby to the building.

Sec. 13-546. Site plan review.

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Section 13-304 of this Code before a building permit can be issued. In addition to the site plan review criteria specified in Section 13-304 of the Code, the following design criteria shall be utilized in the site plan review process:

1. **Purpose and Intent:** The proposed development fulfills the objectives of this article.
2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, related structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense-use areas.
3. **Buffers:** Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.
6. **Energy Considerations:** Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.

ARTICLE IV Zoning District Regulations

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

ARTICLE IV Zoning District Regulations

DIVISION 9 - RO-50 HIGH DENSITY RESIDENTIAL/OFFICE DISTRICT (RU-4A)

Sec. 13-562. Permitted uses .

No land body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RO-50 District which is designed, arranged, or intended to be used or occupied for any purpose, except for one or more of the uses permitted by the master list of business, commercial and industrial uses as set forth in Article IV, Division 20 of this Chapter. All other uses, including retail uses are hereby prohibited.

Sec. 13-563 –13-564. Reserved.

Sec. 13-565. Development regulations.

- (a) Minimum lot width and area.
 - (1) The minimum lot width shall be one hundred (100) feet.
 - (2) The minimum lot area shall be ten thousand (10,000) square feet.
- (b) Lot coverage.
 - (1) The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area.
- (c) Setback requirements.
 - (1) Front setback. For structures not exceeding thirty-five (35) feet in height, the minimum setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the setbacks shall be increased by forty (40) percent of the additional height above thirty-five (35) feet.
 - (2) Rear setback. For structures not exceeding thirty-five (35) feet in height, the minimum setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the setbacks shall be increased by forty (40) percent of the additional height above thirty-five (35) feet.
 - (3) Interior side setbacks and side street setbacks. Minimum setbacks for all structures shall be twenty-five (25) feet to the interior side property line(s) or side street property line(s).
 - (4) Minimum setback between buildings shall be twenty (20) feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building with living units on the same site. In that case there shall be provided a minimum clear distance of not less than thirty (30) feet, said distance to be measured on a line projected at right angles from the opening to the opposite wall.

ARTICLE IV Zoning District Regulations

(5) Parking Setbacks:

Front: 25' from front property line

Street side: 15' from corner side street property lines

Interior side: 5' from interior side property lines

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

(7) Accessory buildings:

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

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

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

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

(f) Density - Maximum number of apartment and hotel units.

The maximum number of dwelling units in a multiple family housing development, or apartment, shall not exceed a density of fifty (50) dwelling units per acre.

Hotels and motels developed for transient residential usage shall not exceed a density of seventy-five (75) dwelling units per net acre.

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

(g) Minimum Apartment Unit Size / Average Apartment Unit Size - The minimum

ARTICLE IV Zoning District Regulations

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

- (h) Landscaped Open space - On each lot there shall be provided landscaped open space equal to a minimum of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than twenty (20) percent of the open space requirement.
- (i) Landscape - Landscaping and trees shall be provided in accordance with Chapter 18A, Landscape Ordinance, of this Code.
- (j) Wall - A decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines including the rear property line; provided, however, in the event that the rear property line abuts a secondary road, said wall shall be set in ten (10) feet from the official right-of-way of the secondary road and said ten-foot strip shall be landscaped; provided further, in the event that the interior side property line abuts RO Residential/Office zoned property or a more liberal zoning district, the requirement for the wall along said common interior property line shall not apply.
- (k) Through lots - Where the building site is on a through lot, the structure shall front on the principal road, and if there is any question as to which of the two (2) roads is the principal road, the decision of the Administrative Official shall be adhered to.
- (l) Type of buildings permitted -The principal buildings to be erected shall be without store fronts or display windows and all Uses must be entered through a main entrance or lobby to the building.

Sec. 13-566. Site plan review.

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

1. **Purpose and Intent:** The proposed development fulfills the objectives of this article.
2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, related structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense-use areas.
3. **Buffers:** Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be

ARTICLE IV Zoning District Regulations

provided.

4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.
5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.
6. **Energy Considerations:** Site design methods to reduce energy consumption shall be encouraged. Energy site conservation methods may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
7. **Parking Areas:** Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town of Miami Lakes Code.
8. **Open Spaces:** Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.
9. **Graphics:** Graphics, as required, shall be designed as an integral part of the overall design of the project.
10. **Art Display:** Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.
11. **Visual Screening for Decorative Walls:** In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - a. **Wall with Landscaping.** The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one (1) or more of the following planting materials:
 - (1) **Shrubs.** Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (2) **Hedges.** Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

ARTICLE IV Zoning District Regulations

- (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
 - b. *Metal Picket Fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.
- 12. ***Bikeways and Bicycle Parking Facilities.*** Where feasible all new and substantially redeveloped developments shall provide bikeways and on-site bicycle parking facilities.

ARTICLE IV Zoning District Regulations

DIVISION 12 BU-1, Neighborhood Business District

Sec. 13-603. Purpose and intent.

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

Sec. 13-604. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-1 District except for one (1) 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. 13-605. Minimum width and area of lots.

The minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be in effect for the BU-1 District shall be as follows:

	Minimum lot frontage	Minimum lot area
BU use	50 feet interior lot; 75 feet for corner lot	5,000 square feet for interior lot; 7,500 square feet for corner lot
RU use or mixed BU/RU uses	75 feet for 1, 2, 3 or 4 residential units; 100 feet for 5 or more residential units	7,500 square feet for 1, 2, 3 or 4 residential units; 10,000 square feet for 5 or more residential units*

* Where it is desired to combine a residential use with of any type with a commercial use, necessary lot area shall first be provided for the residential use and, if there is any surplus area, the commercial use will be permitted, providing all setback, parking and other requirements are met.

Sec. 13-606. Setbacks.

- (a) Except as provided in Subsection (b) below, minimum building setbacks in the BU-1 District (including both principal structures and accessory buildings) shall be as follows:

	Required Building Setback
Front*	20 feet
Side street	15 feet, except where an RU lot abuts a business or industrial lot, then the side street setback shall be 25 feet on any part of the commercial structure located within 25 feet of the residential district boundary.
Interior side	0 feet where the adjacent property is in a BU or IU District and where the use of the building is limited exclusively to business or industrial use.

ARTICLE IV Zoning District Regulations

	Adjacent property is in a BU or IU District and the use of the building is limited exclusively to business or industrial use	0 feet; 5 feet if the wall is not comprised of unpierced four-hour fire resistant construction
	Adjacent property is zoned BU or IU and building on the subject site includes residential uses	10 feet for portions of the business structure devoted to residential uses
	Adjacent property is zoned RU	15 feet
Rear		
	From residential district boundary	20 feet (however, credit shall be given for full width of dedicated alleys)
	From business or industrial district boundary	0 feet where no openings are proposed in the wall of proposed structure adjacent to the rear lot line; 5 feet where any openings are proposed in wall of proposed structure adjacent to the rear lot line
Between buildings		20 feet

* Front building lines for all structures shall be set back from the nearest highway right-of-way according to sections on official right-of-way plan and minimum widths in this article and in the Town of Miami Lakes Comprehensive Plan, regardless of whether such right-of-way has been officially dedicated.

- (b) Front street setbacks for light poles shall the same as those provided for standing signs as established in Article VIII.

Sec. 13-607. Use of more restrictive dimensions; compliance with special setback lines.

- (a) In the case of two (2) or more districts abutting in one (1) block, the yard dimensions which are the greater for the districts in that block shall prevail.
- (b) Where special setback lines, other than those provided in this article, are established by the Director for any purpose, such as for odd shaped lots, for waterfront sites (including canals, bays, etc.) or other reasons specified herein, all buildings erected, moved or added to thereafter shall conform to said special setback lines established by any amendment hereto, regardless of the standards provided in this article, or chapter.

Sec. 13-608. Reserved.

Sec. 13-609. Survey required when property line in doubt.

Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty-five (25) feet of any existing or proposed highway right-of-way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.

Sec. 13-610. Height.

The maximum height of a building shall be two (2) stories and shall not exceed thirty-five (35) feet in height.

ARTICLE IV Zoning District Regulations

Sec. 13-611. Floor area ratio and lot coverage.

The floor area ratio shall be forty-one-hundredths (0.40) at one (1) story and shall be increased by eleven-one-hundredths (0.11) for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area. Enclosed or nonenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

Sec. 13-612. Landscaped open space.

- (a) The minimum landscaped open space at one (1) story shall be in accordance with the following table:

<i>Size of the Total Lot Area</i>	Percent of the Total Lot Area
Up to one (1) acre	18.0%
More than one (1) acre and up to five (5) acres	16.0%
More than five (5) acres and up to twenty-five (25) acres	14.0%
More than twenty-five (25) acres	12.0%

- (b) The minimum landscaped open space shall be increased by one and one-half (1.5) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped open space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery. Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (c) In addition to the above minimum open space requirement, all parking lots shall include ten (10) square feet of open landscaped space area per parking space dispersed throughout the parking lot and exclusive of required parking lot buffers.
- (d) Lot coverage requirements shall in no way affect existing setback or spacing requirements, or the requirements that residential uses must conform to residential

ARTICLE IV Zoning District Regulations

setbacks when established in business or industrial districts.

Sec. 13-613. Prohibited uses.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Sec. 13-614. Enclosed uses.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

Sec. 13-615. Business property adjacent to residential districts.

Where a business lot abuts an AU, GU or RU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU or RU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.

Sec. 13-616. Off-street parking.

- (a) All development within the BU-1 District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
- (b) All parking lots adjacent to a right-of-way or private street shall be provided with a landscaped buffer strip of seven (7) feet in width and landscaped in accordance with Chapter 18A of this Code.
- (c) Parking in the BU-1 District shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line. In no event may parking areas located in

ARTICLE IV Zoning District Regulations

the setback areas be sheltered or enclosed in any manner.

Sec. 13-617. Plan review standards.

- (a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project in accordance with the procedures in Section 13-310.. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.
- (b) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:
 - (1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
 - a. Proposed commercial floor area.
 - b. Height, size, shape and location of existing and proposed buildings.
 - c. Parking layouts.
 - d. Proposed grades if significantly altered.
 - e. Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.
 - f. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
 - (2) Schematic building plans including elevation and/or sections of major structures.
 - (3) Isometrics or perspective and/or model(s) of the proposed development.

The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.

- (c) The following checklist of criteria shall be utilized as a guide by the Department and by the Town Council, upon appeal, in the review process:
 - (1) Planning studies. Design or planning studies completed by the Department and submitted to the Town Council that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.

ARTICLE IV Zoning District Regulations

- (2) Exterior spatial relationships. The three-dimensional air-space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.
- (3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.
- (4) Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.
- (5) Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.
- (6) Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
- (7) Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.
- (8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.
- (9) Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of this chapter and chapter 18A.
- (10) Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.
- (11) *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - a. *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:
 - b. *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and

ARTICLE IV Zoning District Regulations

maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

- c. *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
- d. *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
- e. *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

ARTICLE IV Zoning District Regulations

DIVISION 13 BU-1A, Limited Business District

Sec. 13-619. Purpose and intent.

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

Sec. 13-620. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-1A District except for one (1) or more of the uses permitted by the master list of business, commercial and industrial uses Master list as set forth in Division 20 of this Article.

Sec. 13-621. Table of Minimum width and area of lots.

The minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be in effect for the BU-1A District shall be as follows:

	Minimum lot frontage	Minimum lot area
BU use	50 feet interior lot; 75 feet for corner lot	5,000 square feet for interior lot; 7,500 square feet for corner lot
RU use or mixed BU/RU uses	75 feet for 1, 2, 3 or 4 residential units; 100 feet for 5 or more residential units	7,500 square feet for 1, 2, 3 or 4 residential units; 10,000 square feet for 5 or more residential units*

* Where it is desired to combine a residential use with of any type with a commercial use, necessary lot area shall first be provided for the residential use and, if there is any surplus area, the commercial use will be permitted, providing all setback, parking and other requirements are met.

Sec. 13-622. Setbacks.

- (a) Except as provided in Subsections (b) and (c) below, minimum building setbacks in the BU-1A District (including both principal structures and accessory buildings) shall be as follows:

	Required Building Setback
Front*	20 feet
Side street	15 feet, except where an RU lot abuts a business or industrial lot, then the side street setback shall be 25 feet on any part of the commercial structure located within 25 feet of the residential district boundary.
Interior side	0 feet where the adjacent property is in a BU or IU District and where the use of the building is limited exclusively to business or industrial use.

ARTICLE IV Zoning District Regulations

	Adjacent property is in a BU or IU District and the use of the building is limited exclusively to business or industrial use	0 feet; 5 feet if the wall is not comprised of unpierced four-hour fire resistant construction
	Adjacent property is zoned BU or IU and building on the subject site includes residential uses	10 feet for portions of the business structure devoted to residential uses
	Adjacent property is zoned RU	15 feet
Rear		
	From residential district boundary	20 feet (however, credit shall be given for full width of dedicated alleys)
	From business or industrial district boundary	0 feet where no openings are proposed in the wall of proposed structure adjacent to the rear lot line; 5 feet where any openings are proposed in wall of proposed structure adjacent to the rear lot line
Between buildings		20 feet

* Front building lines for all structures shall be set back from the nearest highway right-of-way according to sections on official right-of-way plan and minimum widths in this article and in the Town of Miami Lakes Comprehensive Plan, regardless of whether such right-of-way has been officially dedicated.

- (b) Front street setbacks for light poles shall be the same as those provided for standing signs as established in Article VIII.
- (c) Detached, freestanding canopies to cover pump islands at gasoline service stations shall set back, at a minimum, as follows:
 - (1) Seventeen (17) feet from the nearest edge of the detached canopy to the front property line (measured to the official right-of-way line).
 - (2) Twelve (12) feet from the nearest edge of the detached canopy to the side street property line (measured to the official right-of-way line).
 - (3) No minimum setback or spacing need be provided between the inner edge of the canopy and the gasoline service station building.

Sec. 13-623. Use of more restrictive dimensions; compliance with special setback lines.

- (a) In the case of two (2) or more districts abutting in one (1) block, the yard dimensions which are the greater for the districts in that block shall prevail.
- (b) Where special setback lines, other than those provided in this article, are established by the Director for any purpose, such as for odd shaped lots, for waterfront sites (including canals, bays, etc.) or other reasons specified herein, all buildings erected, moved or added to thereafter shall conform to said special setback lines established by any amendment hereto, regardless of the standards provided in this article, or chapter.

Sec. 13-624. Reserved.

Sec. 13-625. Survey required when property line in doubt.

Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty-five (25) feet of any existing or proposed highway right-of-way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises

ARTICLE IV Zoning District Regulations

prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.

Sec. 13-626. Height.

The maximum height of a building in a BU-1A District shall be four (4) stories and shall not exceed forty-five (45) feet in height.

Sec. 13-627. Fire resistive construction of building over fifty-five feet.

No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty-five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.

Sec. 13-628. Floor area ratio and lot coverage.

The floor area ratio shall be forty-one-hundredths (0.40) at one (1) story and shall be increased by eleven-one-hundredths (0.11) for each additional story up to seven (7) stories, thereafter the floor area ratio shall be increased by six-one-hundredths (0.06) for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area. Enclosed or nonenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

Sec. 13-629. Landscaped open space.

- (a) The minimum landscaped open space at one (1) story shall be in accordance with the following table:

Size of the Total Lot Area	Percent of the Total Lot Area
Up to one (1) acre	18.0
More than one (1) acre and up to five (5) acres	16.0
More than five (5) acres and up to twenty-five (25) acres	14.0
More than twenty-five (25) acres	12.0

- (b) The minimum landscaped open space shall be increased by one and one-half (1.5) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped open space where the building height varies, the number of stories shall be equal to the sum of the products of the number of

ARTICLE IV Zoning District Regulations

stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery.

- (c) Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and area therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (d) In addition to the above minimum open space requirement, all parking lots shall include ten (10) square feet of open landscaped space area per parking space dispersed throughout the parking lot and exclusive of required parking lot buffers.
- (e) Lot coverage requirements shall in no way affect existing setback or spacing requirements, or the requirements that residential uses must conform to residential setbacks when established in business or industrial districts.

Sec. 13-630. Prohibited uses.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Sec. 13-631. Enclosed uses.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

Sec. 13-632. Business property adjacent to residential districts.

Where a business lot abuts an AU, GU, or RU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU, or RU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same

ARTICLE IV Zoning District Regulations

is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.

Sec. 13-633. Sec. Off-street parking.

- (a) All development within the BU-1A District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
- (b) All parking lots adjacent to a right-of-way or private street shall be provided with a landscaped buffer strip of seven (7) feet in width and landscaped in accordance with Chapter 18A of this Code.
- (c) Parking in the BU-1A District shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line. In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

Sec. 13-634. Plan review standards.

- (a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project in accordance with the procedures in Section 13-310.. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.
- (b) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:
 - 1. Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
 - a. Proposed commercial floor area.
 - b. Height, size, shape and location of existing and proposed buildings.
 - c. Parking layouts.
 - d. Proposed grades if significantly altered.
 - e. Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.
 - f. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

ARTICLE IV Zoning District Regulations

2. Schematic building plans including elevation and/or sections of major structures.
3. Isometrics or perspective and/or model(s) of the proposed development.

The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.

- (c) The following checklist of criteria shall be utilized as a guide by the Department and by the Town Council, upon appeal, in the review process:

1. Planning studies. Design or planning studies completed by the Department and submitted to the Town Council that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.
2. Exterior spatial relationships. The three-dimensional air-space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.
3. Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.
4. Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.
5. Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.
6. Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
7. Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.
8. Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.
9. Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of this chapter and

ARTICLE IV Zoning District Regulations

chapter 18A.

10. Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.
11. *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - a. *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:
 - b. *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - c. *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - d. *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
 - e. *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

ARTICLE IV Zoning District Regulations

DIVISION 14 BU-2, Special Business District

Sec. 13-635. Purpose and intent.

The purpose of the BU-2, Special Business District, is to provide for large scale commercial and/or office facilities which service the needs of large urban areas.

Sec. 13-636. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the uses permitted by the master list of business, commercial and industrial uses Master list as set forth in Division 20 of this Article.

Sec. 13-637. Table of minimum widths, area of lots.

The minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be in effect for the BU-2 District shall be as follows:

	Minimum lot frontage	Minimum lot area
BU use	50 feet interior lot; 75 feet for corner lot	5,000 square feet for interior lot; 7,500 square feet for corner lot
RU use or mixed BU/RU uses	75 feet for 1, 2, 3 or 4 residential units; 100 feet for 5 or more residential units	7,500 square feet for 1, 2, 3 or 4 residential units; 10,000 square feet for 5 or more residential units*

* Where it is desired to combine a residential use with of any type with a commercial use, necessary lot area shall first be provided for the residential use and, if there is any surplus area, the commercial use will be permitted, providing all setback, parking and other requirements are met.

Sec. 13-638. Setbacks.

- (a) Except as provided in Subsections (b) and (c) below, minimum building setbacks in the BU-2 District (including both principal structures and accessory buildings) shall be as follows:

	Required Building Setback
Front*	20 feet; additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Side street	15 feet, except where an RU lot abuts a business or industrial lot, then the side street setback shall be 25 feet on any part of the commercial structure located within 25 feet of the residential district boundary. Additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.

ARTICLE IV Zoning District Regulations

Interior side		0 feet where the adjacent property is in a BU or IU District and where the use of the building is limited exclusively to business or industrial use.
	Adjacent property is in a BU or IU District and the use of the building is limited exclusively to business or industrial use	0 feet; 5 feet if the wall is not comprised of unpierced four-hour fire resistant construction
	Adjacent property is zoned BU or IU and building on the subject site includes residential uses	10 feet for portions of the business structure devoted to residential uses
	Adjacent property is zoned RU	15 feet
Rear		
	From residential district boundary	20 feet (however, credit shall be given for full width of dedicated alleys)
	From business or industrial district boundary	0 feet where no openings are proposed in the wall of proposed structure adjacent to the rear lot line; 5 feet where any openings are proposed in wall of proposed structure adjacent to the rear lot line
Between buildings		20 feet

* Front building lines for all structures shall be set back from the nearest highway right-of-way according to sections on official right-of-way plan and minimum widths in this article and in the Town of Miami Lakes Comprehensive Plan, regardless of whether such right-of-way has been officially dedicated.

- (b) Front street setbacks for light poles shall be the same as those provided for standing signs as established in Article VIII.
- (c) Detached, freestanding canopies to cover pump islands at gasoline service stations shall set back, at a minimum, as follows:
 - (1) Seventeen (17) feet from the nearest edge of the detached canopy to the front property line (measured to the official right-of-way line).
 - (2) Twelve (12) feet from the nearest edge of the detached canopy to the side street property line (measured to the official right-of-way line).
 - (3) No minimum setback or spacing need be provided between the inner edge of the canopy and the gasoline service station building.

Sec. 13-639. Use of more restrictive dimensions; compliance with special setback lines.

- (a) In the case of two (2) or more districts abutting in one (1) block, the yard dimensions which are the greater for the districts in that block shall prevail.
- (b) Where special setback lines, other than those provided in this article, are established by the Director for any purpose, such as for odd shaped lots, for waterfront sites (including canals, bays, etc.) or other reasons specified herein, all buildings erected, moved or added to thereafter shall conform to said special setback lines established by any amendment hereto, regardless of the standards provided in this article, or chapter.

Sec. 13-640. Reserved.

Sec. 13-641. Survey required when property line in doubt.

Applications for permit to erect, move or alter a structure which is to be located within

ARTICLE IV Zoning District Regulations

ten (10) feet of any property line, or which is to be located within twenty-five (25) feet of any existing or proposed highway right-of-way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.

Sec. 13-642 Height.

The maximum height of a building is not limited except as all other provisions of this article must be compiled with, especially the floor area ratio and lot coverage and the landscaped open space requirements.

Sec. 13-643 Fire resistive construction of building over fifty-five feet.

No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty-five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.

Sec. 13-644. Floor area ratio and lot coverage.

The floor area ratio shall be forty-one-hundredths (0.40) at one (1) story and shall be increased by eleven-one-hundredths (0.11) for each additional story up to seven (7) stories, thereafter the floor area ratio shall be increased by six-one-hundredths (0.06) for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area. Enclosed or unenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

Lot coverage requirements shall in no way affect existing setback or spacing requirements, or the requirements that residential uses must conform to residential setbacks when established in business or industrial districts.

Sec. 13-645. Landscaped open space.

- (a) The minimum landscaped open space at one (1) story shall be in accordance with the following table:

<i>Size of the Total Lot Area</i>	<i>Percent of the Total Lot Area</i>
Up to one (1) acre	18.0%
More than one (1) acre and up to five (5) acres	16.0%
More than five (5) acres and up to twenty-five (25) acres	14.0%

ARTICLE IV Zoning District Regulations

More than twenty-five (25) acres	12.0%
-------------------------------------	-------

- (b) The minimum landscaped open space shall be increased by one and one-half (1 1/2) percent for each additional story or part thereof, up to eight (8) stories, thereafter the landscaped open space shall increase by two and one-half (2 1/2) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped open space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery.
- (c) Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or unenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (d) In addition to the above minimum open space requirement, all parking lots shall include ten (10) square feet of open landscaped area per parking space dispersed throughout the parking lot and exclusive of required parking lot buffers.
- (e) Lot coverage requirements shall in no way affect existing setback or spacing requirements, or the requirements that residential uses must conform to residential setbacks when established in business or industrial districts.

Sec. 13-646. Prohibited uses.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Sec. 13-647. Enclosed uses.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

Sec. 13-648. Business property adjacent to residential districts.

Where a business lot abuts an AU, GU or RU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common

ARTICLE IV Zoning District Regulations

property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU or RU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.

Sec. 13-649. Off-street parking.

- (a) All development within the BU-2 District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
- (b) Parking lot buffers, all parking lots adjacent to a right-of-way or private street shall be provided with a landscaped buffer strip of seven (7) feet in width and landscaped in accordance with Chapter 18A of this Code.
- (c) Parking in the BU-2 District shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line. In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

Section 13-650 Plan review standards.

- (a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project in accordance with the procedures in Section 13-310. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.
- (b) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:
 - (1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:

ARTICLE IV Zoning District Regulations

- a. Proposed commercial floor area.
 - b. Height, size, shape and location of existing and proposed buildings.
 - c. Parking layouts.
 - d. Proposed grades if significantly altered.
 - e. Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.
 - f. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (2) Schematic building plans including elevation and/or sections of major structures.
 - (3) Isometrics or perspective and/or model(s) of the proposed development.

The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.

- (c) The following checklist of criteria shall be utilized as a guide by the Department and by the Town Council, upon appeal, in the review process:
 - (1) Planning studies. Design or planning studies completed by the Department and submitted to the Town Council that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.
 - (2) Exterior spatial relationships. The three-dimensional air-space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.
 - (3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.
 - (4) Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.
 - (5) Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.
 - (6) Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
 - (7) Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and

ARTICLE IV Zoning District Regulations

shall be designed as an integral part and be harmonious with the building design.

- (8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.
- (9) Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of this chapter and chapter 18A.
- (10) Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.
- (11) *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - a. *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:
 - b. *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - c. *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - d. *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
 - e. *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

ARTICLE IV Zoning District Regulations

DIVISION 15 BU-3, Liberal Business District

Sec. 13-651. Purpose and intent.

The purpose of the BU-3 Liberal Business District is to provide for large scale commercial activities.

Sec. 13-652. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-3 District except for one (1) 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, except as specifically allowed by Section 13-653, below.

Sec. 13-653. Additional Uses Permitted.

- (a) In the development and enforcement of this ordinance it is recognized that there are uses which because of their very nature are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon the adjacent business and residential areas. It is desirable, therefore, to locate these adult oriented activities away from residential areas and public facilities used frequently by minors such as schools, churches, parks, libraries, and day care centers.
- (b) For the purpose of this section the following definitions for terms used herein shall apply:
 - (1) *Adult bookstore.* Any business engaged in displaying, distributing, bartering, renting or selling printed matter, pictures, films, graphic or other materials which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, unless such activity comprises no more than fifteen (15) percent of the total floor area and is kept from clear view of minors.
 - (2) *Adult theater.* Any business engaged in presenting films, theatrical productions, performances, recitals, displays, printed matter or other entertainment which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes.
 - (3) *Adult entertainment club.* Any business which features live entertainment requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.
 - (4) *Adult video store.* Any business engaged in displaying, renting or selling videotapes which activity requires the exclusion of minors pursuant to Chapter 847, Florida Statutes, unless such activity comprises no more than fifteen (15) percent of the total floor area and is kept from clear view of minors.

ARTICLE IV Zoning District Regulations

(5) *Massage establishment.*

- a. Any shop, parlor, establishment or place of business wherein all or any one (1) or more of the following named subjects and methods of treatments are administered or practiced: Body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage or tapotement.
- b. Nothing in this ordinance shall be construed as applying to State of Florida licensed massage therapists, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.
- c. Provided, however, that, for the purpose of this ordinance, the term "massage establishment" shall not include any massage establishment wherein at least one (1) State of Florida licensed massage therapist is employed and on duty full time during the hours open for business.

- (6) *Adult modeling establishments.* Any establishment offering nude or partially nude modeling sessions or lingerie, swimwear or photography modelling sessions between two (2) or more persons requiring the exclusion of minor pursuant to Chapter 847, Florida Statutes.
- (7) *Encounter studio.* All establishments offering nude or partially nude encounter sessions between two (2) or more persons, nude or partially nude dance encounter sessions between two (2) or more persons, and sexual consultation requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.

(c) The following uses shall only be permitted in the BU-3 Zone:

- (1) Adult bookstore;
- (2) Adult theater;
- (3) Adult entertainment club;
- (4) Adult video store;
- (5) Massage establishment;
- (6) Adult modeling establishment;
- (7) Encounter studio.

(d) Unless approved as a special exception, none of the uses set forth in Subsection

ARTICLE IV Zoning District Regulations

13-653(c) shall be permitted (i) within one thousand (1,000) feet of a private school as defined in Section 13-775, public school, church, public park, public library, day care center or nursery for children; (ii) within one thousand (1,000) feet of any of the uses described in Subsection 13-653(c); and (iii) within six hundred sixty (660) feet of any RU zoning district; provided, however, that the spacing requirements above shall not apply where the adult entertainment use is separated from the uses set forth at Subsections 13-653(d)(i) and Subsection 13-653(d)(iii) above by a county or state road of not less than five (5) lanes, an expressway, a river or lake. All other distance and spacing requirements pursuant to the Code shall apply.

(e) The distance and spacing requirements set forth in Subsection (d) shall be measured as follows:

- (1) From a church the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the church property.
- (2) From a private or public school the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the school grounds.
- (3) From another Subsection 13-653(b) use 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 existing Subsection 13-653(b) use.
- (4) From an RU district the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest boundary of the RU zoning district.
- (5) From a public park the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on park grounds.
- (6) From a public library the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point of the library property.
- (7) From day care centers or nurseries for children the distance shall be measured by following a straight line from the nearest point of the proposed place of business, whether it is the structure itself or the parking lot used by the patrons of the proposed place of business, to the nearest point on the property of the day care center or the nursery.

(f) For the purposes of establishing the distance between the uses set forth in Subsection 13-653(b) and between such uses and private schools as defined in Section 13-775, public schools, churches, public parks, public libraries, day care

ARTICLE IV Zoning District Regulations

centers or nurseries for children, or RU zoning district, the applicant for such use shall furnish a certified survey from a registered surveyor. Such sketch shall indicate the distance between the proposed place of business, and any existing Subsection 13-653(b) use, any church, public school, private school, public park, public library, day care center or nursery for children or RU zoning district. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement, scaled by the Director of the Department of Planning and Zoning shall govern.

- (g) *Exemptions.* This section shall not apply to accredited universities, accredited colleges or other accredited educational institutions, museums, art exhibits, arts and cultural performance theaters and playhouses or commercial professional photography and portrait studios which may use nude subjects for their photographs or portraits.
- (h) *Nonconforming uses.*
 - (1) Any adult entertainment use existing as of January 26, 1996, which conformed to the regulations in effect when such use was established, that becomes nonconforming by the enactment of Ordinance No. 96-12, shall be removed or discontinued not later than January 26, 2001; provided, however, that any such nonconforming use which satisfies the spacing requirements set forth at Section 13-653(d) shall not be required to discontinue. On or before January 26, 2001, any such nonconforming use which is not in compliance with Section 13-653(d) may be transferred to a site which satisfies the requirements of Section 13-653(d) in a BU-3 or IU zoning district. Subsequent to January 26, 2001, any new adult entertainment use which desires to locate at a site which satisfies the requirements of Section 13-653(d) in an IU zoning district will require a public hearing.
 - (2) Any existing business, which was not operating in good legal standing prior to this ordinance and which has been determined to be a nuisance by the Nuisance Abatement Board, or convicted for criminal violations within the preceding three (3) years, shall remove or discontinue the nonconforming use ten (10) days after the effective date of this ordinance.
 - (3) Any lawfully existing business which becomes nonconforming by the enactment of this ordinance may file an appropriate zoning hearing application with the Department of Planning and Zoning.

Sec. 13-654. Minimum widths and area of lots.

The minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be in effect for the BU-3 District shall be as follows:

	Minimum lot frontage	Minimum lot area
BU use	50 feet interior lot; 75 feet for corner lot	5,000 square feet for interior lot; 7,500 square feet for corner lot

ARTICLE IV Zoning District Regulations

RU use or mixed BU/RU uses	75 feet for 1, 2, 3 or 4 residential units; 100 feet for 5 or more residential units	7,500 square feet for 1, 2, 3 or 4 residential units; 10,000 square feet for 5 or more residential units*
----------------------------	--	---

* Where it is desired to combine a residential use with of any type with a commercial use, necessary lot area shall first be provided for the residential use and, if there is any surplus area, the commercial use will be permitted, providing all setback, parking and other requirements are met.

Sec. 13-655. Setbacks.

- (a) Except as provided in Subsections (b) and (c) below, minimum building setbacks in the BU-3 District (including both principal structures and accessory buildings) shall be as follows:

		Required Building Setback
Front*		20 feet; additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Side street		15 feet, except where an RU lot abuts a business or industrial lot, then the side street setback shall be 25 feet on any part of the commercial structure located within 25 feet of the residential district boundary. Additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Interior side		0 feet where the adjacent property is in a BU or IU District and where the use of the building is limited exclusively to business or industrial use.
	Adjacent property is in a BU or IU District and the use of the building is limited exclusively to business or industrial use	0 feet; 5 feet if the wall is not comprised of unpierced four-hour fire resistant construction
	Adjacent property is zoned BU or IU and building on the subject site includes residential uses	10 feet for portions of the business structure devoted to residential uses
	Adjacent property is zoned RU	15 feet
Rear		
	From residential district boundary	20 feet (however, credit shall be given for full width of dedicated alleys)
	From business or industrial district boundary	0 feet where no openings are proposed in the wall of proposed structure adjacent to the rear lot line; 5 feet where any openings are proposed in wall of proposed structure adjacent to the rear lot line
Between buildings		20 feet

* Front building lines for all structures shall be set back from the nearest highway right-of-way according to sections on official right-of-way plan and minimum widths in this article and in the Town of Miami Lakes Comprehensive Plan, regardless of whether such right-of-way has been officially dedicated.

- (b) Front street setbacks for light poles shall the same as those provided for standing signs as established in Article VIII.
- (c) Detached, freestanding canopies to cover pump islands at gasoline service stations shall set back, at a minimum, as follows:
- (1) Seventeen (17) feet from the nearest edge of the detached canopy to the front property line (measured to the official right-of-way line).
 - (2) Twelve (12) feet from the nearest edge of the detached canopy to the side

ARTICLE IV Zoning District Regulations

street property line (measured to the official right-of-way line).

- (3) No minimum setback or spacing need be provided between the inner edge of the canopy and the gasoline service station building.

Sec. 13-656. Use of more restrictive dimensions; compliance with special setback lines.

- (a) In the case of two (2) or more districts abutting in one (1) block, the yard dimensions which are the greater for the districts in that block shall prevail.
- (b) Where special setback lines, other than those provided in this article, are established by the Director for any purpose, such as for odd shaped lots, for waterfront sites (including canals, bays, etc.) or other reasons specified herein, all buildings erected, moved or added to thereafter shall conform to said special setback lines established by any amendment hereto, regardless of the standards provided in this article, or chapter.

Sec. 13-657. Reserved.

Sec. 13-658. Survey required when property line in doubt.

Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty-five (25) feet of any existing or proposed highway right-of-way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.

Sec. 13-659. Height.

The maximum height of a building is not limited except as all other provisions of this article must be compiled with, especially the floor area ratio and lot coverage and the landscaped open space requirements.

Sec. 13-660. Fire resistive construction of building over fifty-five feet.

No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty-five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.

Sec. 13-661. Floor area ratio and lot coverage.

The floor area ratio shall be forty-one-hundredths (0.40) at one (1) story and shall be increased by eleven-one-hundredths (0.11) for each additional story up to eight (8) stories, thereafter the floor area ratio shall be increased by six-one-hundredths (0.06) for each additional story. Structure parking shall not count as part of the floor area, but shall

ARTICLE IV Zoning District Regulations

be counted in computing building height and number of stories. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area. Enclosed or unenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

Lot coverage requirements shall in no way affect existing setback or spacing requirements, or the requirements that residential uses must conform to residential setbacks when established in business or industrial districts.

Sec. 13-662. Landscaped open space.

- (a) The minimum landscaped open space at one (1) story shall be in accordance with the following table:

<i>Size of the Total Lot Area</i>	<i>Percent of the Total Lot Area</i>
Up to one (1) acre	18.0%
More than one (1) acre and up to five (5) acres	16.0%
More than five (5) acres and up to twenty-five (25) acres	14.0%
More than twenty-five (25) acres	12.0%

- (b) The minimum landscaped open space shall be increased by one and one-half (1 1/2) percent for each additional story or part thereof, up to eight (8) stories, thereafter the landscaped open space shall increase by two and one-half (2 1/2) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped open space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery.
- (c) Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or unenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (d) In addition to the above minimum open space requirement, all parking lots shall include ten (10) square feet of open landscaped area per parking space dispersed throughout the parking lot and exclusive of required parking lot buffers.
- (e) Lot coverage requirements shall in no way affect existing setback or spacing requirements, or the requirements that residential uses must conform to residential setbacks when established in business or industrial districts.

Sec. 13-663. Prohibited uses.

ARTICLE IV Zoning District Regulations

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Sec. 13-664. Enclosed uses.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein. All materials and products shall be stored within the building or within an area completely enclosed with walls which have a life expectancy of twenty (20) years or more from the date of installation of said walls. Storage shall not be made above the height of the walls.

Sec. 13-665. Business property adjacent to residential districts.

Where a business lot abuts an AU, GU or RU zoned property, a decorative masonry wall at least five (5) feet in height shall be erected on the business lots along the common property line separating the two (2) districts. Where a dedicated alley separates the two (2) districts, the five-foot decorative masonry wall shall be erected along the business lots adjacent to the alley, permitting only openings for egress and ingress purposes with the smallest width possible for this purpose. Where the business property is a through lot, and the rear of the business lot lies across the street right-of-way from AU, GU or RU zoned property, said wall shall be located on the business lot ten (10) feet in from the official right-of-way line at the rear of the lot, and the ten-foot strip shall be substantially landscaped. The Director shall determine which part of the lot is the rear property line. No wall will be required along the front property line of the business lot where the same is separated from a residential zone by a street. Where the common property line between the two (2) districts is an interior side property line, the required wall shall extend only to a point fifteen (15) feet from the official front property line.

Sec. 13-666. Off-street parking.

- (a) All development within the BU-3 District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
- (b) Parking lot buffers, all parking lots adjacent to a right-of-way or private street shall be provided with a landscaped buffer strip of seven (7) feet in width and landscaped in accordance with Chapter 18A of this Code.
- (c) Parking in the BU-3 Districts shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line. In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

Sec. 13-667. Plan review standards.

ARTICLE IV Zoning District Regulations

- (a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project in accordance with the procedures in Section 13-310.. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.
- (b) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:

- (1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
 - a. Proposed commercial floor area.
 - b. Height, size, shape and location of existing and proposed buildings.
 - c. Parking layouts.
 - d. Proposed grades if significantly altered.
 - e. Existing and proposed fences, walls, signs, architectural accents, street furniture and locations of advertising or graphic features.
 - f. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (2) Schematic building plans including elevation and/or sections of major structures.
- (3) Isometrics or perspective and/or model(s) of the proposed development.

The Director shall have the right to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review.

- (c) The following checklist of criteria shall be utilized as a guide by the Department and by the Town Council, upon appeal, in the review process:
 - (1) Planning studies. Design or planning studies completed by the Department and submitted to the Town Council that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.
 - (2) Exterior spatial relationships. The three-dimensional air-space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and

ARTICLE IV Zoning District Regulations

- are compatible with the development or zoning in the adjoining area.
- (3) **Landscape.** Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.
 - (4) **Buffers.** Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.
 - (5) **Scale.** Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.
 - (6) **Signs and outdoor lighting.** All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
 - (7) **Roof installation and facilities.** All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part and be harmonious with the building design.
 - (8) **Circulation.** Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development.
 - (9) **Parking areas.** Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of this chapter and chapter 18A.
 - (10) **Service areas.** Service areas which may be provided shall be screened and so located as not to be visible from view.
 - (11) ***Visual screening for decorative walls:*** In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
 - a. ***Wall with landscaping.*** The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:
 - b. ***Shrubs.*** Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - c. ***Hedges.*** Hedges shall be a minimum of three (3) feet in height

ARTICLE IV Zoning District Regulations

when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

- d. *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
- e. *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

ARTICLE IV Zoning District Regulations

DIVISION 16 IU-1, Industrial, Light Manufacturing District

Sec. 13-668. 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 IU-1 District except for one (1) 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. 13-669. Minimum width and area of lots.

- (a) The minimum width of lots in the IU-1 District shall be 50 feet for old subdivisions and 75 feet for new subdivisions.
- (b) The minimum area of lots in the IU-1 District shall be 5,000 square feet for old subdivisions and 7,500 square feet for new subdivisions.

Sec. 13-670. Setbacks.

- (a) Except as provided in Subsection (b) below, minimum building setbacks in the IU-1 District (including both principal structures and accessory buildings) shall be as follows:

		Required Building Setback
Front*		20 feet; additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Side street		15 feet, except where an RU lot abuts a business or industrial lot, then the side street setback shall be 25 feet on any part of the commercial structure located within 25 feet of the residential district boundary. Additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Interior side		0 feet where the adjacent property is in a BU or IU District and where the use of the building is limited exclusively to business or industrial use.
	Adjacent property is in a BU or IU District and the use of the building is limited exclusively to business or industrial use	0 feet; 5 feet if the wall is not comprised of unpierced four-hour fire resistant construction
	Adjacent property is zoned BU or IU and building on the subject site includes residential uses	10 feet for portions of the business structure devoted to residential uses
	Adjacent property is zoned RU	15 feet
Rear		
	From residential district boundary	20 feet (however, credit shall be given for full width of dedicated alleys)

ARTICLE IV Zoning District Regulations

	From business or industrial district boundary	0 feet where no openings are proposed in the wall of proposed structure adjacent to the rear lot line; 5 feet where any openings are proposed in wall of proposed structure adjacent to the rear lot line
Between buildings		20 feet

* Front building lines for all structures shall be set back from the nearest highway right-of-way according to sections on official right-of-way plan and minimum widths in this article and in the Town of Miami Lakes Comprehensive Plan, regardless of whether such right-of-way has been officially dedicated.

- (b) Front street setbacks for light poles shall the same as those provided for standing signs as established in Article VIII.

Sec. 13-671. Use of more restrictive dimensions; compliance with special setback lines.

- (a) In the case of two (2) or more districts abutting in one (1) block, the yard dimensions which are the greater for the districts in that block shall prevail.
- (b) Where special setback lines, other than those provided in this article, are established by the Director for any purpose, such as for odd shaped lots, for waterfront sites (including canals, bays, etc.) or other reasons specified herein, all buildings erected, moved or added to thereafter shall conform to said special setback lines established by any amendment hereto, regardless of the standards provided in this article, or chapter.

Sec.. 13-672. Reserved.

Sec. 13-673. Survey required when property line in doubt.

Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty-five (25) feet of any existing or proposed highway right-of-way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.

Sec. 13-674. Maximum height in IU-1 District.

- (a) No building in the IU-1 District shall be of a height greater than the width of the widest street upon which such building abuts, except after application is made and permit issued as a result of public hearing.
- (b) However, provisions of this section regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes

ARTICLE IV Zoning District Regulations

providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of antennas.

- (c) The provisions of this section regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

Sec. 13-675 – 13-677. Reserved.

Sec. 13-678. Fire resistive construction of building over fifty-five feet.

No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty-five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.

Sec. 13-679. Prohibited uses.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Sec.. 13-680. Minimum landscaped open space, greenbelts, trees, maintenance.

- (a) *Landscaped open space.* A minimum of ten (10) percent of the net lot area of the site shall be developed as landscaped open space; provided, however, that a site in an IU-1 zone that abuts a site in a RU zone or developed with residential uses shall provide fifteen (15) percent of the net lot area as landscaped open space. In addition to the minimum open space requirement, all parking lots shall include ten (10) square feet of parking area landscaped open space per parking space dispersed throughout the parking lot and exclusive of required parking lot buffers. Said landscaped open space may include entrance features, greenbelts, unpaved passive and active recreation areas, and other similar landscaped open space at ground level. Open space areas may also include tree preservation zones of "natural forest communities" as defined in Chapter 42. Tree preservation zones shall be delineated on all plans submitted to the Town for site plan review under Sections 13-302 and 13-304, for the purposes of determining overall preservation area and percent of overall landscaped area. The requirements contained herein do not replace or substitute for any requirements contained within Chapter 18A.
- (b) Water bodies may be used as part of the required landscaped open space but such water areas shall not be credited for more than twenty (20) percent of the required open space. The specific areas within enclosed or unenclosed malls which are

ARTICLE IV Zoning District Regulations

landscaped with grass, trees and/or shrubbery, water areas therein and areas therein with permanent art display may be used as part of the required landscaped open space, but such areas shall not be credited for more than ten (10) percent of the required landscaped open space. For approved structures exceeding four (4) stories in height, additional landscaped open space shall be provided equivalent to twenty-five (25) percent of the gross floor area of each floor above four (4) stories.

- (c) *Greenbelts.* Continuous, extensively planted greenbelts, penetrated only at approved points for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential, in accordance with the following minimum standards:

<i>Size of Net Lot Area</i>	Width of Greenbelts
Up to 3 acres	8 feet
More than 3 acres	10 feet

- (d) Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (e) *Maintenance.* All landscaped areas shall be continuously maintained in a good, healthy condition, and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscaped areas except within tree preservation zones of "natural forest communities," as defined in Chapter 42. Tree preservation zones shall also be maintained in a healthy natural condition free from trash, debris and disturbance of understory vegetation.

Sec. 13-681. Uses confined to building.

At all manufacturing establishments or rebuilding, storage or repair places permitted in an IU-1 District, all materials and products shall be stored and all manufacturing, rebuilding, storing or renovating operations shall be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls not less than six (6) feet in height; provided the water frontage of shipyards, dry docks, boat slips, and like uses may be open.

Sec. 13-683. Reserved.

Sec. 13-685. Off-Street Parking.

1. All development within the IU-1 District shall comply with the Off-Street Parking requirements found in Section 13-1801 and elsewhere in this land development code.
2. Parking lot buffers, all parking lots adjacent to a right-of-way or private street or residentially zoned properties shall comply with the greenbelt requirements above in and landscaped in accordance with Chapter 18A of this Code.
3. Parking in the IU-1 District shall be permitted between the required setback line and the official right-of-way line providing that greenbelt requirements as provided above and landscaped in accordance with Chapter 18A of this Code. In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

ARTICLE IV Zoning District Regulations

Sec. 13-686. Plan review standards.

- (a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this chapter.
- (b) In addition to other requirements contained elsewhere in this code, development in the IU-1 District shall also conform to the following requirements:
 - (1) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen non-compatible uses and ameliorate the impact of noise.
 - (2) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.
 - (3) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.
 - (4) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.
 - (5) *Energy conservation:* Applicants are advised to consider requirements of Chapter 52 of the Florida Building Code.

Sec. 13-687. Validity of site plans.

Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.

ARTICLE IV Zoning District Regulations

DIVISION 17 IU-2, Heavy Manufacturing District

Sec. 13-688. Permitted uses.

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 IU-2 District except for one (1) 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. 13-689. Minimum width and area of lots.

- (a) The minimum width of lots in the IU-2 District shall be 50 feet for old subdivisions and 75 feet for new subdivisions.
- (b) The minimum area of lots in the IU-2 District shall be 5,000 square feet for old subdivisions and 7,500 square feet for new subdivisions.

Sec. 13-690. Setbacks

- (a) Except as provided in Subsections (b) below, minimum building setbacks in the IU-2 District (including both principal structures and accessory buildings) shall be as follows:

		Required Building Setback
Front*		20 feet; additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Side street		15 feet, except where an RU lot abuts a business or industrial lot, then the side street setback shall be 25 feet on any part of the commercial structure located within 25 feet of the residential district boundary. Additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Interior side		0 feet where the adjacent property is in a BU or IU District and where the use of the building is limited exclusively to business or industrial use.
	Adjacent property is in a BU or IU District and the use of the building is limited exclusively to business or industrial use	0 feet; 5 feet if the wall is not comprised of unpierced four-hour fire resistant construction
	Adjacent property is zoned BU or IU and building on the subject site includes residential uses	10 feet for portions of the business structure devoted to residential uses
	Adjacent property is zoned RU	15 feet
Rear		
	From residential district boundary	20 feet (however, credit shall be given for full width of dedicated alleys)

ARTICLE IV Zoning District Regulations

	From business or industrial district boundary	0 feet where no openings are proposed in the wall of proposed structure adjacent to the rear lot line; 5 feet where any openings are proposed in wall of proposed structure adjacent to the rear lot line
Between buildings		20 feet

* Front building lines for all structures shall be set back from the nearest highway right-of-way according to sections on official right-of-way plan and minimum widths in this article and in the Town of Miami Lakes Comprehensive Plan, regardless of whether such right-of-way has been officially dedicated.

- (b) Front street setbacks for light poles shall the same as those provided for standing signs as established in Article VIII.

Sec. 13-691. Use of more restrictive dimensions; compliance with special setback lines.

- (a) In the case of two (2) or more districts abutting in one (1) block, the yard dimensions which are the greater for the districts in that block shall prevail.
- (b) Where special setback lines, other than those provided in this article, are established by the Director for any purpose, such as for odd shaped lots, for waterfront sites (including canals, bays, etc.) or other reasons specified herein, all buildings erected, moved or added to thereafter shall conform to said special setback lines established by any amendment hereto, regardless of the standards provided in this article, or chapter.

Sec. 13-692. Reserved.

Sec. 13-693. Survey required when property line in doubt.

Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty-five (25) feet of any existing or proposed highway right-of-way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.

Sec. 13-694. Maximum height in IU-2 District.

- (a) No building in the IU-2 District shall be of a height greater than the width of the widest street upon which such building abuts, except after application is made and permit issued as a result of public hearing.
- (b) However, the provisions of this section regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes

ARTICLE IV Zoning District Regulations

providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of antennas.

- (c) The provisions of this section regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

Sec. 13-695 - 697. Reserved.

Sec. 13-698. Location of industrial use; use confined to building; location of petroleum tanks; residential uses limited.

- (a) No establishment or industrial use permitted in this district, however, shall be located within five hundred (500) feet of any RU or BU-1 District, except after a public hearing. Provided that the spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU or BU-1 District. It is further provided that, except for exterior uses, such distances shall be measured from the closest point of the subject use in the building to the RU or BU-1 District. In connection with exterior uses, the distance of five hundred (500) feet shall be measured from the closest point of the IU District to the RU or BU-1 District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern.
- (b) At all manufacturing establishments or rebuilding, processing, packaging, storage or repair places permitted in an IU-2 District, all materials and products shall be stored and all manufacturing, rebuilding, processing, packaging, storing or renovating operations shall be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls not less than six (6) feet in height, excepting only shipyards, dry docks, boat slips, and the like, where necessary frontage on the water may be open.
- (c) In no case shall petroleum storage tanks be located closer than three hundred (300) feet to a residential building.
- (d) No residential uses will be permitted, except a watchman's or caretaker's quarters used in connection with industrial use on the premises concerned.

Sec. 13-699. Minimum landscaped open space, greenbelts, trees, maintenance.

- (a) *Landscaped open space.* A minimum of ten (10) percent of the net lot area of the site shall be developed as landscaped open space; provided, however, that an

ARTICLE IV Zoning District Regulations

industrial-zoned site that abuts residentially zoned or developed property shall provide fifteen (15) percent of the net lot area as landscaped open space. In addition to the minimum open space requirement, all parking lots shall include ten (10) square feet of parking area landscaped open space per parking space dispersed throughout the parking lot and exclusive of required parking lot buffers. Said landscaped open space may include entrance features, greenbelts, unpaved passive and active recreation areas, and other similar landscaped open space at ground level. Open space areas may also include tree preservation zones of "natural forest communities" as defined in Chapter 42. Tree preservation zones shall be delineated on all plans submitted to the Town for site plan review under Sections 13-302 and 13-304 of this chapter, for the purposes of determining overall preservation area and percent of overall landscaped area. The requirements contained herein do not replace or substitute for any requirements contained within Chapter 18A.

- (b) Water bodies may be used as part of the required landscaped open space but such water areas shall not be credited for more than twenty (20) percent of the required open space. The specific areas within enclosed or unenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein and areas therein with permanent art display may be used as part of the required landscaped open space, but such areas shall not be credited for more than ten (10) percent of the required landscaped open space. For approved structures exceeding four (4) stories in height, additional landscaped open space shall be provided equivalent to twenty-five (25) percent of the gross floor area of each floor above four (4) stories.
- (c) *Greenbelts.* Continuous, extensively planted greenbelts, penetrated only at approved points for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential, in accordance with the following minimum standards:

<i>Size of Net Lot Area</i>	<i>Width of Greenbelts</i>
Up to 3 acres	8 feet
More than 3 acres	10 feet

- (d) Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (e) *Maintenance.* All landscaped areas shall be continuously maintained in a good, healthy condition, and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscaped areas except within tree preservation zones of "natural forest communities," as defined in Chapter 42. Tree preservation zones shall also be maintained in a healthy natural condition free from trash, debris and disturbance of understory vegetation.

Sec. 13-700. Site plan review, plan review standards.

- (a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this chapter.

ARTICLE IV Zoning District Regulations

- (b) In addition to other requirement contained elsewhere in this code, development in the IU-2 District shall also conform to the following requirements:
- (1) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen no compatible uses and ameliorate the impact of noise.
 - (2) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.
 - (3) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.
 - (4) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.
 - (5) *Energy conservation:* Applicants are advised to consider requirements of Chapter 52 of the Florida Building Code.

Section. 13-701. Validity of site plans.

Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.

ARTICLE IV Zoning District Regulations

DIVISION 18 IU-3, Industrial Unlimited District

Sec. 13-703 Permitted uses.

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 IU-3 District except for one (1) 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. 13-704. Minimum width and area of lots.

- (a) The minimum width of lots in the IU-3 District shall be 50 feet for old subdivisions and 75 feet for new subdivisions.
- (b) The minimum area of lots in the IU-3 District shall be 5,000 square feet for old subdivisions and 7,500 square feet for new subdivisions.

Sec. 13-705. Setbacks.

- (a) Except as provided in Subsection (b) below, minimum building setbacks in the IU-3 District (including both principal structures and accessory buildings) shall be as follows:

		Required Building Setback
Front*		20 feet; additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Side street		15 feet, except where an RU lot abuts a business or industrial lot, then the side street setback shall be 25 feet on any part of the commercial structure located within 25 feet of the residential district boundary. Additionally, any portion of a building which is between 35 and 40 feet in height shall be setback at least 25 feet from any street. Thereafter one additional foot of setback shall be provided for each five feet of additional height.
Interior side		0 feet where the adjacent property is in a BU or IU District and where the use of the building is limited exclusively to business or industrial use.
	Adjacent property is in a BU or IU District and the use of the building is limited exclusively to business or industrial use	0 feet; 5 feet if the wall is not comprised of unpierced four-hour fire resistant construction
	Adjacent property is zoned BU or IU and building on the subject site includes residential uses	10 feet for portions of the business structure devoted to residential uses
	Adjacent property is zoned RU	15 feet
Rear		
	From residential district boundary	20 feet (however, credit shall be given for full width of dedicated alleys)

ARTICLE IV Zoning District Regulations

	From business or industrial district boundary	0 feet where no openings are proposed in the wall of proposed structure adjacent to the rear lot line; 5 feet where any openings are proposed in wall of proposed structure adjacent to the rear lot line
Between buildings		20 feet

* Front building lines for all structures shall be set back from the nearest highway right-of-way according to sections on official right-of-way plan and minimum widths in this article and in the Town of Miami Lakes Comprehensive Plan, regardless of whether such right-of-way has been officially dedicated.

- (b) Front street setbacks for light poles shall the same as those provided for standing signs as established in Article VIII.

Sec. 13-706. Use of more restrictive dimensions; compliance with special setback lines.

- (a) In the case of two (2) or more districts abutting in one (1) block, the yard dimensions which are the greater for the districts in that block shall prevail.
- (b) Where special setback lines, other than those provided in this article, are established by the Director for any purpose, such as for odd shaped lots, for waterfront sites (including canals, bays, etc.) or other reasons specified herein, all buildings erected, moved or added to thereafter shall conform to said special setback lines established by any amendment hereto, regardless of the standards provided in this article, or chapter.

Sec. 13-707. Reserved.

Sec. 13-708. Survey required when property line in doubt.

Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty-five (25) feet of any existing or proposed highway right-of-way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.

Section. 13-709. Maximum height in IU-3 District.

- (a) No building in the IU-3 Districts shall be of a height greater than the width of the widest street upon which such building abuts, except after application is made and permit issued as a result of public hearing.
- (b) However, the provisions of this section regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes

ARTICLE IV Zoning District Regulations

providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of antennas.

- (c) The provisions of this article regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

Section. 13-710 - 712. Reserved.

Section. 13-713. Fire resistive construction of building over fifty-five feet.

No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty-five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.

Section. 13-714. Prohibited uses.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

Section 13-715. Reserved.

Section 13-716. Wall or dike for storage of petroleum products.

The premises used by gasoline, oil and petroleum storage tanks shall be surrounded by an unpierced fire wall or dike of such height and dimensions as to contain the maximum capacity required by current applicable codes. Where an abandoned rock pit is located in an IU-3 District, a permit may be issued to use such pits for oil storage tanks in which dikes may be omitted if the pit has the required capacity. All storage tanks and adjacent structures shall meet the requirements of the current applicable codes.

The foregoing paragraph requiring an unpierced fire wall or dike shall not apply to storage tanks containing liquefied petroleum, commonly known as bottled gas; such tanks may be erected without said wall or dike.

Sec. 13-717. Uses confined to buildings or within wall enclosures.

At all manufacturing establishments or rebuilding, storage or repair places permitted in an IU-3 District, all materials and products shall be stored and all manufacturing, rebuilding, storing or renovating operations shall be carried on entirely within an

ARTICLE IV Zoning District Regulations

enclosed building or confined and completely enclosed within masonry walls, at least six (6) feet in height but no higher than eight (8) feet, excepting only shipyards, dry docks, boat slips, and the like, where necessary frontage on the water may be open.

Section 13-718 Minimum landscaped open space, greenbelts, trees, maintenance.

- (a) *Landscaped open space.* A minimum of ten (10) percent of the net lot area of the site shall be developed as landscaped open space; provided, however, that an industrial-zoned site that abuts residentially zoned or developed property shall provide fifteen (15) percent of the net lot area as landscaped open space. Said landscaped open space may include entrance features, greenbelts, unpaved passive and active recreation areas, and other similar landscaped open space at ground level. Open space areas may also include tree preservation zones of "natural forest communities" as defined in Chapter 42. Tree preservation zones shall be delineated on all plans submitted to the Town for site plan review under Sections 13-302 and 13-304, for the purpose of determining overall preservation area and percent of overall landscaped area. The requirements contained herein do not replace or substitute for any requirements contained within Chapter 18A.
- (b) Water bodies may be used as part of the required landscaped open space, but such water areas shall not be credited for more than twenty (20) percent of the required open space. The specific areas within enclosed or unenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein and areas therein with permanent landscaped open space, but such areas shall not be credited for more than ten (10) percent of the required landscaped open space. For approved structures exceeding four (4) stories in height, additional landscaped open space shall be provided equivalent to twenty-five (25) percent of the gross floor area of each floor above four (4) stories.
- (c) *Greenbelts.* Continuous, extensively planted greenbelts, penetrated only at approved points for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential, in accordance with the following minimum standards:

<i>Size of Net Lot Area</i>	Width of Greenbelts
Up to 3 acres	8 feet
More than 3 acres	10 feet

- (d) *Trees.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (e) *Maintenance.* All landscaped areas shall be continuously maintained in a good, healthy condition, and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscaped areas except within tree preservation zones of "natural forest communities," as defined in Chapter 42. Tree preservation zones shall also be maintained in a healthy natural condition free from trash, debris and disturbance of understory vegetation.

Section. 13-718.1. Plan review standards.

ARTICLE IV Zoning District Regulations

- (a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this chapter.
- (b) In addition to other requirement contained elsewhere in this land development code in the IU-3 shall also conform to the following requirements:
 - (1) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen no compatible uses and ameliorate the impact of noise.
 - (2) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.
 - (3) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.
 - (4) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.
 - (5) *Energy conservation:* Applicants are advised to consider requirements of Chapter 52 of the Florida Building Code.

Section. 13-718.2 Validity of site plans.

Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.

ARTICLE IV Zoning District Regulations

DIVISION 19 IU-C, INDUSTRIAL DISTRICT, CONDITIONAL

Sec. 13-719. Purpose and intent.

IU-C District shall be applied only to those lands that appropriately may be used and utilized for the development, construction and operation of large industrial projects and industrial park development of the nature, type and character commensurate with the public health, safety, comfort, convenience, and the general welfare of the Town. It is intended that this district shall be utilized to provide an adequate reservoir of lands suited for the needs and requirements of large industries, and industrial park developments, to the end that desirable industrial concerns may be attracted to this area. It is intended, however, that this district shall not be used indiscriminately, so as to permit any industrial use which might be offensive or obnoxious by reason of the emanation of odors, gases, dust, noise or vibration, pollution of air or water, or otherwise detrimental to the general welfare of this community; but that it shall be restricted and confined to only those large industrial uses and industrial park type developments which produce a net gain to the community. It is recognized that the rapid development of new and different industrial uses and operations makes it impossible and impractical to accurately enumerate those which would be beneficial or detrimental to the welfare of this community. Therefore, the intent and purpose for the establishment of this district is expressly set forth, and standards set forth for the use of lands embraced within this district.

Sec. 13-720. Permitted uses.

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 IU-C District except for one (1) or more of the uses permitted by the Master List of Business, Commercial and Industrial uses as set forth in Division 20 of this chapter.

Sec. 13-721. Permit for use; issuance; denial; appeals.

No use whatsoever shall be permitted in a IU-C District until the applicant for the use shall have filed a written application specifying the use and containing such detailed information and certified reports as may be reasonably required to determine whether or not the proposed use would be commensurate with the public health, safety, comfort, convenience and general welfare of the community and in compliance with other Code provisions. Such written report shall be filed in triplicate with the Director, and shall be reviewed, studied and considered by the Department and such other appropriate department or governmental unit that may be interested or may regulate the use. Said agency shall promptly make a written report of its findings and recommendations to the Director, and simultaneously furnish a copy thereof to the applicant. The proposed use shall be permitted unless the aforesaid report shows that the proposed use would be detrimental to the public health, safety, comfort, convenience or general welfare of the Town, or that the proposed use would be offensive or obnoxious by reason of the emission of odors, gases, dust, noise or vibration, or would cause any pollution of the air

ARTICLE IV Zoning District Regulations

or water, or otherwise would be contrary to the intent and purpose of this chapter. If the aforesaid report and findings are favorable to the applicant, and it is recommended that the proposed use be permitted, then the Director shall issue appropriate permits and permit the use requested and set forth in the application. If such report is unfavorable to the applicant, no permits shall be issued and the requested use shall not be permitted; provided the applicant has a right of appeal pursuant to Section 13-310 of this Code. Nothing herein, however, shall prohibit the issuance of a building permit for an industrial building that complies with all applicable requirements prior to a determination of what use shall occupy such building, the ultimate occupancy being subject to the requirements of this section. No new application for the same proposed use shall be permitted within the period of six (6) months from the date of final determination of a prior application.

Sec. 13-722. Reserved.

Sec. 13-723. Wall or dike for storage of petroleum products.

The premises used by gasoline, oil and petroleum storage tanks shall be surrounded by an unpierced fire wall or dike of such height and dimensions as to contain the maximum capacity required by current applicable codes. Where an abandoned rock pit is located in an IU-C District, a permit may be issued to use such pits for oil storage tanks in which dikes may be omitted if the pit has the required capacity. All storage tanks and adjacent structures shall meet the requirements of the current applicable codes.

The foregoing paragraph requiring an unpierced fire wall or dike shall not apply to storage tanks containing liquefied petroleum, commonly known as bottled gas; such tanks may be erected without said wall or dike.

Sec. 13-724. Uses confined to buildings or within wall enclosures.

At all manufacturing establishments or rebuilding, storage or repair places permitted in an IU-C District, all materials and products shall be stored and all manufacturing, rebuilding, storing or renovating operations shall be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls, at least six (6) feet in height but no higher than eight (8) feet, excepting only shipyards, dry docks, boat slips, and the like, where necessary frontage on the water may be open.

Sec. 13-725. Platting of land before use.

No uses shall be established, and no building permits issued for structures, until a plat of the land to be used has been recorded with the platting and required improvements resulting from such platting taking into consideration the establishment of a continuity of road pattern and drainage in the general area, including proper and adequate access to existing adequate drainage facilities. In addition, the area proposed for use shall be platted and improved in such a manner as to promote the orderly and logical development and platting of adjacent lands and the area in general, all in accordance with the provisions of this chapter.

ARTICLE IV Zoning District Regulations

Sec. 13-726. Frontage; depth and area.

No application for zoning of a tract of land for IU-C or for the platting thereof shall be permitted unless such tract consist of at least ten (10) acres of land, credit being given for right-of-way dedications; and such tract shall have not less than three hundred thirty (330) feet of frontage and three hundred thirty (330) feet in depth, credit being given for right-of-way dedication in computing such frontage and depth.

Sec. 13-727. Setbacks.

- (a) Except as provided in Subsection (b) below, minimum building setbacks in the IU-C District (including both principal structures and accessory buildings) shall be as follows:

		Required Building Setback
Front*		
	Parcels up to two acres in size	25 feet
	Parcels of two acres or more	15 percent of the lesser dimension of the property, provided the front setback is no less than 25 feet and need not be greater than 50 feet.
Side street		25 feet
Interior side		10 feet
Rear		
	From residential district boundary	20 feet (however, credit shall be given for full width of dedicated alleys)
	From business or industrial district boundary	0 feet where no openings are proposed in the wall of proposed structure adjacent to the rear lot line; 5 feet where any openings are proposed in wall of proposed structure adjacent to the rear lot line
	Through lot	Same as required for the front setback

* Front building lines for all structures shall be set back from the nearest highway right-of-way according to sections on official right-of-way plan and minimum widths in this article and in the Town of Miami Lakes Comprehensive Plan, regardless of whether such right-of-way has been officially dedicated.

- (b) Front street setbacks for light poles shall the same as those provided for standing signs as established in Article VIII.

Sec. 13-728 Use of more restrictive dimensions; compliance with special setback lines.

- (a) In the case of two (2) or more districts abutting in one (1) block, the yard dimensions which are the greater for the districts in that block shall prevail.
- (b) Where special setback lines, other than those provided in this article, are established by the Director for any purpose, such as for odd shaped lots, for waterfront sites (including canals, bays, etc.) or other reasons specified herein, all buildings erected, moved or added to thereafter shall conform to said special setback lines established by any amendment hereto, regardless of the standards provided in this article, or chapter.

Sec. 13-729. Reserved.

ARTICLE IV Zoning District Regulations

Sec. 13-730. Survey required when property line in doubt.

Applications for permit to erect, move or alter a structure which is to be located within ten (10) feet of any property line, or which is to be located within twenty-five (25) feet of any existing or proposed highway right-of-way, or where there is any doubt in the minds of the Director and the Director of the Public Works Department about the location of a property line, shall be accompanied by a certified map from a survey of the premises prepared by a land surveyor, registered in the State, and markers showing the boundary corners, corresponding to the survey, shall be left undisturbed until a certificate of occupancy is issued.

Sec. 13-731. Maximum height in IU-C District.

- (a) No building in IU-C District shall be of a height greater than the width of the widest street upon which such building abuts, except after application is made and permit issued as a result of public hearing.
- (b) However, the provisions of this section regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of Antennas.
- (c) The provisions of this section regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

Sec. 13-733. Reserved.

Sec. 13-734. Fire resistive construction of building over fifty-five feet.

No building erected within the boundaries of any district established by this chapter, or any amendment thereof, shall exceed fifty-five (55) feet in height unless of type 1 fire resistive construction, as specified by the building code.

Sec. 13-735. Off-street parking.

All off-street parking areas shall be provided in accordance with applicable zoning

ARTICLE IV Zoning District Regulations

regulations, and such off-street parking shall be located outside of areas which are allocated for any other use. Off-street parking shall be permitted within the setback areas, as established in Section 13-727, on the following basis:

- (a) Not closer than ten (10) feet to a side property line adjoining a side street.
- (b) Not closer than five (5) feet to an interior side or rear property line.
- (c) Off-street parking shall not be permitted within a 25-foot setback distance from the front property line for the particular lot concerned.

Sec. 13-736. Water supply, sewage and waste disposal.

Adequate water supply, sewage and waste disposal facilities shall be provided to serve the proposed use, subject to the approval of the Department of Public Health and the Department of Environmental Regulation; and no use permit or certificate of occupancy shall be issued until satisfactory facilities have been completed and actually in operation.

Sec. 13-737. Fire protection.

Adequate fire hose connections and water supply must be provided for fire protection subject to the approval of the Fire Department. No use permit shall be issued until such facilities have been installed and are operative.

Sec. 13-738. Multiple industrial uses.

Multiple industrial uses, and platting into lots in the form of industrial park development, or waiver of plat to subdivide into lots where such tract has been platted, shall be permitted on the minimum tract described herein, subject to compliance with all applicable requirements of this chapter, and except that such lots shall have a minimum frontage of one hundred twenty-five (125) feet, and a minimum depth of one hundred fifty (150) feet. The adequacy of the plan for development of the proposed park, and the plan for the proper control of those facilities and uses which must be installed and maintained for the joint use of the users of the property, if any, shall be subject to the approval of the Director.

Sec. 13-739. Application of other provisions.

All other zoning regulations applicable to industrial uses which are not superseded or modified by the provisions of this section shall apply to the use of property in IU-C District, except that the spacing requirements from residential zone boundaries shall not apply.

Section 13-740 Prohibited uses.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots shall be prohibited. Such business on private or public property shall be conducted only from within approved

ARTICLE IV Zoning District Regulations

permanent substantial buildings.

Sec. 13-741 Minimum landscaped open space, greenbelts, trees, maintenance.

- (a) *Landscaped open space.* A minimum of twenty (20) percent of the net lot area of the site shall be developed as landscaped open space. Said landscaped open space may include entrance features, greenbelts, unpaved passive and active recreation areas, tree preservation zones of "natural forest communities," as defined in Chapter 42, and other similar landscaped open space at ground level.
- (b) Water bodies may be used as part of the required landscaped open space, but such water areas shall not be credited for more than twenty (20) percent of the required open space. The specific areas within enclosed or unenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein and areas therein with permanent art display may be used as part of the required landscaped open space, but such areas shall not be credited for more than ten (10) percent of the required landscaped open space. For approved structures exceeding four (4) stories in height, additional landscaped open space shall be provided equivalent to twenty-five (25) percent of the gross floor area of each floor above four (4) stories.
- (c) *Greenbelts.* Continuous, extensively planted greenbelts, penetrated only at approved points for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential, in accordance with the following minimum standards:

Size of Net Lot Area	Width of Greenbelts
Up to 3 acres	8 feet
More than 3 acres	10 feet

- (d) *Trees.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (e) *Maintenance.* All landscaped areas shall be continuously maintained in good, healthy condition, and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscaped areas except within tree preservation zones of "natural forest communities," as defined in Chapter 42. Tree preservation zones shall be delineated on all plans submitted to the Town for site plan review under Sections 13-302 and 13-304, for the purposes of determining overall preservation area and percent of overall landscaped area. The requirements contained herein do not replace or substitute for any requirements contained within Chapter 18A.

Section 13-740 Site Plan Review - Plan review standards.

- (a) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria contained in this chapter.
- (b) In addition to other requirements contained elsewhere in this code development in the IU-C shall also conform to the following requirements:.

ARTICLE IV Zoning District Regulations

- (1) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen no compatible uses and ameliorate the impact of noise.
- (2) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent nonindustrial uses.
- (3) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.
- (4) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.
- (5) *Energy conservation:* Applicants are advised to consider requirements of Chapter 52 of the Florida Building Code.

Section 13-741. Validity of site plans.

Where a site plan has been or is submitted to the Department for review and approval, and the same has been or is approved, and no construction has yet commenced, the site plan shall be valid for a period of twelve (12) months, within which time the applicant must file complete plans for building permit.

ARTICLE IV Zoning District Regulations

DIVISION 20 BUSINESS, COMMERCIAL AND INDUSTRIAL USE 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 RO, BU and IU districts. Any use similar to the listed uses shall be permitted. Any use not specifically enumerated or similar to any one (1) of the categories listed in section 13-748 may be granted as conditional use in any RO, BU or IU district, when approved by the Town Council after having been duly considered as set forth in section 13-303.

- (a) 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.
- (b) 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. All other portions of the Town's Land Development Code remains applicable to any and all uses.
- (c) 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.
- (d) Where an "C" appears, the use may be permitted as a conditional use, subject to the provisions of Section 13-303.
- (e) Where an "A" appears on the same line as a listed use, the use shall be permitted only as an accessory to a principal permitted use in the district indicated by the column heading in which the "A" appears.

Sec. 13-746. Validity.

Where a use is permitted or prohibited by the master list as set forth in section 13-748 such indication shall have the same validity as if the use were listed as permitted or prohibited in the district regulations of this chapter.

Sec. 13-747. Amendments.

The master list set out in this division may be amended in the same manner as any other section of this chapter.

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	* Add'l Regs
Acetylene, generation and storage									P*	P*	s. 13-794

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Acids and derivatives									P*	P*	s. 13-794
Aircraft hangars and repair shops, aircraft assembling and manufacturing						P*	P*	P*	P*	P	s. 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*	s. 13-794
All zoning applications by State and municipal entities and agencies			C	C	C	C	C	C	C	C	
Aluminum, powder and paint manufacture									P*	P*	s. 13-794
Ammonia (uses involving)									P*	P*	s. 13-794
Amusement center			C	P	C	C	C	C	C	C	
Amusement rides and enterprises			C	C	C	C	C	C	C	C	
Animal hospitals within soundproof, air-conditioned buildings				P	P	P	P	P	P	P	
Animal reduction plants									P*	P*	s. 13-794
Antennas for amateur radio stations	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-750
Antique shops			P	P	P	P					
Apparel stores			P*	P*	P*	P*					s. 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	
Art good stores, artist studios and photograph shops and galleries			P	P	P	P					
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*	s. 13-794
Atomic reactor	-	-	-	-	-		-	-	P*	P*	s. 13-794
Attended, non-motorized donation collection vehicles			P*	P*	P*	P					s. 13-752
Auction sales			C	C	C		C	C	C	C	s. 13-754
Auditoriums				P	P	P	P	P	P	P	
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, new sales agency				C*	C*	C*					s. 13-753

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Automobile and truck sales and automobile and truck rentals including new and/or used vehicles and wholesale distribution, and as an ancillary use automobile repairs, provided that no more than fifteen (15) percent of the total gross building area is devoted to repair/service bays.							P*	P*	P*	P*	s. 13-754
Automobile and truck services and facilities, including (a) open lot car sales; (b) open lot car rental; (c) automobile parts, secondhand from store building only; (d) automobile body and top work and painting. All outdoor paging or speaker system are expressly prohibited. This provision shall also apply to all establishments in existence as of the effective date of this ordinance.						P					
Automobile new parts and equipment, sales only				P	P	P					
Automobile parking garages					P*	P*					s. 13-755
Automobile self-service gas stations				P*	P*	P*					s. 13-756
Automobile service stations				P *	P *	P*					s. 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				P	P	P					
Automotive rentals							P	P	P	P	
Automotive repairs							P*	P*	P*	P*	s. 13-781
Bait and tackle shops				P	P	P					
Bakeries, retail only (baking permitted on premises)			P	P	P	P					
Bakeries--wholesale only with incidental retail uses						P	P	P	P	P	
Banks, excluding drive-in teller service			P	P	P	P					
Banks, including drive-in teller service				P	P	P					
Banks							P	P	P	P	
Barber shops			P	P	P	P					
Bars, pubs and cabarets	A*	A*		C	P	P					s. 13-758
Barbeque stands or barbeque pits (establishments using wood burning for cooking require conditional use approval by Town Council)						P/C					
Bathing beach			C	C	C	C	C	C	C	C	
Beauty parlors, Manicurists			P	P	P	P					

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Bicycle sales, rentals and repairs (nonmotorized)			P	P	P	P					
Billiard rooms and pool rooms				P	P	P					
Blacksmith, gas steam fitting shops							P	P	P	P	
Blast furnace									P*	P*	s. 13-794
Bleaching products									P*	P*	s. 13-794
Blooming mill									P*	P*	s. 13-794
Boat or yacht repairing or overhauling, or boat building							P*	P*	P*	P	s. 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*	s. 13-794
bombing field			C	C	C	C	C	C	C	C	
Bottling plants						P	P	P	P	P	
Bowling alleys				P*	P*	P*					s. 13-759
Box lunches, distribution			C	C	C	C	C	C	C	C	
Brass and bronze foundries									P*	P*	s. 13-794
Brewery							P	P	P	P	
Business or commercial establishments	A*	A*									s. 13-758
Cabanas	A*	A*									s. 13-761
Cabinet shops						P	P*	P*	P*	P	s. 13-781
Calcium carbide									P*	P*	s. 13-794
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	
Canning factories							P*	P*	P*	P	s. 13-781
Carnivals, circuses			C	C	C	C	C	C	C	C	
Carpentry shops						P					
Carpet cleaning							P	P	P	P	
Casein									P*	P*	s. 13-794
Caterers							P	P	P	P	
Cattle or stock graving (not including hog raising)											
Caustic soda									P*	P*	s. 13-794
Celluloid									P*	P*	s. 13-794

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Cellulose products									P*	P*	s. 13-794
Cement and clay products, such as concrete blocks, pipe, etc								P	P	P	
Cement, lime, gypsum or plaster of Paris									P*	P*	s. 13-794
Charcoal pulverizing									P*	P*	s. 13-794
Charcoal, lampblack or fuel briquettes									P*	P*	s. 13-794
Chlorine									P*	P*	s. 13-794
Cider and vinegar									P*	P*	s. 13-794
Cleaning and polishing preparation: dressings and blackings									P*	P*	s. 13-794
Coal tar product									P*	P*	s. 13-794
Cocktail lounge-bars (accessory to restaurant use)				A*	A*		A*	A*	A*	A*	s. 13-762
Coke oven products (including fuel gas) and coke oven product storage									P*	P*	s. 13-794
Cold storage warehouses and precooling plants						P	P	P	P	P	
Commercial chicken hatcheries							P*	P*	P*	P	s. 13-781
community residential home (subject to the requirements of Chapter 419.001, Florida Statutes, as amended)	P*	P*									s. 13-795
Commuter Colleges	C*				P*	P*	P*	C*	C*	C*	s. 13-776
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					
Congregate living facilities	C*	C*									s. 13-795
Conservatories and music and dance schools			P*	P*	P*	P*					s. 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	
Convention halls				P	P	P					
Cotton wadding									P*	P*	s. 13-794
Cottonseed oil, refining									P*	P*	s. 13-794
Creosote									P*	P*	s. 13-794
Cultural arts			C	C	C	C	C	C	C	C	
Dairy stores			P	P	P	P					

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Dancing halls or dancing academies in air conditioned buildings				P*	P*	P*					s. 13-759
Day camp, day nursery			C	C	C	C	C	C	C	C	
Day nursery, kindergarten and after school care licensed by the State of Florida Department of Health and Rehabilitative Services							P*	P*	P*	P*	s. 13-785
Major department stores					P	P					
Distillation, manufacture or refining of coal, tar, asphalt, wood, bones.									P*	P*	s. 13-794
Distillery (alcoholic), breweries and alcoholic spirits									P*	P*	s. 13-794
Dog and pet hospitals in air-conditioned buildings				P	P	P					
Dog kennel, dog training track			C	C	C	C	C	C	C	C	
Donated goods centers			P*	P*	P*	P*					s. 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	s. 13-781
Drugstores			P	P	P	P					s. 13-791 s. 13-1610
Dry cleaning and dyeing plants						P	P	P	P	P	
Dry cleaning establishments, using noninflammable solvents in self-contained dry cleaning units of the Prosperity type or Dedrick type or an equal approved by the Director, provided such establishments contain not more than four thousand (4,000) square feet of floor area.				P	P	P					
Dyestuff									P*	P*	s. 13-794
Dynamite storage								P	P*	P*	s. 13-794
Educational and child care facilities, non-public	C	C									
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					
Eleemosynary and philanthropic institutions	C	C									
Employment agencies				P	P	P					
Engine sales and service, gas, oil, steam, etc.						P	P	P	P	P	
Excelsior									P*	P*	s. 13-794
Explosives									P*	P*	s. 13-794
Fat rendering									P*	P*	s. 13-794
Feed, hay and other livestock supplies						P					
Fertilizer storage							P	P	P	P	
Fertilizer, organic or inorganic, manufacture									P*	P*	s. 13-794

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Film, photographic									P*	P*	s. 13-794
Fireworks									P*	P*	s. 13-794
Fish cannery or curing									P*	P*	s. 13-794
Fish oils, meal and by-products									P*	P*	s. 13-794
Florist shops			P	P	P	P					
Flour, feed and grain milling									P*	P*	s. 13-794
Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables (where more than five (5) persons are employed on premises).							P	P	P	P	
Forge plant, pneumatic drop and forging hammering									P*	P*	s. 13-794
Foster homes	C *	C *									
Foundries									P*	P*	s. 13-794
Fraternities and sororities	C	C									
Frog farm			C	C	C	C	C	C	C	C	
Fruit packing and fruit preserving							P*	P*	P*	P	s. 13-781
Furniture manufacturing							P*	P*	P*	P	s. 13-781
Furniture refinishing							P	P	P	P	
Furniture stores, retail of new merchandise only				P	P	P					
Garage or mechanical service (all outdoor paging or speaker systems are expressly prohibited.						P					
Garages--storage mechanical, including trucks, buses, heavy equipment							P	P	P	P	
Garbage and waste dumps			C	C	C	C	C	C	C	C	
Gas distribution system and plant			C	C	C	C	C	C	C	C	
Gelatin products									P*	P*	s. 13-794
Glass installations						P	P	P	P	P	
Glue, gelatin (animal) or glue and size (vegetable)									P*	P*	s. 13-794
Golf courses			C	C	C	C	C	C	C	C	
Golf driving range			C	C	C	C	C	C	C	C	
Graphite									P*	P*	s. 13-794
Grinding shops							P*	P*	P*	P	s. 13-781

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area.			P *	P *	P *	P*					
Grocery stores				P*	P*	P*					s. 13-791
Group home (subject to the requirements of Chapter 419.001, Florida Statutes, as amended)	C*	C*									s. 13-764; s. 13-795
Guncotton (explosive)									P*	P*	s. 13-794
Gun shops						P					
Gypsy camp			C	C	C	C	C	C	C	C	
Hair, felt or feathers, washing, curing and dyeing									P*	P*	s. 13-794
Hair, hides and raw fur, curing, tanning, dressing, dyeing and storage									P*	P*	s. 13-794
Handcrafted-products shop				P	P	P					
Hardware stores			P	P	P	P					
Health and exercise clubs, including bath and massage parlors				P	P	P					
Heliports			C	C	C	C	C	C	C	C	
Homes for dependent children			C	C	C	C	C	C	C	C	
Homes of the aged			C	C	C	C	C	C	C	C	
Hospitals (not animal hospital)		C*									s. 13-765; s. 13-795
Hotels, motels and apartment hotels	P	P					P*	P*	P*	P*	s. 13-766
Hydrogen and oxygen manufacturing									P*	P*	s. 13-794
Ice manufacturing							P*	P*	P*	P	s. 13-781
Incinerators			C	C	C	C	C	C	C	C	
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	
Information booth, gate house and security station			P*	P*	P*	P*					s. 13-767
Ink manufacture from primary raw materials (including colors and pigments)									P*	P*	s. 13-794
Insecticide, mixing, packaging and storage							P*	P*	P*	P	s. 13-781
Insecticides, fungicides, disinfectants, or related industrial and household products (depending on materials and quantities used)									P*	P*	s. 13-794

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
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	
Interior design shops, office and display only			P	P	P	P					
Jewelry stores, including incidental sales and purchases of used jewelry			P	P	P	P					
Junior department stores				P	P	P					
Junkyard			C	C	C	C	C	C	C	C	
Jute, hemp and sisal products									P*	P*	s. 13-794
Kindergarten			C	C	C	C	C	C	C	C	
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*	s. 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*	s. 13-794
Leather goods and luggage shops			P	P	P	P					
Leather goods manufacturing, excluding tanning						P	P	P	P	P	
Linoleum and other similar hard surface floor coverings (other than wood)									P*	P*	s. 13-794
Liquor package stores	A*	A*			P	P					s. 13-768
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	
Locomotive and railroad car building and repair									P*	P*	s. 13-794
Lodges	C	C									
Lumberyards						P*	P*	P*	P*	P	s. 13-781
Machine shops							P	P	P	P	
Mail order offices, without storage of products sold			P	P	P	P					
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					

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Marine warehouses							P	P	P	P	
Mast	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-769
Match manufacture and storage									P*	P*	s. 13-794
Mattress manufacturing and renovating							P	P	P	P	
Medical office or clinic			P*	P*	P*	P*	P*	P*	P*	P*	s. 13-1610
Metal and metal ores, reduction, refining, smelting and alloying									P*	P*	s. 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	s. 13-781
Molasses									P*	P*	s. 13-794
Mortuaries or funeral homes				P	P	P					
Motion picture production studios							P	P	P	P	
Motorcycles sales and repair				P	P	P					
Movie (open air)			C	P	C	C	C	C	C	C	
Multiple family apartment buildings	P	P									
Municipal recreation building (owned and operated by a municipality, State or the United States Government)	P	P									
Museum			P	P	P	P					
Natatoriums				P	P	P					
Newsstand			P	P	P	P					
Night Clubs	A*	A*			C*	C*					s. 13-770
Nitrate (manufactured and natural) of an explosive nature; and storage									P*	P*	s. 13-794
Nitroleng of cotton or other materials									P*	P*	s. 13-794
Novelty works							P*	P*	P*	P	s. 13-781
Nurseries-horticultural											
Nursing homes	C	C	C	C	C	C	C	C	C	C	
Nylon									P*	P*	s. 13-794
Office buildings			P*	P*	P*	P*	P*	P*	P*	P*	s. 13-792 s. 13-793
Office parks					P*	P*					s. 13-792 s. 13-793

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
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*	s. 13-794
Oil refinery									P*	P*	s. 13-794
Oil wells									P*	P*	s. 13-794
Oils, shortening and fats (edible)									P*	P*	s. 13-794
Open-air theaters				P	P	P	C	C	C	C	
Optical stores			P	P	P	P					
Ore pumps and elevators									P*	P*	s. 13-794
Ornamental metal workshops							P*	P*	P*	P	s. 13-781
Outdoor dining			A*	A*	A*	A*	A*	A*	A*	A*	s. 13-771
Outdoor display			C	C	C	C	C	C	C	C	
Outdoor paint testing laboratory			C	C	C	C	C	C	C	C	
Outside walk-up window service			P*	P*	P*	P*					s. 13-772
Oxygen storage and filling of cylinders							P	P	P	P	
Package stores in shopping centers				P*	P*	P*					s. 13-782 s. 13-783
Pain management clinics	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	s. 13-1610
Paint and wallpaper stores			P	P	P	P					
Paint manufacture, depending upon materials and quantities used									P*	P*	s. 13-794
palmist and psychic readers			C	C	C	C	C	C	C	C	
Paper and paperboard (from paper machine only)									P*	P*	s. 13-794
Paper and pulp mills									P*	P*	s. 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									
Passenger and freight--stations and terminals--boats, trucks, buses, and railroads							P	P	P	P	
Pawnbrokers						C					
Pet shops and dog beauty parlors in air-conditioned buildings				P	P	P					
Petroleum products storage tank and group of tanks not exceeding 30,000 gallons in aggregate capacity								P	P	P	

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Petroleum products storage tank or group of tanks with an aggregate capacity of over thirty thousand (30,000) gallons-if approved after public hearing or if placed below the surface of the ground or in a rockpit								P/C	P/C	P/C	
Petroleum, gasoline and lubricating oil--refining and wholesale storage									P*	P*	s. 13-794
Pharmacy	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	s. 13-1610
Pharmaceutical storage							P	P	P	P	
Phenol									P*	P*	s. 13-794
Photograph galleries			P	P	P	P					
Pickles, vegetable relish and sauces, sauerkraut									P*	P*	s. 13-794
Pistol ranges			C	C	C	C	C	C	C	C	
Places of worship	C	C									
Plastic material and synthetic resins									P*	P*	s. 13-794
playground (owned and operated by a municipality, County, State or the United States Government)	P	P									
Police and fire stations							P	P	P	P	
Pony rings			C	C	C	C	C	C	C	C	
Post office stations and branches, operated by postal service employees or agents, which directly serve the public				P	P	P					
Post offices, which shall include self-service post offices, stations and branches, and-mail processing centers							P	P	P	P	
Potash									P*	P*	s. 13-794
Pottery shops			P	P	P	P					
Poultry markets and commercial fishing hatcheries						P*					s. 13-781
Poultry slaughtering and packing (wholesale)									P*	P*	s. 13-794
Power or steam laundries							P*	P*	P*	P	s. 13-781
Printing shops				P	P	P	P	P	P	P	
Private clubs	C	C		P	P	P	P	P	P	P	
Private playgrounds and recreational area			C	C	C	C	C	C	C	C	
Propagating and growing plants for sale. Fertilizers, manure, compost and soil shall be limited for sale. Fertilizers, manure, compost and soil shall be limited in quantities for immediate use and shall be kept at least two hundred (200) feet from residential buildings in RU Districts.				P	P	P					

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Proxylin									P*	P*	s. 13-794
Public and private utility facilities			C*	C*	C*	C*	C*	C*	C*	C*	s. 13-780
Public art galleries	C	C									
Public libraries	C	C									
Public museums	C	C									
Pyroxylin									P	P	
Race tracks			C	C	C	C	C	C	C	C	
Radio and television transmitting stations and studios							P	P	P	P	
Radio and TV transmitting stations			C	C	C	C	C	C	C	C	
Radioactive waste handling									P*	P*	s. 13-794
Railroad motor truck and water freight and passenger stations						P					
Railroad shops								P	P	P	
Rayon and rayon yarns									P*	P*	s. 13-794
Recreation area, private	P*	P*									s. 13-773
Recreation building, private	P*	P*									s. 13-773
Refractories (coal fired)									P*	P*	s. 13-794
Refuse disposal									P*	P*	s. 13-794
Regional shopping centers					P*	P*					s. 13-783 s. 13-784
Religious facilities/institutions	C	C	P	P	P	P	P	P	P	P	
Rendering and storage of dead animals, offal, garbage and waste products									P*	P*	s. 13-794
Rentals of trucks other than light trucks				A*	A*	A*					s. 13-774
Residential uses	P*	P*	P*	P*	C*		A*	A*	A*	A*	s. 13-775
Restaurants	A*	A*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-758 s. 13-776
Retirement villages, including as an accessory use commercial facilities of the BU-1 type			C	C	C		C	C	C	C	
Rifle range			C	C	C	C	C	C	C	C	
Rock and sand yards								P	P	P	
Rock quarries			C	C	C	C	C	C	C	C	
Rocks pits (filling of)			C	C	C	C	C	C	C	C	
Rubber-natural or synthetic, including tires, tubes, or similar products, gutta percha, chicle and									P*	P*	s. 13-794

ARTICLE IV Zoning District Regulations

[illegible]

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
Smelting									P*	P*	s. 13-794
Soap manufacturing, vegetable byproducts, only								P	P	P	
Soaps (other than from vegetable by-products) or detergents, including fat rendering									P*	P*	s. 13-794
Solvent extraction									P*	P*	s. 13-794
Sporting goods stores			P	P	P	P					
Standpipe	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-769
Starch manufacture									P*	P*	s. 13-794
Steel fabrication							P*	P*	P*	P	s. 13-781
Steel works and rolling (ferrous)									P*	P*	s. 13-794
Stockyards									P*	P*	s. 13-794
Storage batteries, wet cell									P*	P*	s. 13-794
Storage warehouse for food, fodder, etc.							P	P	P	P	
Subdivision entrance gates and entrance features not conforming to regulations			C	C	C		C	C	C	C	
Sugar refining									P*	P*	s. 13-794
Supermarkets				P	P	P					
Tailor shops, provided such establishments contain not more than four thousand (4,000) square feet of floor area			P	P	P	P					
Tailor shops				P	P	P					
Tanning Salon			P	P	P	P					
Taxidermy. Use will be permitted only within a fully enclosed, air-conditioned building.							P*	P*	P*	P	s. 13-781
Teaching music; raising poultry			C	C	C	C	C	C	C	C	
Telegraph stations				P	P	P					
Telephone exchange				P	P	P	P	P	P	P	
Telephone service unit yards							P	P	P	P	
Television and broadcasting stations, including studio, transmitting station and tower, power plants and other incidental and unusual uses permitted to such a station.						P					
Testing laboratory or plant			C	C	C	C	C	C	C	C	
Testing-jet engines and rockets									P*	P*	s. 13-794
Textile, hosiery and weaving mills							P*	P*	P*	P*	s. 13-759
Textiles bleaching									P*	P*	s. 13-794
Theaters for live stage production and motion				P	P	P					

ARTICLE IV Zoning District Regulations

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	* Add'l Regs
pictures											
Tire vulcanizing and retreading or sale of used tires						P*					s. 13-781
Tobacco shops			P	P	P	P					
Tourist attractions			C	C	C	C	C	C	C	C	
Tower	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	s. 13-769
Townhouses	P	P									
Trailers or tourist camp			C	C	C	C	C	C	C	C	
Trap range			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*	s. 13-794
Two-Family Residential Structure	P*	P*									s. 13-765
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*	s. 13-780
Utility work centers--power and telephone, etc.							P	P	P	P	
Variety stores, provided such establishments contain not more than four thousand (4,000) square feet of floor area			P	P	P	P					
Variety stores				P*	P*	P*					s. 13-791
Vending machine sales and service							P	P	P	P	
Veterinarian							P	P	P	P	
Vulcanizing							P*	P*	P*	P	s. 13-781
Wallboard and plaster, building insulation									P*	P*	s. 13-794
Warehouses for storage or products in the form sold in a BU District							P	P	P	P	
Warehouse, membership, subject to the following minimum standards							P*	P*	P*	P*	s. 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*	s. 13-769
Water treatment plant			C	C	C	C	C	C	C	C	
Water use facilities			C	C	C	C	C	C	C	C	
Welding shops							P*	P*	P*	P	s. 13-781
Welding supplies							P	P	P	P	

ARTICLE IV Zoning District Regulations

[illegible]

ARTICLE IV Zoning District Regulations

Article IV, 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 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. 13-750. Antennas for amateur radio stations.

Poles, masts and towers for supporting antenna used in the operation of amateur radio stations licensed by the Federal Communications Commission shall be excepted from the above regulations and shall be governed by the following requirements:

- (a) Location on property. All such poles, masts and towers shall be placed no closer than five (5) feet to an official right-of-way line or to property under different ownership, or closer than one (1) foot to an easement. If beam (array) type of antenna installed, no element or part of such beam type array antenna shall extend closer than five (5) feet to an official right-of-way line and/or the property under different ownership or closer than one (1) foot to an easement.
- (b) Compliance with electrical codes and federal regulations. All such installations shall conform to the requirements of the National Electrical Code and the F.C.C. regulations, Part 12, Sec. 12.60 governing amateur radio services. National Electrical Code installation must maintain a minimum of eight (8) feet clearance from power lines over two hundred fifty (250) volts and all high voltage primary lines, and this includes the beam elements or any part thereof.
- (c) Permits. Permits shall be required for installation of any poles, masts or towers over twenty (20) feet above the roof of any structure to which they may be attached, and for any installation over thirty-five (35) feet in height when erected on natural ground. Where permits are required, they shall be obtained from the Department; and applications for permits shall be accompanied by plans and specifications, three (3) copies, showing all dimensions, size and kind of members, footings and guy wires, if any; locations, depth and type of guy anchors and footings, if any, and showing the type and weight of antenna, apparatus or structure to be attached to or supported by the structure.
- (d) Poles, type. Poles shall be of the approved creosoted type or treated or painted with a chemical preservative and an outer coat of oil base paint before installation (Color to match surrounding development).
- (e) Holes. Recommended sizes and depths of holes for various type poles subject to good engineering standards: [table follows]. If the earth is damp or soggy, the depth of hole is to be increased by one (1) foot.

ARTICLE IV Zoning District Regulations

If the pole is guyed in accordance with American Standards Association standards, the depth of hole as listed in Code can be decreased by one (1) foot. If carrying a beam, poles must be properly guyed, as is the case where pulling effect of wire antenna or weight of other installations will require guying.

- (f) **Masts.** Masts constructed of wood (2" x 2" or 4" x 4" for either the "A" frame type construction or straight masts) shall be properly chemically treated, painted with an outside coat of oil base paint and be properly guyed both at the top and middle in at least three (3) different directions, approximately one hundred twenty (120) degrees apart, or otherwise suitably guyed. Masts to support a beam, whether of wood or metal pipe, must comply with all the regulations applicable in regard to location, guying, etc., and the maximum allowable weight of antenna, rotator and components shall not exceed one hundred fifty (150) pounds.
- (g) **Towers.** Towers of steel, iron or aluminum, whether of the rigid nondemountable type or the rigid, demountable type with the crank-up, crank-down and either the hinged base or swivel crank-over features shall carry no more weight on the top than specified by the manufacturers' specifications.

Sec. 13-751. Apparel stores.

Apparel stores selling new and/or used merchandise, provided such establishments offering used merchandise contain not more than four thousand (4,000) square feet of gross floor area. The incidental sales of used jewelry, used toys, and used furniture shall be permitted in conjunction with the sales of used apparel, provided that the floor area devoted to the display of those incidental sales items does not exceed thirty (30) percent of the total gross floor area of the apparel store.

Sec. 13-752. Attended, non-motorized donation collection vehicles.

Attended, non-motorized donation collection vehicles; provided, however, that such attended non-motorized donation collection vehicles are placed only on improved property on sites of not less than one-half acre in size, in compliance with required setbacks, and not in required landscape areas or required parking areas and not in an area which would impede traffic circulation. It is further provided, that no attended non-motorized donation collection vehicle shall be placed within twenty-six hundred (2600) feet of another non-motorized donation collection vehicle; the distance shall be measured by following a straight line from the nearest property line where the proposed attended, non-motorized donation collection vehicle is to be located to the nearest property line of an existing attended, non-motorized donation collection vehicle. Notwithstanding any ordinance, resolution or administrative order to the contrary no fee shall be charged for the issuance of a certificate of use and occupancy.

Sec. 13-753. Automobile and light truck, new sales agency or rental.

Automobile and light truck, new sales agency or rental, permitted only upon approval

ARTICLE IV Zoning District Regulations

after public hearing, and shall be subject to the following conditions:

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

Sec. 13-754 Automobile and truck sales and automobile and truck rentals including new and/or used vehicles and wholesale distribution.

Automobile and truck sales and automobile and truck rentals including new and/or used vehicles and wholesale distribution, and as an ancillary use automobile repairs, provided that no more than fifteen (15) percent of the total gross building area is devoted to repair/service bays, shall be permitted in the IU Districts subject to the following conditions:

- (a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Directors of the Planning, and Zoning and Code Compliance and Public Works Departments for ingress and egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center and a hedge of a minimum of six (6) feet in height abutting residentially zoned property and a minimum of three (3) feet in height abutting public rights-of-way. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.
- (b) A minimum of twenty (20) percent of the net lot area of the site shall be developed as landscaped open space.
- (c) That such uses be located only on major access roads, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways.

ARTICLE IV Zoning District Regulations

- (d) That such uses on sites of ten (10) acres or more shall be approved only after public hearing.
- (e) That such uses be conducted on sites consisting of at least two (2) acres.
- (f) That attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations, or as approved at public hearing.
- (g) That outdoor loudspeakers are prohibited.
- (h) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.
- (i) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).

Sec. 13-755. Automobile parking garages.

Automobile parking garages, not over six (6) stories in height, shall be permitted provided they are not located closer than two hundred (200) feet to an RU-1, RU-2 or RU-TH District or to a hospital, church or building used for public assemblage. Automobile parking garages shall meet all open space, lot coverage and other applicable requirements of this article.

Sec. 13-756. Automobile self-service gas stations.

Automobile Self-Service Gas Stations, as defined in Sec. 14-9 of the Code shall be subject to the following restrictions:

- (a) Compliance with Chapter 14, Sec. 9 (fire prevention code).
- (b) Attendant-control area to have clear visibility to all pumps, and this shall prohibit the use of attraction signs on the windows of said attendant-control area.
- (c) Parking will be provided on the basis of one (1) space for each three hundred (300) square feet of retail product sales area, with a minimum of three (3) spaces which will be designed so as not to interfere with the gasoline dispensing operation.
- (d) Where the gasoline/retail product sales uses are designed as one (1) structure, the building will receive full credit and the canopy one-half (1/2) credit toward the minimum square foot building requirement.

Sec. 13-757. Automobile service stations.

Automobile service stations (which may include facilities available for sale of other retail products and services related to the servicing of automobiles) including rental of single axle hauling trailers. Plans for paved areas, driveways or curb cuts of service stations shall be submitted to and approved by the Department of Public Works and, where required, the Florida State Department of Transportation before a permit can be issued. As an accessory use, the service stations may perform minor automobile repairs as herein

ARTICLE IV Zoning District Regulations

listed:

- (a) Sale and servicing of spark plugs and batteries.
- (b) Tire repair and servicing, but no recapping.
- (c) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluids, light bulbs, floor mats, seat covers, wiper blades, arms for windshields and replacement of grease retainers and wheel bearings.
- (d) Radiator cleaning and flushing.
- (e) Washing and polishing.
- (f) Greasing and lubrication.
- (g) Exchanging fuel pumps and installing fuel lines.
- (h) Minor servicing or replacement of carburetors.
- (i) Emergency wiring repairs.
- (j) Adjusting brakes and installing or exchanging brake shoes.
- (k) Tuning engines, with the exception of grinding valves, cleaning carbon or removing the head of engines and/or crankcases.
- (l) Wheel balancing and aligning.
- (m) Shock absorbers.

Sec. 13-758 Business and commercial establishments, bars, pubs and cabarets in the RO Districts.

Business and commercial establishments, restaurants, bars, pubs and cabarets open to the public shall be permitted in hotels, motels and apartment hotels in the RO Districts provided they are located within the principal building, which contains at least one hundred (100) units, and provided the exterior of any such principal building shall not have store fronts or give the appearance of commercial or mercantile as viewed from the highway: in the event the use contains windows which may be seen from the street or highway, said windows shall be of fixed, obscure glass. Such business or commercial establishments and bars in this district shall be entered only through the lobby and no additional entrances shall be permitted, except when the same opens into the courtyard or patio (away from the street side) which is enclosed and which is not visible from the street and, except that a fire door or emergency exit shall be permitted.

Sec. 13-759 Separation of certain uses from RU Districts.

Any use subject to this provision shall not be located closer than five hundred (500) feet to an RU District, unless such building is so constructed as to prevent the emission of sound and vibration; provided, however, that in the case of textile, hosiery and weaving mills, the required separation to an RU District shall be two hundred (200) feet, regardless of the construction of the building.

Sec. 13-760. Reserved.

Sec. 13-761. Cabana as accessory use in the RO Districts.

ARTICLE IV Zoning District Regulations

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

Sec. 13-762 Certain Cocktail Lounge-Bars in Restaurants.

Cocktail lounge-bars as an accessory use in restaurants located in any IU-1 or BU-1A or more liberal BU Districts shall be permitted subject to the following conditions:

- (a) the restaurant occupies no less than four thousand (4,000) square feet of gross floor space, and has accommodations for service of at least two hundred (200) or more patrons at tables;
- (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 fifteen (15) 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 permitted hours of operation for the restaurant.

Sec. 13-763 Donated goods centers.

Donated goods centers for the acceptance only of new or used merchandise, upon compliance with the following conditions:

- (a) The portion of the donated goods center which is open to the public shall not exceed 2000 square feet;
- (b) A solid wall shall separate the public area of the donated goods center from the balance of the said center and shall prevent public access to the balance of said center;
- (c) The donated goods center must be operated by an organization which has been incorporated as a not-for-profit organization under the laws of the State of Florida for a charitable purpose and which has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service;

ARTICLE IV Zoning District Regulations

- (d) The donated goods must be accepted by personnel directly employed by or volunteers for the not-for-profit organization;
- (e) The monetary proceeds resulting from the sale of donations collected at a donated goods center must be used in accordance with the organization's charitable purpose pursuant to Subjection (c) above to benefit persons within the boundaries of Miami-Dade County or outside of Miami-Dade County to provide emergency relief for victims of natural, man-made or economic disasters;
- (f) The operation of the donated goods center, the collection and use of donations and proceeds thereof must be conducted by said not-for-profit organization and not by a licensee, subcontractor or agent of the not-for-profit organization;
- (g) A declaration of use in a form meeting with the approval of the Director shall be submitted to the Department prior to the issuance of a certificate of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.

Sec. 13-764 Group homes.

A group home shall be permitted in a dwelling unit provided:

- (a) That the total number of resident clients on the premises does not exceed six (6) in number.
- (b) That the operation of the facility be licensed by the State of Florida Department of Health and Rehabilitative Services and that said Department or sponsoring agency promptly notify the Director of said licensure no later than the time of home occupancy.
- (c) That the structure used for a group home shall be located at least one thousand (1,000) feet from another existing, unabandoned legally established group home. The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

Sec. 13-765 Hospitals in the RO-50 District.

Hospitals (other than animal hospitals) including accessory office buildings and accessory commercial service facilities, only upon approval after public hearing; said accessory uses shall comply with the following additional criteria:

- (a) Office buildings:
 - (1) Office buildings shall be located on a hospital site containing a minimum of ten (10) acres.
 - (2) Hospital and office buildings shall be under one (1) ownership and the property owner shall file a unity of title agreement or other similar agreement or covenant in lieu thereof in conformance with the provisions

ARTICLE IV Zoning District Regulations

of Sec. 13-308

- (3) Tenants of the office buildings shall be limited to medical personnel affiliated with, and having staff privileges at, the hospital.
- (4) The hospital must contain a minimum of one hundred (100) beds.
- (5) The office complex shall not exceed forty (40) percent of the hospital's total square footage.

(b) Commercial service facilities:

1. Service facilities shall be restricted to cafeterias or restaurant, florist shop, gift shop, financial institution, pharmacy, newspaper and magazine stand, and other similar uses determined by the director to be ancillary to a hospital/office complex.
2. Services shall be permitted and available exclusively for use by medical staff, hospital personnel, patients and visitors of the hospital.
3. Outside advertising or signs (including wall signs) shall be prohibited.
4. Service facilities shall not exceed three (3) percent of the hospital floor area, nor shall they exceed seven (7) percent of the office floor area.
5. Service facilities meeting the above criteria shall not require further public hearing(s) if located within hospitals or related office buildings approved at public hearing(s) held after the effective date of Miami-Dade County Ordinance 88-93.

Sec. 13-766 Hotels, motels and apartment hotels in the IU Districts.

Hotel and motel use (freestanding); the use shall comply with all use requirements of the RO-50 District.

Hotel and motel use (mixed use, i.e. connected with, and attached to, a structure containing another use permitted in the industrial district) shall comply with the following conditions:

- (a) Minimum lot width and area: The minimum lot width shall be three hundred thirty (330) feet and the minimum lot area five (5) acres including right-of-way dedications made from the property.
- (b) Lot coverage: There shall be no restriction on lot coverage except as it might be controlled by other specific requirements.
- (c) Setbacks: The setbacks shall be as follows:
 - (1) Thirty-five (35) feet from all property lines to that portion of the structure not exceeding three (3) stories in height and not exceeding thirty-five (35) feet in height.
 - (2) A distance from all property lines to any portion of the tower structure above three (3) stories in height equal to seventy (70) percent of the overall height of the tower, the height being measured from the third-floor

ARTICLE IV Zoning District Regulations

level (but not exceeding thirty-five (35) feet) to the top of the tower structure.

- (d) Height: There shall be no limitation as to height except those applicable under the airport zoning regulations.
- (e) Floor area ratio: No limitation.
- (f) Maximum number of units: The number of dwelling units shall not exceed a density of seventy-five (75) dwelling units per net acre, based on thirty-three and one-third (33 1/3) percent of the entire building site.
- (g) Parking: Parking shall be provided for the combined uses in a total number as may be required elsewhere in the Code for each of the uses on the property.
- (h) Open space: There shall be provided open landscaped space equal to a minimum of fifteen (15) percent of the lot area (entire site) in all the industrial districts except that in the IU-C District a minimum of twenty (20) percent shall be provided.
- (i) Accessory uses:
 - (1) Business or commercial establishments of the BU-1 type, bars and cabarets shall be permitted in motels and hotels provided they are located within the principal building, which contains at least one hundred (100) units, and provided the exterior of any such principal building shall not have storefronts or give the appearance of commercial or mercantile activity as viewed from the highway: in the event the use contains windows which may be seen from the street or highway, said windows shall be of fixed, obscure glass. Such business or commercial establishments and bars in this district shall be entered only through the lobby, and no additional entrances shall be permitted except when the same opens into a courtyard or patio (away from the street side) which is enclosed and which is not visible from the street, and except that a fire door or emergency exit shall be permitted.
 - (2) Hotels and motels with one hundred fifty (150) or more guest rooms may contain liquor package use on the premises for the accommodation and use of their guests only, provided the establishment housing such use is entered only through the lobby within the building and does not have the appearance of commercial or mercantile activity as viewed from the highway. No advertisement of the use will be permitted which can be seen from the outside of the building.
 - (3) Hotels and motels with two hundred (200) or more guest rooms under one (1) roof may contain a night club on the premises, provided the exterior of any such building shall not have storefronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed obscure glass. Such night club shall be entered only through the lobby, and no additional entrance shall be permitted except when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street,

ARTICLE IV Zoning District Regulations

and except that a fire door or exit shall be permitted.

Sec. 13-767 Information booth, gate house, security station.

A structure housing an information booth, gate house or security station shall comply with the principal building setback requirements, but need not comply with any minimum square footage requirements for the districts.

Sec. 13-768 Liquor package store as accessory use in RO Districts.

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

Sec. 13-769 Towers, poles and masts.

Towers, poles and masts shall comply with the following provisions:

- (a) Before erection of a water tower, standpipe, windmill, tower or mast for any purpose, over ten (10) feet in height above the roof of a structure or over twenty (20) feet in height if erected on natural ground, the requirements of this article and the construction requirements of the South Florida Building Code shall be observed. All towers, poles, and masts requiring notice to the Federal Aviation Administration (FAA) as prescribed in Federal Aviation Regulations (FAR) Part 77, shall be lighted as specifically recommended by the FAA in the determination rendered to the proponent's notice of proposed construction. In addition, for all towers, poles, and masts not requiring notice to the FAA which are one hundred fifty (150) feet or higher above grade in height, one (1) flashing red beacon safety light will be required for each one hundred fifty (150) feet in height. The peak effective intensity of said lights should not be less than one thousand five hundred (1,500) candles (in red) when measured at any horizontal angle. The flashing mechanism should not permit more than forty (40) nor less than twenty (20) flashes per minute. The beacons shall conform to Federal Aviation Administration type L-866 (red) or Military Specification L-6273. All existing towers, poles, and masts, which are one hundred fifty (150) feet or higher above grade shall be made to conform with those requirements by May 1, 1989.
- (b) Until December 31, 2008, telecommunications antennas owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services, shall be permitted in any zoning district, provided that (a) equipment appurtenant to the

ARTICLE IV Zoning District Regulations

antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed one hundred twenty-five (125) feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than fifty (50) feet in width or, if less than fifty (50) feet in width, such easement or right-of-way is adjacent to and parallel with road right-of-way which is one hundred (100) feet or greater in width, and (c) the antenna was attached to the utility pole or structure prior to January 1, 1997.

- (c) Plans and specifications for the structures provided in this section shall be submitted to the Director showing all dimensions, size and kind of members, footings, guy wires; location, depth and type of guy anchors and footings, type and weight of antenna, apparatus or structures to be attached to or supported by the structure, and application made for permit.
- (d) The top of the structure shall not be higher above its foundation than ninety (90) percent of the horizontal distance from its base to the nearest point on adjacent property under another ownership or to the nearest edge of a highway right-of-way, except that masts or other structures located on roofs of buildings in a BU or IU District shall be designed and erected as required by the Florida Building Code and signs shall meet the requirements of article VII of this chapter; anything to the contrary notwithstanding, radio towers where incidental to a business or industrial use on the premises in a BU-3 or any IU Zone, need not conform to the requirements of this section, provided the same does not exceed a height of one hundred fifty (150) feet measured from ground elevation and the same conforms to the provisions of the Florida Building Code; provided, however, that such installation shall conform to the provisions of all airport zoning regulations contained herein.

Sec. 13-770 Night clubs.

- (a) Hotels, motels and apartment hotels in the RO Districts with two hundred (200) or more guest rooms or apartment units under one (1) roof may contain a night club on the premises, provided the exterior of any such building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highway. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed obscure glass. Such night club shall be entered 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 District shall be located no closer than five hundred (500) feet to any RU District boundary.

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:

ARTICLE IV Zoning District Regulations

- (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.
- (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 Sec. 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.
- (6) The amount of area designated for outdoor dining shall not exceed forty percent (40%) of the dining area within the restaurant. The amount of seating in the outdoor dining area shall not exceed forty percent (40%) of the seating provided in the restaurant.
- (7) Outdoor dining 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 fifty (50) feet on either side of the permittee's business subject to the conditions provided in this Sec.
- (8) No outdoor dining shall be placed closer than 10 feet to a side or rear property line.
- (9) Permits shall not be issued where the tables and chairs would be placed within five (5) 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 (5) 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 (6) 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.

ARTICLE IV Zoning District Regulations

- (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 (2) 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. Un-amplified music shall be permitted in the outdoor dining area subject to compliance with sections 21-28 and 21-28.1 of the Town Code.
 - (20) The seating of patrons in the outdoor dining area shall only be permitted between the hours of 7:00 AM to 12:00 AM.
 - (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

ARTICLE IV Zoning District Regulations

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 Sec. 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 Districts where the principal use is selling food and drink products, provided that a sidewalk of at least seven (7) 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. 13-773 Private recreation area, private recreation building or private playground in the RO Districts.

A private recreation area, private recreation building or playground may be allowed in the RO-13 and RO-50 Districts provided it is owned and maintained by a homeowner's association or tenant association, provided the same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.

Sec. 13-774 Rentals of trucks other than light trucks ancillary to self-storage facilities.

Rentals of trucks other than light trucks are allowed in conjunction with and ancillary to self-storage facilities, providing the following conditions are met in addition to those specified in Sec. 13-753 above:

- (a) That a decorative masonry wall at least eight (8) feet in height shall enclose the vehicle storage area and repair area. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article. Prior to the granting of any building permit for such wall, the permit applicant shall post with the director a bond in the amount of two thousand five hundred dollars (\$2,500.00) to provide for the costs of removal of graffiti from the wall by the department as provided in Sec. 21-30.1(d)(6), Code of Miami-Dade County, as amended, should the applicant fail after notice to remove such graffiti.
- (b) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least forty-eight (48) inches high at the time of planting, or other reasonable landscape plans acceptable to the department.
- (c) That there be no rental of any truck having a net vehicle weight exceeding twelve thousand six hundred pounds (12,600) pounds.

ARTICLE IV Zoning District Regulations

- (d) That for each one hundred (100) self-storage units there shall be no more than one (1) rental truck stored, e.g., 1--100 units: 1 rental truck; 101--200 units; 2 rental trucks, etc.; provided however, no more than eight (8) rental trucks may be stored on the premises.
- (e) That no building in the area enclosed by the wall shall exceed two (2) stories in height.
- (f) That no loading or unloading of trucks is permitted outside the enclosed area and all trucks must be stored inside the enclosed area at all times.
- (g) That there shall be no repairs or maintenance work on vehicles on the premises of the self-storage facility.
- (h) That the area of self-storage facilities be not less than 2.5 acres.

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

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

- (a) 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.
- (b) In the BU Districts, residential uses may be permitted as a combination of permitted business uses and residential uses in the same building; the floor area of the residential use shall not exceed fifty (50) percent of the floor area of the building.
- (c) 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.
- (d) In the BU and IU Districts, a complex of buildings used or intended to be used as one (1) private home and residence containing the usual sleeping quarters, cooking, living, sanitary, ventilating, lighting and heating facilities where there is but one (1) kitchen and dining facility, both contained in the same building, although other residential rooms may be in separate buildings but so planned and situated as to be used only as a residence by one (1) family and not as separate rental units, may be permitted in accordance with the conditional use procedures in Section 13-303; and if so approved, an exception may be granted to the requirements for the spacing between the buildings of the complex, and to the setbacks from the property lines where the same abuts a waterway, body of water, park, playground, golf course, railroad right-of-way and similar open spaces.

Sec. 13-776 Restaurants in the BU Districts.

Restaurants in the BU Districts are subject to the following provisions:

- (a) Restaurants and coffee houses or dining room are allowed in the BU districts

ARTICLE IV Zoning District Regulations

where kitchen is screened or located altogether within an enclosed building or room and with ample provisions for carrying away or dissipating fumes, odors, smoke or noise and where premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passersby. Restaurants and outdoor (where approved by public hearing) cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.

- (b) Restaurants in the BU-1A and BU-2 Districts may provide an accessory children's outdoor playground facility, subject to the following:

The restaurant providing such an accessory use shall contain not less than two thousand five hundred (2,500) square feet of improved building area;

- (1) The total outdoor playground area shall not exceed thirty-five (35) percent of the square footage of the subject restaurant structure;
- (2) The playground equipment shall be the non-mechanical type and shall be designed and intended for children two (2) through twelve (12) years of age;
- (3) The playground shall be immediately adjacent to, visible from, and accessible from the indoor patron area;
- (4) The playground area shall be enclosed with a masonry wall or fence not less than four (4) feet in height and any gates shall be of the spring lock type, so that they shall automatically be in a closed and fastened position at all times;
- (5) The playground area shall not reduce required parking or landscaping for the site and shall be set back no less than ten (10) feet from any property line and in compliance with all Code requirements; and,
- (6) Site plan review and approval shall be required.

Sec. 13-777 Salesroom and showrooms in the IU Districts.

- (a) Salesrooms and showrooms are permitted in the IU Districts, subject to the prohibitions and limitations in Subsection b., incorporated as part of a permitted industrial use upon compliance with the following conditions:

- (1) Any industrial use and its related retail sales/showroom uses in different units or bays within the same building must be under one (1) certificate of use and occupancy, and all areas under one (1) such certificate must be connected by communicating doors between units or bays.
- (2) Only merchandise which is warehoused, stored, manufactured or assembled on the premises can be sold on a retail basis.
- (3) The size of retail sales/showroom floor area must be less than fifty (50) percent of the total floor area of the subject premises under a single certificate of use and occupancy. Outside storage areas are to be excluded

ARTICLE IV Zoning District Regulations

from consideration in determining the percentage of uses.

- (4) A solid wall shall separate retail sales/showroom area from the balance of the industrial area which shall prevent public access to the industrial portion of the building. The industrial use area shall not be accessible to the general public.
 - (5) Required parking is to be calculated based upon the floor area assigned to the use classifications within the building in accordance with the provisions of Article 8.
 - (6) A declaration of use in a form meeting with the approval of the Director shall be submitted to the Department prior to the issuance of a certificate of use and occupancy specifying compliance with the foregoing conditions. Said declaration of use shall include a floor plan for the intended use as required by the Department.
- (b) Subsection (a) above is intended to permit retail salesrooms and showrooms in recognition of the compatibility and reasonableness of incorporating certain retail uses into the other uses permitted in this district. To assure compatibility, the retail uses hereinafter enumerated, and uses similar thereto, shall be subject to the following additional conditions: (1) the primary and permitted industrial use shall be the manufacture or assembly of the products being offered for sale; and (2) the retail sales area shall not exceed fifteen (15) percent of the total floor area of the subject premises under a single certificate of use and occupancy.
- (1) Antique and secondhand goods shops.
 - (2) Apparel stores.
 - (3) Art and crafts supplies and finished products.
 - (4) Art galleries.
 - (5) Bait and tackle shop.
 - (6) Bakeries.
 - (7) Bicycle sales, rentals and repairs (nonmotorized).
 - (8) Card shops.
 - (9) Confectionery, ice cream stores and dairy stores.
 - (10) Drugstores.
 - (11) Florist shops.
 - (12) Furniture stores less than ten thousand (10,000) square feet.
 - (13) Gift stores.
 - (14) Grocery stores, supermarkets, fruit stores, health food stores, meat and fish markets and other similar food stores.
 - (15) Hardware stores less than ten thousand (10,000) square feet.
 - (16) Jewelry stores.
 - (17) Leather goods and luggage shops.
 - (18) Liquor package stores.
 - (19) Optical stores.
 - (20) Paint and wallpaper stores less than ten thousand (10,000) square feet.
 - (21) Photograph studio and photo supply.
 - (22) Pottery shops.

ARTICLE IV Zoning District Regulations

- (23) Shoe stores and shoe repair shops.
 - (24) Sporting good stores.
 - (25) Tobacco shops.
 - (26) Variety stores and junior and major department stores.
 - (27) Retail uses determined by the Director to be similar to those enumerated above. In determining similarity between a proposed use and the uses enumerated above the Director shall be guided by the intent of this Subsection (62) and shall consider common characteristics including the nature of products offered for sale, the generation of pedestrian and vehicular traffic, and incompatibility with the primary uses permitted in this district.
- (c) Failure to comply with any of the provisions of this subsection shall be deemed a change in use from an industrial to retail business use for which a use variance shall be required.
- (d) Any ancillary retail sales use pursuant to a lawful, valid, permanent certificate of use and occupancy issued by the Department prior to July 29, 1983, which use is in compliance with the Department's percentage of use and parking requirements on said effective date will be considered a legal, nonconforming use. Legal, nonconforming use status will also be granted to any ancillary retail sales use for which a certificate of use and occupancy has not been issued as of July 29, 1983, where the property owner or tenant:
- (1) Has obtained a building permit based on the submission of plans on which the intended retail sales area has been clearly represented by physical separation from the industrial use through placement of a solid wall, and adequate parking for the retail sales use and landscaping has been provided, and said permit remains valid in accordance with the provisions of the Florida Building Code; or
 - (2) Has submitted a declaration of use, parking plan and floor plan for an existing building which have been approved by the Department provided that a physical separation of the retail and industrial uses has been effected through placement of a solid wall and a temporary certificate of use and occupancy as provided in the Florida Building Code has been obtained from the Department before July 29, 1983. Legal nonconforming use status will not be perfected if the temporary certificate of use and occupancy is not converted to a permanent certificate of use and occupancy before it expires.
 - (3) Has a covenant, accepted and approved by Miami-Dade County on or before July 5, 1983, and recorded in the public records, providing assurances to Miami-Dade County to comply with the provisions of Subsection (a) above and has materially changed his position in reliance thereon. The property owner or tenant shall be permitted sixty (60) days to obtain a building permit and an additional sixty (60) days to complete construction in compliance therewith.

ARTICLE IV Zoning District Regulations

Sec. 13-778 Warehouse, membership in IU District.

Warehouses, membership in the IU Districts shall be subject to the following:

- (a) The area of such occupancy shall contain no less than one hundred thousand (100,000) square feet of gross floor area; and,
- (b) The subject use shall be located on a major or minor roadway as depicted on the adopted Land Use Plan map and shall be within one quarter (1/4) mile of that roadway's intersection with another major or minor roadway.

Sec. 13-779 Wireless supported service facilities.

Wireless supported service facilities shall be subject to the following provisions:

- (a) Wireless Supported Service Facilities are allowed in the RO, BU and IU Districts as an accessory use to hotels, motels and apartment hotels, subject to the criteria outlined below:
 - (1) Antennas may be located on existing Structures with a height of thirty (30) feet or greater, so long as the Antennas do not extend more than thirteen (13) feet above the highest point of the roof of a building as measured in accordance with the provisions of Sec. 13-1(a) or the highest point on the Structure.
 - (2) Except for Cylinder Type Antennas, Antennas shall be screened from view or wall mounted and shall not exceed nine (9) Sectors. i) Where wall mounted Antennas shall not extend above the wall where located and shall be painted to match the supporting Structure. Wall mounted Antennas shall be limited to one (1) Sector per building elevation. ii) Wall mounted Antennas not exceeding the height of the wall where located and painted to match the supporting Structure will be allowed on rooftop elevator bulkheads, rooftop enclosures for mechanical equipment, and rooftop Accessory Wireless Equipment Buildings in addition to (b)(2)(i), above, but shall be limited to one (1) Sector per elevations on the particular rooftop structure where they are placed. iii) Where roof mounted: 1. Requests to install roof mounted Antennas shall be accompanied by a line of sight analysis for each building elevation. The line of sight analysis shall be as provided for in the sketch below. The width of the right-of-way shall be equal to the width of the right-of-way fronting the particular elevation. Any Antennas or portion thereof above the line of sight will require screening. 2. Where screening is required and where the screening is located within thirteen (13) feet of the corner of a Structure, screening material shall be installed on the two (2) side of the corners, nearest the exterior walls of the Structure. The screening material at the corners shall be the same length and height on both corners. After the initial Antenna installation, any additional Antennas installed within twenty (20) feet of the corner where the initial installation took place and which require

ARTICLE IV Zoning District Regulations

screening shall be continuously screened in the same fashion as the initial installation. 3. Where screening is required and where screening is not located within thirteen (13) feet of the corner of the roof, or continuously as provided for in 2. above, screening material shall be installed between the Antenna(s) and the nearest exterior wall of the Structure. 4. Screening for installations not covered by 1., 2. or 3. above shall be as required by the Director.

- (3) Cylinder Type Antennas shall be limited to three (3) per Structure and shall be painted to match the Structure.
 - (4) No sign shall be allowed on an Antenna.
 - (5) No signals, lights, or illumination shall be permitted on an Antenna, unless required by any applicable federal, state or local rule, regulation or law.
 - (6) Accessory Wireless Equipment Buildings used in conjunction with Antennas, if located on the ground, shall comply with the minimum principal building setback requirements of the zoning district in which they are located. Self-standing, non sheltered equipment cabinet(s) used in conjunction with Antennas, if located on the ground shall be deemed mechanical equipment similar to air conditioning units and shall be limited to a height not to exceed eight (8) feet and an area not to exceed eighty (80) square feet. There shall be no minimum spacing between Accessory Wireless Equipment Buildings and the building located on the property.
 - (7) Antennas meeting the criteria outlined in this Sec. shall not require an unusual use.
- (b) Antenna Support Structures. Wireless Supported Service Facilities including Antenna Support Structures of one hundred (100) feet or less in height used in connection with a Wireless Supported Service Facility shall be permitted in the BU-3 and in all Industrial Districts. When the Antenna Support Structure is greater than one hundred (100) feet in height, a public hearing is required pursuant to Sec. 13-303. Antenna Support Structures which exceed one hundred fifty (150) feet in height must comply with the requirements of Subsection 13-769(d).
- (1) No sign shall be allowed on the Antenna Support Structure or the Antennas.
 - (2) No signals, lights, or illumination shall be permitted on the Antenna Support Structure or the Antennas, unless required by any applicable federal, state or local rule, regulation or law.
 - (3) Accessory Wireless Equipment Buildings used in conjunction with Antenna Support Structures and Antennas, if located on the ground, shall comply with the minimum principal building setback requirements of the zoning district in which they are located. Self-standing, non sheltered equipment cabinet(s) used in conjunction with Antenna Support Structures or Antennas, if located on the ground shall be deemed mechanical equipment similar to air conditioning units and shall be limited to a height not to exceed eight (8) feet and an area not to exceed eighty (80) square

ARTICLE IV Zoning District Regulations

feet. There shall be no minimum spacing between Accessory Wireless Equipment Buildings and the building located on the property.

- (c) To encourage co-location and the use of sites, which already have Wireless Supported Service Facilities, additions to such facilities may occur as follows:
 - (1) The addition of Antennas, cables, and/or Accessory Wireless Equipment Building to an existing Wireless Supported Service Facility shall be permitted in any district regardless of whether the Wireless Supported Service Facility is legally conforming or non-conforming and regardless of any limitations placed by any Resolution approving the Wireless Supported Service Facility.
- (d) If a wireless supported service facility requires a conditional use approval, authority to grant such approval shall rest with the Town Council, notwithstanding any provision of this Code to the contrary.

Sec. 13-780 Public and private utility facilities.

Public and private utility facilities such as electricity, gas, water, telephone, telegraph, cable TV, and including work centers (repair and storage areas for trucks, heavy equipment, pipe, meters, valves, cable, poles) as accessory uses, and including sewage treatment plants and lift stations and water treatment plants and pumping stations, excluding temporary package water and sewage treatment plants approved by the Environmental Control Board and until December 31, 2008, excluding any telecommunications antenna owned and operated by a telecommunications company providing services to the public for hire attached to any pole or H-frame or lattice structure owned by a utility which is used in and is part of the utility's network for the provision of electric services provided that (a) equipment approved appurtenant to the antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed 125 feet in height above ground unless the utility pole or structure is located in an easement or right-of-way which is greater than fifty (50) feet in width or, if less than fifty (50) feet in width, such easement or right-of-way is adjacent to and parallel with road right-of-way which is one hundred (100) feet or greater in width, and (c) the antenna was attached to the utility pole or structure prior to January 1, 1997.

Sec. 13-781 Spacing requirements for certain uses.

No use made subject to this section by the provisions of Sec. 13-748 (Business, Commercial and Industrial Use Master List) shall be located within five-hundred (500) feet of any RU District except after approval by the Town Council as a conditional use per the requirements of Sec. 13-303. Provided, however, that this spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU District. It is further provided that, except for exterior uses, such distances shall be measured from the closest point of the subject use in the

ARTICLE IV Zoning District Regulations

building to the RU District. In connection with exterior uses, the distance of five hundred (500) shall be measured from the closest point of the IU or BU District in which the use is located to the RU District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director shall govern. However, for uses in the IU-C District, the spacing requirements to residential zone boundaries shall not apply.

Sec. 13-782 Sale of alcoholic beverages.

- (a) *Distance from other establishments.* Unless approved as a conditional use, no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than fifteen hundred (1,500) feet from a place of business having an existing, unabandoned, legally established (and not one (1) of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The fifteen hundred (1,500) feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.
- (b) *Distance from church 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 twenty-five hundred (2,500) feet from a church or public school. The twenty-five-hundred-foot distance requirement shall be measured and computed as follows:
 - (1) From a church, 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 church 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.
- (c) *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 Subsections (a) and (b) above.
- (d) *Nonconforming uses; definition of abandonment.* The uses referred to in Subsections (a) and (b) above 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 Department 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 Subsections (a) and (b) shall have expired and shall not thereafter

ARTICLE IV Zoning District Regulations

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.

- (1) 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 (3) 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.
- (e) *Exceptions to spacing and distance requirements.* The restrictions and spacing requirements set forth in Subsections (a) and (b) above shall not apply:
- (1) To private clubs, provided such clubs conform to all the requirements of a private club as stated in Chapter 561 of the Florida Statutes 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 Chapter 561 of the Florida Statutes or other applicable State laws; provided, anything to the contrary notwithstanding, these requirements must be complied with, even though the club intends to serve only beer and/or wine.
 - (2) ESTABLISHMENTS IN RM-50, RO-50 DISTRICTS. To cocktail lounges, bars and cabarets located in RM-50 or RO-50 Districts and which conform to the requirements of said districts, or such other cocktail lounges, bars and cabarets in other liberal districts as may comply with the RM-50 or RO-50 requirements.
 - (3) RESTAURANTS IN BU-1, BU-1A DISTRICTS. To dining rooms or restaurants located in the BU-1 or BU-1A 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-1 or BU-1A 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-1 or BU-1A or more liberal BU Districts shall be permitted subject to the following conditions:
 - a. the restaurant occupies no less than four thousand (4,000) square feet of gross floor space, and has accommodations for service of at least two hundred (200) or more patrons at tables;

ARTICLE IV Zoning District Regulations

- 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 fifteen (15) 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 permitted hours of operation for the restaurant.
- (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 and meat markets within the hours adopted and prescribed by the County Commission.
- (6) **CONVENTION HALLS IN BU-1A DISTRICTS.** To convention halls located in BU-1A, or more liberal business and industrial 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 ten thousand (10,000) square feet. (c) Where the seating capacity of the hall is in excess of five hundred (500) persons. (d) Where the sign advertising the cocktail lounge or bar use is of same or similar type as is permitted for motels in the RM-50 Districts, that is, the advertisement 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 ten thousand (10,000) square feet of floor space under one (1) roof and under one (1) ownership of title, and (c) Where the building contains at least six (6) alleys usable for bowling, and

ARTICLE IV Zoning District Regulations

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 two thousand (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 sixty (60) patrons at tables, and (d) Provided that such building be not less than five hundred (500) feet from a school or church measured as provided hereinabove.

- (8) **NIGHT CLUBS IN CERTAIN HOTELS AND MOTELS.** To night clubs and cabarets where the same are located in a hotel, motel, or apartment hotel and under the same roof, which contains at least two hundred (200) guest rooms or apartment units under the same roof, 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 highways. 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 or cabaret shall be entered only through lobby, and no additional entrance shall be permitted. An additional entrance or door shall be permitted when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street. A fire door or exit shall be permitted, provided that the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergency.
- (9) **PACKAGE STORES IN SHOPPING CENTERS IN BU-1A DISTRICT.** Package stores in shopping centers in a BU-1A (limited business) or more liberal district containing a net ground building area of not less than five (5) acres including dedicated rights-of-way under one (1) ownership with an improved building area of not less than forty-one thousand (41,000) square feet of floor area thereon, and with an improved and developed parking area of not less than two hundred twenty-one (221) vehicles. Only one (1) such package store will be permitted in the shopping center. Said package store shall be at least two thousand five hundred (2,500) feet from any church, school and at least five hundred (500) feet from any other licensed alcoholic beverage establishment measured as otherwise provided in this section.
- (10) **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 (9) holes, with clubhouse, locker rooms and attendant golf facilities and comprising in all at least one hundred (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.
- (11) **EXCURSION, SIGHTSEEING OR TOUR BOATS.** To excursion, sightseeing or tour boats, providing the operators thereof obtain a State

ARTICLE IV Zoning District Regulations

beverage license for such boats, the same being designated as their place of business, upon compliance with all the laws relating to vendors operating places of business where consumption on the premises is permitted; provided that such excursion, sightseeing or tour boats contain all the necessary equipment and supplies in order to, and do, serve full course meals regularly, and have accommodations at all times for the service of two hundred (200) or more patrons at tables and occupying more than four thousand (4,000) square feet of space.

- (12) **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 (10) regulation-size tennis courts or ten (10) regulation-size four-wall indoor racquetball courts, or a combination of tennis courts and four-wall indoor racquetball courts numbering fifteen (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.
- (13) **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 one hundred (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.

- (f) *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 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 occupancy permit for such use has been issued, provided the use has been established within the time prescribed in the permit.

- (g) *Sketch indicating location.*

For the purpose of establishing the distance between alcoholic beverage uses, and between such uses and churches 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

ARTICLE IV Zoning District Regulations

existing alcoholic beverage establishment within 2,000 feet, and any church or school within 3,000 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the Director shall govern.

- (h) *Entertainment in night clubs and cabarets; hearing on night club use.*

Except in night clubs and cabarets, band or orchestra music or dancing or entertainment shall be prohibited in all bars, gardens, saloons, package stores or similar establishments dispensing of alcoholic beverages. Night club use shall be prohibited unless the same is approved after a public hearing.

- (i) *Transfer of nonconforming use.*

Upon good and justifiable cause proven to the satisfaction of the Town Council, a legally existing nonconforming alcoholic beverage use may be transferred to another nonconforming but properly zoned site in the same general neighborhood, not to exceed three hundred (300) feet from the sold site, upon approval of the Town Council after a public hearing.

- (j) *Expansion of nonconforming use.*

Legally existing alcoholic beverage made nonconforming by reason of the regulations establishing distance restrictions between such uses, or any of them, or between any such uses and churches or schools, shall not be expanded unless and until such expansion shall have been approved by the Town Council for good and justifiable cause after a public hearing. "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.

- (k) *Certificate void after thirty (30) days if premises not established.*

All alcoholic beverage uses must be established on the premises within thirty (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.

- (l) *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. The Tax Collector shall issue no license 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.

- (m) *Additional alcoholic beverage uses.*

ARTICLE IV Zoning District Regulations

Any provision of this chapter to the contrary notwithstanding, the service or sale of alcoholic beverages as herein listed will be permitted:

- (1) BOWLING ALLEYS. Beer and wine only as provided for in Sec. 13-782(e)(7) and Sec. 13-783(h).
- (2) CHARTER BOATS. Beer only as provided for in Sec. 13-783(d).
- (3) CONVENTION HALLS. Liquor, beer and wine as provided for in Sec. 13-782(e)(6).
- (4) EXCURSION, SIGHTSEEING OR TOUR BOATS. Liquor, beer and wine, subject to conditions as provided for in Sec. 13-782(e)(11) and Sec. 13-783(n).
- (5) GOLF COURSES. Lounges in club houses and ancillary golf course refreshment stands as provided for in Sec. 13-782(e)(10) and Sec. 13-783(o).
- (6) COUNTY PARKS.
 - a. Beer, take out only, no consumption on the premises at bait and tackle installations at marinas.
 - b. Liquor, beer and wine use in restaurants.
 - c. Beer, package sales only at camp grounds.
 - d. Beer only at concession stands.
- (7) COUNTY-OWNED AIRPORTS. Liquor, beer, malt liquor and wine in restaurants, bars, lounges, concessions, concession stands and package stores at County-owned airports.
- (8) PRIVATE CLUBS. As provided for in Sec. 13-782(e)(1), and as defined in these regulations.

Sec. 13-783 Hours and Days of Sale

No alcoholic beverages shall be sold or served within the Town of Miami Lakes except at such hours and on such days and by such vendors as set forth below:

- (a) *Establishments for package sales only.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption off the premises only, shall make no sale of alcoholic beverages during weekdays except between the hours of 8:00 a.m. and 10:00 p.m. and on Sundays between the hours of 12:00 p.m. and 7:00 p.m.; provided, however, that vendors operating stores primarily for the sale of products other than alcoholic beverages (excepting such stores as are nonconforming under the zoning regulations) may make sales of beer in sealed containers for consumption off the premises during such hours as their stores legally remain open for the sale of other goods; provided further, however, that nothing in the foregoing proviso shall be deemed to modify any of the provisions of the zoning regulations as heretofore or hereafter adopted. Vendors in bait and tackle installations and camp grounds holding a State license from the beverage department for the sale of beer in sealed containers, for consumption off

ARTICLE IV Zoning District Regulations

the premises, shall make no sale of beverages except between the hours of 5:00 a.m. and 7:00 p.m.

- (b) *Marinas, piers and fishing camps.* Vendors in marinas, piers and fishing camps holding a license from the State beverage department for the sale of alcoholic beverages shall make no sale of such alcoholic beverages on week days except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, and between the hours of 5:00 p.m. on Sunday and 1:00 a.m. of the following Monday; provided, however, that such vendors may make sales of beer only for consumption on the premises between the hours of 10:00 a.m. on Sunday and 1:00 a.m. of the following Monday, and for consumption off the premises between the hours of 6:00 a.m. on any day and 1:00 a.m. of the following day.
- (c) *Private clubs.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in private clubs shall make no sale of such alcoholic beverages except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, and shall make no sale of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday; and shall make no sale of any other alcoholic beverages on Sundays, except between the hours of 5:00 p.m. and 1:00 a.m. on the following Monday.
- (d) *Charter boats.* Vendors holding a license from the State beverage department for the sale of beer for consumption on charter boats shall make no sale of beer on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, and shall make no sale of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday. No such sales shall be made by any charter boat until after having put out to sea.
- (e) *Hotels and motels.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in hotels and motels which are restricted by the zoning regulations to making such sales to guests only, shall make no sales of such alcoholic beverages except between the hours of 8:00 a.m. and 1:00 a.m. on the following day on weekdays, and shall make no sale of beer on Sundays, except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday; and shall make no sale of any other alcoholic beverages on Sundays except between the hours of 5:00 p.m. and 1:00 a.m. on the following Monday. In hotels and motels where package sales are restricted to guests only under the zoning regulations, no such sales shall be made except between the hours of 8:00 a.m. and 10:00 p.m. on weekdays, and between the hours of 5:00 p.m. on Sunday and 1:00 a.m. on the following Monday. In hotels and motels located in a proper business zone and conforming to the zoning regulations permitting unrestricted sales of alcoholic beverages, no sales shall be made except during the times permitted under Subsection (h) hereof.
- (f) *Cabarets.* For the purpose of this section, the term "cabaret" shall mean a place of business other than a "night club" located in a hotel or a motel having fifty (50) or more guest rooms, where liquor, beer or wine is sold, given away or consumed on the premises and where music or other entertainment is permitted or provided for the guests of said hotel or motel only, which place of business is duly licensed as a "cabaret", shall make no sales of such alcoholic beverages except between the hours of 8:00 a.m. and 3:00 a.m. on the following day on weekdays and shall

ARTICLE IV Zoning District Regulations

make no sale of said alcoholic beverages on Sundays except between the hours of 5:00 p.m. and 3:00 a.m. on the following Monday.

- (g) *Restaurants.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in restaurants, which are restricted by the zoning regulations to making such sales with the service of food only, shall make no sales of such alcoholic beverages on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday; and shall make no sales of other alcoholic beverages on Sundays except between the hours of 1:00 p.m. and 1:00 a.m. on the following Monday. Sales of alcoholic beverages for consumption off the premises shall not be permitted. Vendors in restaurants located in a proper business zone and conforming to the zoning regulations permitting unrestricted sales only during the times permitted under Subsection (h) hereof.
- (h) *Bars and cocktail lounges.* Vendors having a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in those bars and cocktail lounges that are not restricted by the zoning regulations to guests only, or to service with food, or the like, shall make no sales of such alcoholic beverages on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. of the following day; and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. of the following Monday; and shall make no sales of any other alcoholic beverages on Sunday except between the hours of 5:00 p.m. and 1:00 a.m. of the following Monday; sales of beer for consumption off the premises shall not be made on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. of the following day; and shall not be made on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. of the following Monday. Sale of other alcoholic beverages for consumption off the premises shall not be made on weekdays except between the hours of 8:00 a.m. and 10:00 p.m.; and shall not be made on Sundays.
- (i) *Night clubs.* For the purpose of this section, the term "night club" is defined as any place of business located within any building or establishment under one (1) roof and on one (1) floor, wherein entertainment or music or both are regularly supplied, and providing meals and refreshments prepared on the premises, and having a seating capacity of not less than forty (40) people at tables; having an aggregate floor space of not less than two thousand two hundred (2,200) square feet; and providing a dance floor containing not less than three hundred eight (308) square feet, such floor space provided for dancing to be free from chairs, tables or other obstructions at all times. Upon written application to the Board of County Commissioners and upon paying of the Board of County Commissioners the sum of five hundred dollars (\$500.00), any person holding a license under the State beverage department for sale of alcoholic beverages on the premises, and which place of business so conducted by such vendor classified as a night club, as above defined, shall be issued a special permit to operate as a night club. Such special permit shall be paid for on or before the first of October and shall expire the first of the succeeding October; provided that any person beginning business after the first of October may obtain a special permit upon the payment of the

ARTICLE IV Zoning District Regulations

annual fee of five hundred dollars (\$500.00), and such permit shall expire on the first of the succeeding October; provided further that any person beginning such business on or after the first of April of any year may procure a special permit expiring the first of October of the same year on the payment of one-half (1/2) the fee herein required for the annual special permit. Such special permit shall be posted at a conspicuous place in the place where such night club operates. Any night club, as above defined, which holds a night club license from this Board and which holds a license from the State beverage department for the sale of alcoholic beverages on the premises, shall be permitted to remain open, and sell alcoholic beverages for consumption on the premises from 8:00 a.m. to 4:50 a.m. of the following day during week days, and on Sundays to remain open and sell beer for consumption on the premises from 10:00 a.m. to 4:50 a.m. of the following Monday; and to remain open and sell other alcoholic beverages on Sunday for the consumption on the premises from 5:00 p.m. to 4:50 a.m. of the following Monday; and except that where the alcoholic beverages are served with meals at tables, the same may be served from 1:00 p.m. on Sunday to 4:50 a.m. on the following Monday. It is specifically provided, however, that each and every night club that may operate in the unincorporated areas of Miami-Dade County in accordance with this section shall close its doors and have all its patrons off its premises by not later than 5:00 a.m. of each day.

- (j) *Additional interpretations.* Wherever in this section it is provided that weekday sales of alcoholic beverages are permitted between any certain hour and a stated time on the following day, the term "following day" shall be deemed to include Sunday.
- (k) *Package sales on Christmas Eve and New Year's Eve and on Sundays during the month of December.* All vendors in the unincorporated areas of Miami-Dade County holding valid, current licenses from the State beverage department for the sale of alcoholic beverages for consumption off the premises (establishments for package sales only) may make sales and keep their places of business open until 12:00 midnight on Christmas Eve (December 24th) and New Year's Eve (December 31st), and between the hours of 8:00 a.m. and 10:00 p.m. on Sundays during the month of December, the provisions of Subsection (a) of this section to the contrary notwithstanding.
- (l) *Excursion, sightseeing or tour boats.* Vendors holding a license from the State beverage department for the sale of beer, wine and liquor for consumption on excursion, sightseeing or tour boats shall make no sale of such beer, wine and liquor on week days except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, and shall make no sale of such beer, wine and liquor on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday. No such sales shall be made by any excursion, sightseeing or tour boats while moored at docks or wharves. The term "charter boats" as it is commonly used and as it is used in Subsection 13-783(d) is expressly excluded from the operation of this subsection.
- (m) *Golf course clubhouse and ancillary refreshments stands.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in lounges in golf course clubhouses shall make no

ARTICLE IV Zoning District Regulations

sales of such alcoholic beverages on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, and shall make no sales of beer on Sundays in such lounges except between the hours of 8:00 a.m. and 1:00 a.m. on the following Monday and shall make no other sales of alcoholic beverages on Sundays except between the hours of 1:00 p.m. and 1:00 a.m. on the following Monday. Sale of beer from ancillary golf course refreshment stands shall be made only between the hours of 8:00 a.m. and 1:00 a.m. the following day, including Sundays.

- (n) *Not-for-profit theaters with live performances.* Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption on the premises in State-chartered not-for-profit theaters with live performances shall make no sale of alcoholic beverages except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday, and shall make no sale of any other alcoholic beverages on Sundays, except between the hours of 6:00 p.m. and 1:00 a.m. on the following Monday.

Sec. 13-784. Buildings for public assemblage – in districts other than business or industrial.

All buildings or other structures or any part thereof, intended for public assemblage, wherein provisions are made for twenty-five (25) or more persons to assemble in one (1) room or such structure as an auditorium, church, club, hospital, sanitarium, school, theater, night club, amusement park structure and similar structures, excluding hotels, motels and apartments shall be located or placed only in business or industrial districts, as herein provided, and shall comply with the following:

- (a) No building for public assemblage shall be located closer than twenty-five (25) feet to any property line which abuts on a public highway or alley, or closer than fifty (50) feet of any property line abutting a lot under different ownership than that on which the structure is to be placed, or closer than seventy-five (75) feet to an existing residential building.
- (b) A separate lot used to provide setback requirements shall not be occupied by another building, if it would reduce the clear space required.
- (c) No building for public assemblage which is more than two hundred (200) square feet in area shall have exterior walls or bearing partitions of less than one (1) hour fire resistance.
- (d) No building for public assemblage shall be more than one (1) story in height or more than fifteen (15) feet in height, unless constructed so as to offer at least three (3) hours' fire resistance, except that in AU, GU and RU Districts a steeple, cupola, tower, dome or other ornamental vertical projection not occupied by persons may be higher than fifteen (15) feet, provided such vertical projection, where not of specified fire resistance, shall set back from every property line a distance at least equal to its overall height.
- (e) Ample parking facilities for buildings for public assemblage shall be provided off the highway right-of-way. Parking facilities for a church, school, or other

ARTICLE IV Zoning District Regulations

buildings used for noncommercial purposes in a residential district may be permitted in the same district with said church, school or other buildings used for noncommercial purposes, provided no parking lot or special parking area is closer than twenty-five (25) feet to any property under different ownership which is zoned RU unless the parking area is separated from such lot by a wall or hedge approved by the Director.

- (f) Philanthropic and eleemosynary institutions shall be classed as for buildings for public assemblage, but if any building or its use is operated for profit, it shall be permitted only in districts where such business or industry is permitted.
- (g) Buildings used for public assemblage as defined in Subsection 13-1(a), where located in BU or IU Districts may be permitted with the same yard requirements and setbacks as required of the business or industrial buildings legally allowed in these districts; provided that no such building shall be placed closer than twenty-five (25) feet to a side or rear lot line or closer than fifty (50) feet to another building in the district unless separated by an unpierced wall constructed so as to offer at least three (3) hour fire resistance, in which case the setbacks prescribed for any other building in said district shall apply.
- (h) With the exception of, religious facilities no buildings for public assemblage shall be permitted in IU-2 and IU-3 Districts unless directly connected with legally established industrial use.
- (i) Churches in RU-1, RU-2, AU and GU Districts will be permitted only upon approval after public hearing; schools in AU, GU, RU-1, RU-2, RU-TH, RO-13, PAD, IU-1, IU-2, IU-3 and IU-C will be permitted only upon approval after public hearing as a conditional use, and shall be subject to compliance with the requirements of Sec. 13-785.
- (j) No church shall be constructed, operated or permitted upon any site that does not contain a minimum of two and one-half (2 1/2) acres of land area, including street dedications, and having a minimum contiguous frontage of at least one hundred fifty (150) feet abutting on a public street right-of-way. Off-street parking facilities shall be provided and maintained within the land area of every church site in conformity with the requirements of Sec. 13-1801.
- (k) Duly constituted "missions" may be permitted to operate upon sites containing less than the minimum land area hereinabove prescribed only upon approval after public hearing. For the purposes of this section "missions" shall mean any body, association, or organization for doing religious and charitable work, devoted entirely to the moral, religious and social improvement of those in need of such missionary work and assistance, which does not constitute a church but is sponsored by a duly constituted church.

Sec. 13-785 Nonpublic Educational and Child Care Facilities.

As used in this section, the term "private school" or "nonpublic educational facility" shall mean an institution which provides child care and/or instruction from the infant level through the college level and which does not come under the direct operation and administration of the Miami-Dade County School Board or the State of Florida; only

ARTICLE IV Zoning District Regulations

such uses are intended to be controlled by this article and include, but are not limited to, the following:

- (a) Day nurseries: Child care for infants and children up to and including age six (6).
- (b) Kindergartens: Child care and preschool programs for children ages four (4) through six (6).
- (c) After-school care: Child care and recreation for children above the age of five (5) when no formal schooling program is conducted and where the care provided is generally after school, on weekends, school holidays and vacations.
- (d) Babysitting service for shoppers: Child care for limited time periods (maximum three (3) hours) provided within a shopping center solely for the convenience of the patrons, and limited to not more than forty (40) children at any one (1) time.
- (e) Private college/university: An institution of higher learning beyond the high school level.
- (f) Family day care homes: Child care and recreation with a maximum of five (5) children including the day care operator's own children.
- (g) Private school: This term as used herein refers to any private institution providing child care and/or instruction at any level from infants through the college level.
- (h) Child, student, pupil: The terms "child," "student," "pupil," and their plurals are used interchangeably in this article.
- (i) Elementary, junior and senior high schools: References to these schools are to be loosely interpreted to encompass any schools, graded or ungraded, whose students are within the age ranges typically found at these school levels. This article shall not be applicable to facilities used principally for weekend or intermittent nonacademic religious instruction or for the care of children whose parents or guardians are attending religious services or meetings on the premises.
- (j) All day nurseries, after-school centers, kindergartens and private schools shall meet the requirements included herein and the requirements of the particular zoning district in which they are located if that district is one (1) in which the facility is a permitted use; facilities in other districts shall meet the following minimum requirements:
 - (1) Front setback: 25 feet
 - (2) Side street setback: 25 feet
 - (3) Interior side setback: 15 feet
 - (4) Rear setback: 25 feet
 - (5) Lot width: 75 feet
 - (6) Lot area: 7,500 square feet
 - (7) Lot coverage (principal structure): 40 percent
 - (8) Building size: 7,500 square feet
- (k) Notwithstanding any other provisions of this chapter, office developments in the RO-13 Districts (i) that contain a platted lot of not less than five (5) acres net approved under one (1) site plan, and under one (1) ownership with a recorded unity of title agreement, and (ii) that include day nursery, kindergarten or after school care space, shall be eligible for a floor area bonus of three (3) square feet

ARTICLE IV Zoning District Regulations

for each square foot of floor area dedicated to child care use, subject to the following requirements and entitlements:

- (1) Physical standards for the licensed child care facility shall be as provided in Sec. 13-776(g) and elsewhere in this Division.
- (2) The outdoor area provided in connection with any licensed child care facility qualifying under this Subsection (b) shall be included in the calculation of open space required to be provided in the zoning district in which the facility is located. As a condition of qualifying for inclusion in the calculation of total required open space, the outdoor area shall be shown in the plot use or site plan required by Sec. 13-776(d). The required plot use or site plan shall establish (A) direct proximity or protected access between the child care facility and the open area; (B) adequate provisions for safety in the outdoor area; and (C) reasonable provisions for integrating use and enjoyment of the outdoor area both for child care and for other uses at the site.
- (3) For each square foot of floor area dedicated to child care use under this Subsection (b), an additional three (3) square feet of floor area for uses other than the child care use at the site shall be allowed in calculating the maximum floor area ratio permitted in the zoning district in which the child care facility is provided. As a condition of approving the plot use or site plan required by Sec. 13-776(d), the Director shall require a recorded covenant establishing (A) the calculations and conditions upon which the additional square footage has been permitted; and (B) restricting the area designated for child care to child care use only.

Sec. 13-786 Private colleges and universities.

Private Colleges and Universities shall be subject to the following provisions:

- (a) Main campus requirements. Private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established herein for high school facilities. Above thirty (30) acres, in addition to said minimum standards, said facilities shall be subject to intensive review by the Department and the County Commission utilizing the study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," adopted pursuant to Miami-Dade County Resolution No. R-633-77.
- (b) Exception for Satellite Classroom Facilities. The requirements set forth in subsection (a) above or any other section of this Article shall not apply to satellite facilities either owned or leased by private colleges or universities located in a shopping center in a BU-2 or more liberal BU district, where the shopping center is not less than twenty-five (25) acres under one (1) ownership of title, unity of title, or a declaration in lieu of unity of title, with an approved plan showing at least 200,000 square feet of building area with facilities for parking for not less than three hundred (300) vehicles. A satellite classroom facility is a permitted use within such a shopping center, provided that it satisfies the following

ARTICLE IV Zoning District Regulations

requirements: (a) the total cumulative square footage of all satellite classroom facilities located in a shopping center shall be less than fifty (50) percent of the square footage of the shopping center; (b) the satellite classroom facility shall be located at least five (5) miles away from the main campus of the private college or university; and (c) the total cumulative square footage of the satellite classroom facilities located in a shopping center shall not exceed ten (10) percent of the total cumulative classroom square footage located at the main campus of the private college or university. For the purposes of this subsection (B), distance shall be measured by following a straight line from the front door of the proposed satellite classroom facility to the nearest point of the main campus grounds. All satellite classroom facilities must comply with the parking requirements set forth in Sec. 13-1801. Applicants for satellite classroom facilities shall submit to the Department an affidavit setting forth the total cumulative classroom square footage located at the main campus of the private college or university. A school bookstore selling both new and used books shall be permitted to operate as an ancillary use in connection with satellite classroom facilities provided that the square footage of such bookstore does not exceed ten (10) percent of the total cumulative classroom square footage located at the shopping center. The square footage of such a bookstore shall be included in the total cumulative classroom square footage at the shopping center for the purposes of this subsection (b).

(c) Required information:

- (1) Total size of the site;
- (2) Maximum number of students to be served;
- (3) Number of teachers and administrative and clerical personnel;
- (4) Number of classrooms and total square footage of classroom space;
- (5) Total square footage of nonclassroom space;
- (6) Amount of exterior recreational/play area in square footage;
- (7) Number and type of vehicles that will be used in conjunction with the operation of the facility;
- (8) Number of parking spaces provided for staff, visitors, and transportation vehicles, and justification that those spaces are sufficient for this facility;
- (9) Grades or age groups that will be served;
- (10) Days and hours of operations;
- (11) Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any federal guidelines applicable to the specific application.
- (12) Graphic information, less than fifty (50) students.
 - a. A detailed plot use plan shall be submitted to the Department of Planning and Zoning, and the same shall be drawn to scale and include dimensions to indicate lot size, street rights-of-way and pavement measured from center line, size of building or buildings, interior floor layout and interior uses, location and size of

ARTICLE IV Zoning District Regulations

recreation and/or play areas, location of fences and/or walls that shall enclose recreation and/or play areas; said plans shall include, but not be limited to, off-street parking areas and driveways, walls, fences, signs and landscaping. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code. The plot use plan shall include a title block giving the name of the project, the title of the person preparing the plan, the date of preparation of the plan and scale of drawings.

- b. Other data shall be furnished as requested by the Director where such data may be needed in order to determine that standards as specified in this article have been met.
- (13) Graphic information, fifty (50) or more students. The following graphic information shall be prepared by design professionals, such as registered Florida architects and landscape architects, for proposed facilities with fifty (50) or more students.
- a. A plan indicating existing zoning on the site and adjacent areas.
 - b. A site plan indicating the following:
 - 1. Location of all structures;
 - 2. Parking layout and drives;
 - 3. Walkways;
 - 4. Location of recreation areas and play equipment which shall include surrounding fences and/or walls;
 - 5. Any other features which can appropriately be shown in plan form.
 - c. Floor plans and elevations of all proposed structures.
 - d. Landscape development plan listing quantities, size, and names of all plants in accordance with Chapter 18A of this Code.
- (d) Where a private educational facility is to be operated in a structure simultaneously used as a residence, church or other facility, the area which will be specifically used for a private school or child care facility during the hours of operation shall be clearly defined. The area so delineated shall be used as the basis for determining physical space requirements as provided in this article. No physical space credit will be given for interior or exterior areas that are not restricted to the school or child care use during the hours of operation of said facility.
- (e) No combination of residential use and nonpublic educational facility will be permitted on the same property except as follows:
- (1) A single-family residential use will be permitted in the same building with a nursery or kindergarten use, where the same is used only by the nursery-kindergarten operator.

ARTICLE IV Zoning District Regulations

- (2) In connection with day nursery and kindergarten facilities, a residential unit for a caretaker may be permitted only when the facility operator does not reside on said premises.
 - (3) A residential unit will be permitted for a caretaker on the site of an elementary, junior and/or senior high school.
 - (4) An existing multifamily apartment building or complex may incorporate a day nursery and/or kindergarten for the accommodation of residents only; provided, that such facility will not be contrary to any site plans previously approved at a public hearing.
 - (5) Nonpublic educational facilities may be incorporated into a proposed apartment building or complex, provided said schools are included in the plans submitted for approval at public hearing (in case of apartment complex) and/or for permit (in case of apartment building).
- (f) Physical Standards: outdoor areas. Outdoor recreation/play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.
- (1) Standards as follows:
 - a. for day nursery/kindergarten and after-school care:

45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one time;
 - b. for elementary school (grades 1-6):

500 square feet per student for the first 30 students, thereafter, 300 square feet per student;
 - c. for junior and senior high school (grades 7-12):

800 square feet per student for the first 30 students, 300 square feet per student for the next 300 students, thereafter, 150 square feet per student.]
 - d. Where there are category combinations, each classification shall be calculated individually.
 - (2) *Signs.* Signs shall comply with district regulations as contained in this chapter; provided, however, that the total square footage of all freestanding signs in any residential district shall not exceed six (6) square feet in size.
 - (3) *Auto stacking.* Stacking space, defined as that space in which pickup and

ARTICLE IV Zoning District Regulations

delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

- (4) *Parking requirements.* Parking requirements shall be as provided in Article 8 of this Code.
- (5) *Classroom size.* All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is nongraded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:
 - a. Day nursery and kindergarten, preschool and afterschool care, 35 square feet per pupil.
 - b. Elementary (grades 1--6), 30 square feet per pupil.
 - c. Junior high and senior high (grades 7--12), 25 square feet per pupil.
 - d. Baby-sitting service, 22 square feet of room area per child.
- (6) *Height.* The structure height shall not exceed the height permitted for that site by the existing zoning.
- (7) *Trees.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
- (8) The following review standards shall be utilized by the Department, and, where a hearing is required, by the public hearing body.
 - a. Study guide. The study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," date 1977, shall be used as a general guide in the review of proposed nonpublic educational facilities; provided, however, that in no case shall the educational philosophy of a school be considered in the evaluation of the application.
 - b. *Planning and neighborhood studies.* Planning and neighborhood studies accepted or approved by the Town Council that include recommendations relevant to the facility site shall be used in the review process.
 - c. *Scale.* Scale of proposed nonpublic educational facilities shall be compatible with surrounding proposed or existing uses and shall be

ARTICLE IV Zoning District Regulations

- made compatible by the use of buffering elements.
 - d. *Compatibility.* The design of the nonpublic educational facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.
 - e. *Buffers.* Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary.
 - f. *Landscape.* Landscape shall be preserved in its natural state insofar as is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
 - g. *Circulation.* Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility.
 - h. *Noise.* Where noise from such sources as automobile traffic is a problem, effective measures shall be provided to reduce such noise to acceptable levels.
 - i. *Service areas.* Wherever service areas are provided they shall be screened and so located as not to interfere with the livability of the adjacent residential properties.
 - j. *Parking areas.* Parking areas shall be screened and so located as not to interfere with the livability of the adjacent residential properties.
 - k. *Operating time.* The operational hours of a nonpublic educational facility shall be such that the impact upon the immediate residential neighborhood is minimized.
 - l. *Industrial and commercial.* Where schools are permitted in industrial or commercial areas it shall be clearly demonstrated in graphic form how the impact of the commercial or industrial area has been minimized through design techniques.
 - m. *Fences and walls.* Recreation and/or play areas shall be enclosed with fences and/or walls.
- (g) The certificate of use and occupancy shall be automatically renewable annually by the Department upon compliance with all terms and conditions including maintenance of the facility in accordance with the approved plan.
- (h) It is not the intention of this article to require any changes in any nonpublic educational facilities already in existence at the time of the adoption of this article, so long as said uses have been legally established in accordance with existing regulations. Any nonpublic educational facilities which have heretofore been approved through a public hearing, and are subject to plot use (or site) plan approval, but on which construction has not been commenced, shall have six (6) months from the date of this article to commence construction; otherwise, compliance with this article shall be required. With the exceptions noted above,

ARTICLE IV Zoning District Regulations

all nonpublic educational facilities shall comply with the requirements of this article upon the effective date thereof. Any proposed minor changes to existing schools that were approved prior to the adoption of this article may be approved by the Director, provided that such modifications do not violate the resolution approved as part of the plan. Such minor changes shall include, but not be limited to, enlargement of the play area, additions, such as storage areas, additional restrooms, and expansion of kitchen facilities.

Sec. 13-787 – 13-790. Reserved.

Sec. 13-791 Drugstores, grocery stores and variety stores that include a pharmacy.

Where a drugstore, grocery store or variety store includes a pharmacy (inclusive of the areas that are dedicated to prescription drug storage, dispensing or prescription drug related customer service area) that occupies 30 percent or more of the establishment's gross floor area, the establishment shall be subject to Division 6.10 of the Town Land Development Code and a conditional use approval must be obtained for the pharmacy.

Sec. 13-792 Office buildings, office parks, or regional shopping centers that include a medical office or clinic, medical or dental laboratory, pharmacy or pain management clinic.

Where a medical office or clinic, medical or dental laboratory, or pain management clinic is located within an office building, office park or regional shopping center, such uses shall be subject to Sec. 13-1610, and a conditional use approval must be obtained for a pharmacy or pain management clinic.

Sec. 13-793 Office buildings in the RO Districts.

Offices located in the RO Districts must be accessed from a common entrance to the building and from interior hallways. Office buildings in the RO Districts shall not have individual storefronts facing the exterior of the building. Additionally, mixed use buildings including offices shall not have residential units located on the same floor as office uses.

Sec. 13-794 Control of uses.

Any person, firm, corporation or other legal entity desiring to use any property or premises situated in an IU-3 or IU-C District for the manufacture, assembly, processing or packaging of any article or matter made subject to this section according to Sec. 13-748, or for the storage of relatively large quantities of such article or matter (not to include storage where storage is relatively small and incidental to the use of small quantities of such article or matter in connection with manufacture, processing or use permitted in more restrictive districts), or manufacture, assembly, processing, packaging or storage of similar articles or matter, or for any use or operation made subject to this section according to Sec. 13-748 or for similar use or operation, shall file with the

ARTICLE IV Zoning District Regulations

Director a written application setting forth a full description of the proposed use or occupancy, and accurate legal description of the property or premises, a description of the structure or structures to be constructed or occupied, satisfactory proof that the proposed use will conform to the requirements of the Miami-Dade County Pollution Control Ordinance, and such other information as may be reasonably required by the Director, who shall determine from such information, whether or not the proposed use will, in fact, create objectionable influences ordinarily associated with the general type of such uses. If it is found that such use because of the method of operation, or type of materials used, the usual degree of hazardous conditions will not be created, the Director may assign the use to the IU-3 District or to a less restrictive zoning district. However, if it is determined that the high hazards usually anticipated in connection with the uses listed involving fire, explosions, noise, vibration, dust or emissions of smoke, odors, or toxic gases, or other hazards to public health, safety or welfare will be created, the Director shall require approval as result of a public hearing before such use is permitted. Upon filing of the application, the Director shall transmit such application, together with his recommendations, to the Town Council, who shall consider the application in accordance with the zoning procedure prescribed by Sec. 13-303 of this chapter. Provided, however, no use subject to this Sec. shall be established within five hundred (500) feet of any RU District except after approval after public hearing. Provided, that the spacing limitation shall be two hundred fifty (250) feet if the use is confined within a building and an exterior wall or walls of the building located on the establishment is not penetrated with any openings directly facing the RU District. It is further provided that, except for exterior uses, such distances shall be measured from the closest point of the subject use in the building to the RU District. In connection with exterior uses, the distance of five hundred (500) feet shall be measured from the closest point of the IU District to the RU District. For purposes of establishing such distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern. Provided, however, that the spacing requirements from RU districts provided above shall not apply in the IU-C district.

Sec. 13-795. Hospitals, private or special.

Private or public institutions or homes, including hospitals, for the care and treatment of persons who are mentally ill, must be placed at least three hundred (300) feet from any adjoining property line and not closer than one hundred (100) feet from any official right-of-way line, and are prohibited in all districts unless approved as the result of a public hearing; provided, however, that in districts in which group homes and community residential homes are a permitted use, these setback requirements shall not apply to such homes.

ARTICLE IV Zoning District Regulations

Division 22 Planned Area Development District (PAD)

Sec. 13-800. Purpose and intent.

The purpose and intent of the Planned Area Development District, is to create living environments that are responsive to the needs of their inhabitants; to provide flexibility in planning, design and development; to encourage innovative approaches to the design of community environments; to encourage the fulfillment of housing needs appropriate to various life styles and income levels; to encourage the integration of different housing types within a development; to provide for necessary commercial, recreational and educational facilities conveniently located in relation to housing; to provide for an efficient use of land; to provide an environment compatible with surrounding land use; to adapt the zoning process to changes in construction and development technology; to encourage the preservation of the natural site features; to provide community environments that are so designed and located as to be an integral part of the total ecosystem; to encourage the design of communities and structures adapted to the local subtropical climate; thereby promoting the public health, safety, and general welfare of the Town of Miami Lakes.

Sec. 13-801. Ownership requirements.

An applicant(s) for approval of a planned area development shall be owner(s) of record, or a lessee with the sworn-to consent of the owner(s).

Section 13-802. Review Procedures.

The planned area development review procedures are divided into four (4) steps: (A) Preapplication conference; (B) total development plan review; (C) development tract review; and (D) review criteria.

(a) *Pre application conference.*

To obtain information each applicant shall confer with the Department, other affected interested department heads, and where applicable, representatives of adjacent municipalities, in connection with the preparation of the planned area development application. It shall be the responsibility of the Department to coordinate and invite department heads, municipalities or their representatives to a joint meeting. The general outlines of the proposal evidenced schematically by sketch plans and including narrative information sufficient for the understanding of the proposed development shall be provided by the applicant for consideration at said joint meeting, before submission of the zoning application for Planned Area District boundary change. Thereafter and within ten (10) working days after the preapplication conference, the Director shall furnish the applicant with all written comments resulting from such conference including appropriate recommendations to inform and assist the applicant in his preparation of the components of the planned area development application.

ARTICLE IV Zoning District Regulations

(b) *Total development plan review.*

Following the preapplication conference the total development plan reviews shall be initiated by the applicant. Required exhibits listed below and a completed development impact statement if required by this chapter, together with an application for public hearing as required by this chapter, shall be submitted to the Department.

(1) Required exhibits--Written documents. The following written documents shall be submitted as part of the planned area development zoning application:

- a. Recordable agreement guaranteeing the development in accordance with promises made in the written and graphic documents listed below as approved by the Town Council.
- b. A completed development impact statement, if required in this chapter.
- c. A development schedule indicating the approximate date(s) when construction of the planned area development and stages thereof can be expected to be initiated.
- d. Quantitative data for the following: Total number of dwelling units; total number of bedrooms; size of total development proposed land coverage of buildings and structures; acres of common open space; gross and net residential densities; total amount of open space; total amount of nonresidential construction, amount of public and private roads, and population projections.
- e. Tentative agreements with appropriate governmental agencies for the proposed dedication of land for public uses prior to public hearing.

(2) Required exhibits--Graphic documents. Maps, site plans and drawings of the proposed planned area development shall be submitted as part of the total development plan and shall contain the following minimum information:

- a. The existing site characteristics including any major variations of elevations, water course(s), unique natural features, and natural vegetation.
- b. Legal description and size of developmental tracts (see Section 13-803(b) for details of developmental tracts).
- c. The location of all major land uses with densities and/or floor area of such uses including structure heights, with drawings indicating basic development concepts of the proposed development.
- d. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public

ARTICLE IV Zoning District Regulations

facility space, common recreational areas, school sites, and similar public and semipublic uses.

- e. The existing and proposed circulation system of arterial and collector streets, and major points of access to public rights-of-way including major points of ingress and egress to the development. Notations of proposed ownership of roadways--public or private--should be included where appropriate.
- f. The existing and proposed pedestrian, equestrian and bicycle circulation systems including interrelationships with the vehicular circulation system, indicating proposed treatment of points of conflicts.
- g. A schematic landscape plan in accordance with Chapter 18 A of this Code, indicating the proposed design of major landscape elements. Plant names and sizes of tree masses shall be provided.
- h. Adequate information on land areas adjacent to the proposed planned area development to indicate the relationships between the proposed development and adjacent areas, including existing land uses, zoning classifications, densities, vehicular, pedestrian and equestrian circulation systems and public facilities, as well as unique natural features of the landscape.
- i. The proposed treatment of the perimeter of the planned area development including materials and techniques to be used such as screens, landscape buffer, fences, walls and berms when appropriate.
- j. Any additional information required by the review authority necessary to evaluate the character and impact of the proposed planned area development.

- (3) Review process. The review of the total development plan of a planned area development shall be by the Department, and review and action by the Town Council shall be in accord with Section 13-306 of this chapter.

(c) *Development tract review.*

Following approval of the total development plan by the Town Council, review at the development tract level may be initiated.

- (1) Required exhibits. The following exhibits shall be prepared by Florida registered landscape architects, architects and engineers and shall accompany the development tract review application to be filed with the Department:
 - a. A plan indicating existing zoning on site and adjacent areas.
 - b. Aerial photograph or map indicating site and development in the immediate area.
 - c. Site plan at no less than one (1) inch to fifty (50) feet which shall

ARTICLE IV Zoning District Regulations

include the following information:

1. Location, shape, size and height of existing and proposed buildings, fences and walls.
2. Pedestrian, equestrian and vehicular circulation systems.
3. Parking layouts and drives.
4. Landscaping in accordance with Chapter 18A of this Code.
5. Major changes in grades.
6. Building setbacks and spacing.
7. A legend including the following applicable information shall be provided as part of the site plan in accordance with the following format:

Total gross acreage	_____	Acres	100%
Coverage building at ground level	_____	Acres	_____
Private roads and parking areas	_____	Acres	_____
Common open space	_____	Acres	_____
Private open space	_____	Acres	_____
Water bodies	_____	Acres	_____
Public facilities	_____	Acres	_____
Public roads	_____	Acres	_____

8. The following information shall be provided on the site plan or in a separate document:

Amount of pervious and impervious surfaces.

Maximum density of development tract approved at public hearing.

Density as proposed.

Total dwelling units.

Table of dwelling unit mix.

Total number of bedrooms.

Total number of building types including accessory buildings.

Table of buildings by heights, stories, unit types, and square footage.

Name of water utility.

ARTICLE IV Zoning District Regulations

Name of sewer utility.

Required private open space.

Provided minimum and average private open space.

Table of parking spaces required and provided.

Acreage dedicated for public and semipublic facilities.

Survey of existing trees.

Total trees required and provided in accordance with Chapter 18A of this Code.

Any supplementary data needed to adequately review the proposed development.

d. Floor plans, elevations, sections, when appropriate, and either isometrics or perspectives for the different proposed buildings at no less than one (1) inch equals sixteen (16) feet which shall include the following information:

1. Location, shape, size and heights of enclosed and unenclosed spaces within the proposed buildings.
2. Horizontal and vertical circulation systems of the proposed buildings.
3. Design of the outdoor surfaces of the proposed buildings.

(2) Review process. Prior to the development of a development tract (see Section 13-803(b)) or prior to the sale, transfer or lease of any portion of a development tract, a development tract plan shall be prepared, submitted to, and approved by the Department for review and approval in accordance with review criteria, Section 13-802(d), and development plan(s) approved by the Town Council. Said development tract plan is a detailed refinement of information provided in the approved total development plan. If the planned area development involves only one (1) development tract the same procedure shall be followed.

Upon approval of a development tract plan, a copy of said approved plan and statement of approval shall be forwarded to the applicant and to the Department for filing in the planned area development file for the particular project.

If requested approval is denied, the proposed project may be appealed to

ARTICLE IV Zoning District Regulations

the Town Council, in accordance with regulations as provided in Section 13-310.

(d) *Review criteria.*

The following criteria shall be utilized as a basis for the review of the total development plan and the development tract plans:

- (1) Purpose and intent. The proposed development shall fulfill the purpose and intent of this article.
- (2) Planning studies. Design, planning or development studies accepted or approved by the Town Council that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the site plan review process.
- (3) Exterior spatial relationships. The three-dimensional airspace volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use and occupancy of the project and are compatible with the development or zoning in the adjoining area. Building height shall reflect a scale compatible with the development or zoning in the adjoining area. Elements that provide a logical transition to adjoining existing or permitted uses shall be provided. Spacing between buildings shall provide ample access for emergency equipment.
- (4) Subtropical characteristics. Architecture and site development should incorporate consideration of the subtropical characteristics of the area. The provision of sun-control devices, shaded areas, vegetation, roof terraces and similar features characteristic of subtropical design shall be encouraged.
- (5) Energy conservation. Design methods to reduce energy consumption shall be encouraged. Energy conservation methods may include but not be limited to natural ventilation of structures, siting of structures in relation to prevailing breezes and sun angles, insulation of structures, use of landscape material for shade, direction of breezes and transpiration.
- (6) Privacy. Due consideration of aural and visual privacy shall be evidenced in the design of the overall development and in the design of individual units.
- (7) Open space. A variety of open spaces shall be provided, appropriate to the needs of the particular type of development. Open space shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible and shall be so located and developed as to be easily accessible to all residents of the development.
- (8) Landscape. The landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscaping shall be used to shade and cool, direct wind movements, provide scale, enhance architectural features, relate structure design to the site, visually screen

ARTICLE IV Zoning District Regulations

noncompatible uses and block noise generated by the major roadways and intense use areas.

- (9) Location of public and semipublic uses. All public uses and semipublic uses such as churches, schools, day care centers, post offices, and other similar facilities shall be so located as to provide easy access by residents of the proposed development.
- (10) Circulation. Pedestrian, bicycle trails and equestrian trails shall be separated from auto circulation insofar as is practicable and all circulation systems shall adequately serve the needs of the development and be compatible and functional in its relationship to circulation systems outside the development.
- (11) Parking areas. Parking areas shall be provided that are screened and so located as not to interfere with the livability of the development, its environs, and adjacent properties. Parking areas shall be conveniently located for occupants of the residential structures.
- (12) Service areas. Service areas shall be provided that are screened and so located as not to interfere with the livability of the development or adjacent properties.
- (13) Visual screening for decorative walls. In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

- a. *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:

- 1. *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
- 2. *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
- 3. *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

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

ARTICLE IV Zoning District Regulations

Section 13-803. Development Parameters

All applications for the Planned Area District shall comply with the following applicable development parameters:

(a) *Size of development site.*

The minimum size of the site to be developed as a Planned Area Development shall be five (5) acres.

(b) *Development tracts.*

Proposed development shall be structured into separate geographical units termed development tracts. The tract shall be subject to unity of title and be so designed as to constitute a self-sufficient unit. The unity of title shall continue on record unless the plat includes individual lot development which was approved as such in the total development plan, in which case that part may be released from the unity of title upon final plat approval by the Town Council. The tract shall be buildable in one (1) phase, having common open space, a road system and a sufficient identity of its own in the event the overall project is not completed.

The scheduling capabilities of the developer should relate to the size and delineation of the proposed development tract. In the design of the development tract, consideration shall be given to factors such as natural characteristics of the site, the major road patterns, the location of retail commercial facilities, water bodies, public facilities, common open space, the phasing of the development and other factors which provide definition for development tracts.

At any time after a Planned Area Development District boundary change is approved at final hearing, any tract so approved may be subdivided in accordance with the subdivision ordinances of the Town of Miami Lakes without any prior public hearing before the Town Council, providing that the new tract or tracts so created shall meet all of the provisions of this article, all existing agreements of record, and the written approval of the Department.

The foregoing is not intended to preclude phased condominium development as contemplated by Section 718.403 of the Florida Statutes 1979.

(c) *Permitted residential uses.*

All residential types, including single family, and multi-family, whether detached, attached or any combination thereof, shall be permissible in the Planned Area Development zoning classification upon approval by the Town Council.

(d) *Maximum permitted density.*

ARTICLE IV Zoning District Regulations

Maximum permitted densities, in terms of number of units per gross residential acre and total number of dwelling units and bedrooms, shall be established for each development tract at the time of approval of the development plan by the Town Council. All uses and land areas devoted thereto approved under the other use provision, Section 13-803(h), shall be excluded in the computation of the overall residential density. Said number of dwelling units and densities shall be in conformance with the Comprehensive Plan, neighborhood planning studies and existing zoning and development in adjacent and in immediate areas shall be considered in the establishment of the maximum density for the Planned Area Development District. The information provided in the development impact statement shall be considered in the establishment of densities.

Maximum permitted densities within a development tract shall be increased up to a maximum of fifteen (15) percent for each development tract that incorporates an equivalent percentage of government subsidized low- and/or moderate-income housing, as defined in the Housing and Community Development Act of 1974.

(e) *Accessory uses.*

Accessory uses which are designed in a manner compatible with the planned area development and relate to the common needs of its inhabitants shall be permitted. Accessory uses shall include but not be limited to parking garages, recreation buildings, swimming pools, play fields, utility or maintenance buildings and other similar uses.

(f) *Convenience retail service facilities.*

Convenience retail service facilities as permitted in the BU-1 Neighborhood Business District shall be permitted on the basis of the following standards:

- (1) Three (3) square feet of interior convenience retail floor area per dwelling unit shall be permitted.
- (2) Such services shall be designed as an integral part of the total development and conveniently located for the use of the residents of the proposed development.
- (3) Such facilities shall not be constructed prior to initiation of construction of the residential units which justify the need for such retail facilities.
- (4) Such services are not visible from public roads, detached signs and signs visible from public roads are not permitted.

(g) *Public facilities.*

If dedicated by the developer, land for public facilities shall be appropriately located in terms of projected user needs. Said public facility space shall not be considered in meeting common open space requirements.

ARTICLE IV Zoning District Regulations

(h) *Other uses with PAD application.*

Other zoning districts not previously listed as permitted uses in this article but related to the needs of the inhabitants of a proposed development or to Townwide needs shall be permitted if approved under the provisions of this article. Such other uses shall be included as separate development tracts on the basis of the zoning districts in which they are permitted and shall comply with all requirements of the applicable zoning districts, as well as all applicable requirements for development tracts. Deviations from required setback regulations need not be in conformity with the provisions of this chapter. Separate requests for zoning districts shall be made at the time of the PAD application and shall be deemed an integral part of said application.

Other uses that are permitted only by the special exception, new use or unusual use procedure under the zoning regulations are permitted in a development tract, subject to the required Town Council approval. In all instances the development tracts in which such other uses are located shall comply with all applicable requirements for development tracts and shall be filed with the application for the Planned Area Development District. No separate request or application for special exceptions or unusual uses shall be required so long as they are clearly noted on the development plan.

(i) *Common open space.*

Open space for the common benefit of the residents of the proposed development shall be provided in accordance with the requirements hereby established. Areas to be credited toward the common open space requirements are categorized as follows:

- (1) Landscaped ground areas maintained with grass, trees and shrubbery, and unencumbered with any structure or off-street parking or private drives.
- (2) Lakes, entrance features, pedestrian walks and sitting areas, shuffle boards, swimming pools, tennis courts, accessory buildings related to active or passive recreational uses and other passive or active uses including golf courses, which shall be restricted for said use for a minimum of forty (40) years.
- (3) Category (1) type areas on roof decks and other above-grade surfaces.
- (4) Category (2) type areas on roof decks and other above-grade surfaces.

Following are the minimum and maximum amounts for each category of common open space.

	<i>Minimum</i>	<i>Maximum</i>
Category (1)	60%	80%
Category (2)	20	40

ARTICLE IV Zoning District Regulations

Category (3)	None	20
Category (4)	None	10

Common open space at grade or above-grade in categories (1) through (4) above shall be provided in each development tract in accordance with the following table. Development tract(s) which comply with Section 13-803(h) shall meet the open space requirements of the applicable zoning district and not those listed below:

<i>Dwelling Units per Residential Gross Acre</i>	Percentage of the Development Tract. Site Area To Be Devoted to Common Open Space (excluding all dedicated rights-of-way)
Up to 3	20.0%
4	24.0
5	28.0
6	31.0
7	34.0
8	36.0
9	38.0
10	40.0
11	41.0
12	42.0
13	43.0
14	44.0
15	45.0
16	46.0
17	47.0
18	48.0
19	49.0
20	50.0
21	51.0
22	52.0
23	53.0
24	54.0
25	55.0
26	56.0
27	57.0
28	58.0
29	59.0

Over 29: One (1) percent increase in open space for each additional dwelling unit per acre up to a maximum of seventy-five (75) percent open space

The following criteria shall apply to the provisions of common open space:

ARTICLE IV Zoning District Regulations

- a. Recreational use or uses appropriate for the use of the projected future residents of the proposed development shall be provided.
- b. Common open space shall be so located and developed as to be accessible to residents of the development.
- c. Common open space shall relate to any natural site characteristics in such a way as to preserve and enhance both their functional and scenic qualities to the fullest extent.
- d. Improvements to common open space areas in accordance with the development tract plan shall be coordinated with and shall keep pace with the construction of dwelling units.

(j) *Conveyance and maintenance of common open space.*

All land designated on approved plans as common open space will be conveyed under one (1) of the following procedures:

- (1) For those projects developed under a condominium arrangement, common open space shall be maintained under the applicable Florida State law.
- (2) The common open space may be conveyed to a homeowners' association in which case conveyance shall be subject to covenants to be approved by the Town restricting the open space to uses specified in the final plan and providing for the maintenance of the common open space in a manner that assures its continuing use for its intended purpose provided that:
 - a. Approval by the Town Attorney's Office shall be required.
 - b. A homeowners' association shall be established before the units or individual building lots are sold.
 - c. Membership shall be mandatory for each resident and said association shall have the authority to adjust the assessment to meet the needs of maintaining the open space.
 - d. Any sums levied by the homeowners' association that remain unpaid shall become a lien on the individual property and said lien shall be superior to all other liens save and except tax liens and mortgage liens, provided said mortgage liens are first liens against the property encumbered thereby, subject only to tax liens and secure indebtedness which are amortized in monthly or quarter annual payments over a period of not less than ten (10) years.
 - e. The homeowners' association shall be responsible for maintenance and local taxes.

(k) *Private open space.*

Private open space is required for each single-family attached or detached unit that has direct ground floor access. Said space shall be for the exclusive recreational or leisure use of the inhabitants of the dwelling unit, and shall be

ARTICLE IV Zoning District Regulations

located immediately adjacent to the unit, and designed in such a way as to provide privacy from adjacent dwelling units. Said private open space shall be in addition to the common open space required and the amount of such space shall be equivalent to sixty (60) percent of the interior gross floor area of each attached unit and equivalent to one hundred twenty-five (125) percent of the interior gross floor area of each detached unit. Provisions shall be made in the sale or rental of such units that such private open space is for the exclusive use of the unit concerned.

(l) *Trees.*

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

(m) *Parking.*

All required parking shall comply with Section 13-1801.

(n) *Minimum square footage.*

The minimum square footage for a single-family attached or detached unit that has direct ground floor access shall be eight hundred fifty (850) square feet. Multifamily residential units shall have a minimum square footage of four hundred (400) square feet for efficiencies, five hundred fifty (550) square feet for one (1) bedroom units with an additional one hundred (100) square feet for each additional bedroom.

Section 13-804. Fees.

An application fee for development tract review shall be paid to the Department in accordance with the provisions of this chapter.

ARTICLE IV Zoning District Regulations

DIVISION 23 - TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sec. 13-821. Purpose and intent

The TND District is designed to ensure the development of land along the lines of traditional neighborhoods. Its provisions adapt the urban conventions which were normal in the United States from colonial times until the 1940's. The TND ordinance prescribes the following physical conventions:

- (a) The neighborhood is spatially understood and limited in size.
- (b) Residences, shops, workplaces, and civic buildings are interwoven within the neighborhood, all in close proximity.
- (c) A hierarchy of streets serves equitably the needs of the pedestrian, the bicycle and the automobile.
- (d) Carefully placed civic buildings and squares reinforce the identity of the neighborhood.
- (e) Spatially defined squares and parks provide places for social activity and recreation.
- (f) Civic buildings provide places of assembly for social, cultural and religious activities, becoming symbols of community identity through their architectural clarity.
- (g) Private buildings form a disciplined edge, spatially delineating the public street space and the private block interior.
- (h) Architecture and landscape respond to the unique character of the region.

Where the terms, design criteria, development parameters, and review procedure contained herein conflict with those provisions provided elsewhere in this chapter, the provisions of the TND shall apply.

Sec. 13-822. Design criteria.

- (a) The following design criteria and requirements shall be applicable in the TND District. Terms used throughout this ordinance shall take their commonly accepted meaning unless otherwise defined in this chapter. Terms requiring interpretation specific to this ordinance are as follows:
 - (1) *Alley*: A vehicular passageway providing secondary and/or service access to the sides or rear of building lots. Posted speed shall not exceed fifteen (15) miles per hour.
 - (2) *Artisanal use*: The manufacture and sale of artifacts utilizing only handheld and/or table mounted electrical tools contained within an enclosed structure.
 - (3) *Block*: A combination of building lots serviced by an alley, the perimeter of which abuts public use lands (in most cases public right-of-way).
 - (4) *Building lot*: A separately platted portion of private land, not including the specified sidewalk area.

ARTICLE IV Zoning District Regulations

- (5) *Civic building*: Any permitted or required civic use building when located in a civic use lot.
- (6) *Clear zone*: An area beyond the curb radius, so specified, which shall be kept clear of all objects to provide emergency vehicle clearance.
- (7) *Colonnade*: A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers. Colonnades shall have, at the sidewalk, a minimum clear height of ten (10) feet (excluding signage or lighting) and a minimum clear width of eight (8) feet (from frontage line to inside column face). Colonnades shall be constructed eighteen (18) inches to twenty-four (24) inches from the face of the curb. Awnings are permitted within the TND but are not considered colonnades. Colonnades shall not cause roof drainage into the public right-of-way.
- (8) *Congregate living facilities*: A group home for a maximum of six (6) resident clients who are cared for by the owner who permanently resides in the residential unit. The facility must be licensed by the State of Florida Department of Health and Rehabilitative Services and meet Code criteria for such use. In the shopfront use location the total residents may be in excess of six (6) if the use meets the other requirements of the shopfront use category. Congregate living facilities shall include homes for the aged.
- (9) *Cornice line*: A molded and projecting horizontal member that crowns an architectural composition. A cornice line shall project a minimum of two (2) inches from the front elevation of the structure.
- (10) *Curb radius*: The curved edge of the street at intersections, measured at the edge of the travel lanes. Curbs at intersections shall not intrude into the intersection beyond the specified maximum curb radius. Where streets of different use categories intersect, the requirements of the higher intensity use shall govern. The curb radius shall be handicapped accessible.
- (11) *Front porch*: A front porch is an unairconditioned roofed structure attached to the front of the unit. A front porch shall have a minimum depth of six (6) feet and a minimum width of twelve (12) feet and, except for insect screening, shall only have supporting columns visible above forty-two (42) inches from the finished porch floor level. Side and rear porches are not subject to these requirements. All or a portion of the front porch may encompass a ramp providing handicap access.
- (12) *Frontage line*: The shorter building lot line which coincides to the right-of-way of the street or square. In the case of a building lot abutting upon only one (1) street, the frontage line is the line parallel to and common with the edge of sidewalk. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the frontage line.
- (13) *Greenbelt*: An optional open space area adjoining the neighborhood proper and no less than one (1) hundred fifty (150) feet wide at any place. The area shall be preserved in perpetuity in its natural condition, or enhanced by the owner, as determined by the Town. The greenbelt area may be used for non-row crop farming, wetlands, water retention, animal

ARTICLE IV Zoning District Regulations

husbandry, bulky waste site (for the exclusive use of the TND), golf courses, or subdivided into house lots no smaller than five (5) acres. Roadways, exclusive of through streets, may penetrate greenbelts in order to provide access to areas outside the TND.

- (14) *Height:* Building height shall be measured from the average elevation of the finished exterior building site to the eave line or to the top of the parapet. Flat roofs shall have parapet walls on all sides.
- (15) *Home occupation use:* Premises used for the transaction of business or the supply of professional services excluding medical and dental. Home occupation shall be limited to the following: Architect, artist, broker, consultant, dressmaker, draftsman, engineer, interior decorator, lawyer, manufacturer's agent, notary public, teacher (excluding group instruction), and other similar occupations. Such use shall not simultaneously employ more than two (2) persons, one (1) of whom must reside on the property. The total gross area of the home occupational use shall not exceed 25.0 percent of the gross square footage of the residential unit. Certificates of use and occupancy shall be reviewed annually.
- (16) *Limited lodging use:* The provision of no more than four (4) bedrooms for letting. Food service may be included between the hours of 6:00 a.m. to 11:00 a.m. The maximum length of stay shall not exceed fourteen (14) days.
- (17) *Limited office use:* The transaction of business or the supply of professional services, employing no more than eight (8) persons.
- (18) *Lodging use:* Buildings providing food service and bedrooms for letting.
- (19) *Maintenance easement:* A perpetual four-foot wide wall maintenance easement shall be provided on a lot adjacent to a zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area. The easement shall be maintained unless otherwise agreed to, in writing, by the two (2) affected lot owners.
- (20) *Meeting hall:* A building designed for public assembly, containing at least one (1) room having an area equivalent to four (4) square feet per dwelling unit or twenty-four hundred (2,400) gross square feet, whichever is greater. The total number of dwelling units shall be established at the time of the TND approval.
- (21) *Neighborhood proper:* The built-up area planned for development within a TND, including blocks, streets, squares and parks, but excluding greenbelts or other open green periphery areas.
- (22) *Outbuilding:* An accessory use building, for residential, parking, or storage use only, contiguous with the rear lot line, of a maximum of

ARTICLE IV Zoning District Regulations

twenty-four (24) feet in height and having a maximum building footprint of five hundred (500) gross square feet.

- (23) *Park:* A public open space whose area is delineated by the surrounding building frontage lines within the neighborhood proper. Parks shall be paved for no more than ten (10.0) percent of their area exclusive of dedicated rights-of-way, landscaped, and surrounded by building frontage lines whose collective linear footage is equivalent to at least fifty (50.0) percent of the park perimeter's linear footage. Parks shall have a length to width ratio no greater than 3 to 1.
- (24) *Pedestrian pathways:* Pedestrian pathways are interconnecting paved walkways that provide pedestrian passage through blocks running from street to street. Said pathways shall not be less than ten (10) feet, nor more than twenty (20) feet in width, with a minimum pavement width of ten (10) feet. Pedestrian pathways shall provide an unobstructed view, from street to street, no less than ten (10) feet wide.
- (25) *Plaza:* An open space area within a town center on which all shopfront lots front. Plazas shall be limited to parking, landscaping, and permanent architectural and/or water oriented features.
- (26) *Private open space:* That space on each building lot that is for the private use of the inhabitants of such lot. Said space shall be unenclosed, and open to the sky except for roofed porches. Atriums, gardens, garden courts, walks, patios, and other similar spaces shall count as private open space. Up to one-third (1/3) of the private open space area may be a roof terrace.
- (27) *Prohibited uses:* The following uses are not permitted anywhere within a TND: Vending machines, including newspaper, except as an accessory use within a commercial building; detached signs; chemical manufacturing, storage or distribution as a primary use; gun shops, pawn shops, chicken hatcheries, packing houses, tire vulcanizing and retreading, automobile sales and rental, any commercial use in which patrons remain in their automobiles while receiving goods or services, except service stations; on-site enameling, painting or plating, of materials for off-site use, except artist's studios and as provided in the workshop land use category; outdoor advertising or billboard; terminal or yard used for the business of carting, moving, or hauling goods, except delivery of goods to businesses within a TND; prisons, or detention centers, except as accessory to police station; manufacture, storage or disposal of hazardous waste materials; scrap yards; mobile homes; sand, gravel, or other mineral extraction; kennels.
- (28) *Residential use:* The term residential is applied herein to any lot, plot, parcel, or piece of land or any building used for dwelling purposes.
- (29) *Setback:* An absolute distance from the building lot line on which the enclosed portion of the building shall be built. Front porches and handicap ramps are exempt from setback requirements.
- (30) *Shared parking:* Any parking spaces intended to be utilized for more than one (1) use occurring on a single lot or within a single building, where persons utilizing the spaces are unlikely to need the spaces at the same time of day.

ARTICLE IV Zoning District Regulations

- (31) *Square*: An outdoor public tract whose area is defined by adjacent buildings' frontage lines. Squares shall include streets on at least three (3) sides. Squares shall be at least seventy-five (75.0) percent paved and surrounded by shopfront use lots or rowhouse use lots on at least sixty (60.0) percent of its perimeter (perimeter being defined as the aggregate of the frontage lines of the surrounding lots). For at least one (1) square, shopfront uses shall be permitted on all the surrounding lots. Squares shall have a length to width ratio no greater than three to one (3:1).
- (32) *Streetedge*: A masonry wall, wood fence, or electrostatic plated black aluminum or wrought iron, or hedge, no less than fifty (50.0) percent opaque, or a hedge on thirty-inch centers, between two and one-half (2 1/2) and five (5) feet in height, built along the frontage line. Any wall, fence or hedge built between the frontage line and a point even with the nearest enclosed edge of the house shall not be of greater height than the streetedge.
- (33) *Streetwall*: A masonry or wood wall, or electrostatic plated black aluminum or wrought iron fence between six (6) feet and twelve (12) feet in height, no less than twenty-five (25.0) percent and no more than fifty (50.0) percent opaque, except for service yards which require no less than fifty (50.0) percent opacity, built along the frontage line. Any openings shall be gated. The percent opacity shall be calculated including all openings.
- (34) *Streetlamp*: A light standard not to exceed fifteen (15) feet in height. Streetlamps shall be installed on both sides of streets at no more than seventy-five-foot intervals measured parallel to the street. Any streetlights in alleys shall be designed in accordance with the standards developed by the Illumination Engineering Society. The installation and maintenance of the street light system will be through a special taxing district. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society.
- (35) *Street vista*: A view through or along a street centerline which is not less than six hundred (600) feet in length.
- (36) *Through street*: A street constructed in accordance with major and minor roadways as depicted on the adopted comprehensive development land use plan map. A TND may be located adjacent to, but shall not be bisected by a through street.
- (37) *Town center*: A town center is an optional and accessory use to the TND providing for larger scale commercial shopfront uses in buildings that front a plaza. A portion of the town center plaza may be used for parking. The town center buildings shall surround the plaza on at least thirty-five (35) percent of its perimeter. The town center shall meet all requirements of said shopfront use category, except as modified below, and all other requirements of the TND, including requirements for parking lots, if any part of the plaza is used for parking.

ARTICLE IV Zoning District Regulations

A maximum of seventy-five (75) percent of the TND's allocation for shopfront use lots may be transferred to the town center. Any additional commercial area shall only be permitted where designated on CDMP, land use plan map.

A town center shall only be located where through streets or any street adjacent to the neighborhood proper intersect. There shall be no more than one (1) town center in a TND. Town center plazas shall extend no further than six hundred (600) feet along the through street from the centerline of the intersection and shall have a maximum area of fourteen hundred (1,400) square feet per TND acre in area to a maximum of two hundred thousand (200,000) square feet. The town center shopfront uses shall be located no further than a six-hundred-foot radius from other shopfront uses located on the mandatory square. There shall be a direct street connection between the mandatory square and the town center plaza. A minimum of thirty-five (35) percent of the gross leasable building area (taken in sum) of the lots fronting the plaza shall be for residential use. A maximum of four (4) lots fronting the town center plaza may be consolidated. Colonnades are required on all shopfront use buildings fronting the town center plaza. At least ten (10.0) percent of the plaza shall be devoid of parking and developed with permanent architectural and/or water features as a focal point for the town center. Said focal point shall be in addition to other landscape requirements as provided in the TND. Town centers may include, in addition to BU-1 uses, one (1) grocery and/or department store use, each not exceeding 40,000 square feet of building area.

- (38) *Warranted traffic control device:* A device (typically a yield or stop sign, or a traffic signal) that has met the minimum criteria for installation based on the Manual on Uniform Traffic Control Devices; National Manual, 1988 Edition.

Sec. 13-823. Development parameters.

All applications for a TND shall comply with the following development parameters:

- (a) *Size and location of site.* The minimum size of the neighborhood proper shall be forty (40) acres and the maximum size shall not exceed two hundred (200) acres. Larger parcels shall be developed as multiple TND's, each individually subject to all the provisions. A TND may be located adjacent to, but shall not be bisected by a through street.
- (b) *Density.* The requested densities, in terms of number of units per gross residential acre and total number of dwelling units shall be made at the time of application. Said number of dwelling units and densities shall be in conformance with the Comprehensive Plan, as amended from time to time, including any density bonus as provided therein.

ARTICLE IV Zoning District Regulations

(c) *General development criteria.*

(1) *Land use.* The entire land area of a TND shall be divided into a neighborhood proper and optional natural or greenbelt areas.

(2) *Land allocation.*

- a. Except for the public use category, land uses in the TND are regulated by net lot area (street and alley rights-of-way excluded) as a percentage of the gross area of the neighborhood proper.
- b. Similar land use categories shall face across streets. Dissimilar uses may abut at rear lot lines. Public uses and civic uses are considered similar land uses with all TND use categories.
- c. Land use categories described in Section 13-826 of one (1) category greater or lesser intensity may abut at side lot lines (the street requirements of the greater intensity use shall govern) or face across a square or park. For example, across a square or park, house use may front rowhouse use; rowhouse use may front house use or shopfront use; shopfront use may front rowhouse use or workshop use; workshop use may front shopfront use.
- d. Land use for corner lots which front on streets of dissimilar use shall be designated the more intensive use category.

(3) *Lots and buildings.*

- a. All lots shall share a frontage line with a street or square.
- b. All buildings shall have their main entrance opening to a street or square (except outbuildings).
- c. All uses shall be conducted within completely enclosed buildings, unless otherwise specified herein.
- d. Stoops, and front porches may encroach up to ten (10) feet into the front setbacks.
- e. No building or portion thereof shall be less than fifty (50) feet from the centerline right-of-way of a through street.

(4) *Streets, alleys and pedestrian pathways.*

- a. Traffic control signing shall be established for each community to satisfy intersecting street geometrics and installed at entrances and other appropriate locations.
- b. Streets shall provide access to all tracts and building lots.
- c. All streets, alleys and pedestrian pathways shall connect to other streets within the TND and connect to existing and projected streets outside the TND, if applicable. Cul-de-sacs, T-turnarounds and gated or dead-end streets are not permitted within the TND.
- d. There shall be a continuous network of alleys to the rear of

ARTICLE IV Zoning District Regulations

- building lots within the TND except as may be provided herein.
- e. The average perimeter of all blocks within the TND shall not exceed thirteen hundred (1,300) feet. No block face shall have a length greater than four hundred (400) feet without an alley or pedestrian pathway providing through access to another street or alley.
 - f. All streets shall have a six-inch high curb except for streets in house use areas.
 - g. A curb, six (6) inches in height, is required at all street intersections. There shall be curb cuts providing handicap access at all intersections and points of pedestrian crossing.
 - h. Curb interruptions are permitted only for alleys, handicap access and other parking access points specified herein.
 - i. A warranted traffic control device shall be placed at intervals no further than six hundred (600) feet on all streets internal to the TND.
 - j. All sidewalks shall have a continuous unobstructed clear area of a width no less than thirty-six (36) inches. This area shall be unobstructed by utility poles, fire hydrants, benches or any other temporary or permanent structures.
 - k. Utilities shall run underground.
 - l. Rights-of-way in a TND shall extend eighteen (18) inches beyond the curbface/edge of the sidewalk, measured away from the right-of-way centerline.
 - m. Free and clear public use of the sidewalk area beyond the right-of-way shall be protected by a public access easement, except as provided herein for the shopfront use category.
 - n. Where TND streets intersect through streets, the provisions of this ordinance shall not apply with regard to roadway design.
 - o. Street furniture such as trash containers and bus benches shall be permanently secured to the sidewalk.
 - p. No sign, awning, lighting, wiring or other object higher than twenty-seven (27) inches from the ground shall extend more than four (4) inches horizontally over any sidewalk from the column, post or wall on which it is mounted or shall hang down above the sidewalk unless its bottom edge is more than eighty (80) inches above the sidewalk.

(5) *Parking.*

- a. Parking lots shall be located at the rear or at the side of buildings. Streetwalls shall be built on the frontage line.
- b. Parking lots and parking garages shall not: (1) abut street intersections or civic use lots; (2) be adjacent to squares or parks; or (3) occupy lots which terminate a street vista.

ARTICLE IV Zoning District Regulations

- c. Adjacent parking lots shall have vehicular connections, via an alley.
- d. Except as otherwise provided by the ordinance, parking requirements for all uses shall be in accordance with this chapter. On-street parking directly fronting a lot shall count toward fulfilling the parking requirement of that lot. One (1) parking space credit shall be given for every space in front of a lot that is over fifty (50.0) percent of the length of the parking space. Civic use lots within or adjacent to public use tracts may count on-street parking fronting the public use tract towards its parking requirements. A group or common parking lot is permitted in shopfront, rowhouse and workshop uses and shall be credited to the required parking for individual uses. Attached and detached single family units shall have a minimum of two (2) parking spaces.
- e. There shall be provided a minimum of one (1) handicap parking space within one hundred (100) feet of each intersection. Such parking shall have a clear unobstructed space five (5) feet from the curb side, measured toward the lot line and shall be the full length of the parking space.
- f. Parking requirements for on-site parking may, at the applicants discretion, be reduced by twenty-five (25.0) percent, except in those instances where the use is exclusively residential or town center.
- g. Shared parking shall be permitted if approved at public hearing, in accordance with Subsection 13-822(a)(30) of the Code.
- h. Parking for community related retail and service uses shall not require on-site parking provided that: (1) the required parking, in accordance with this chapter, is reserved and accessible within a six-hundred-foot radius of the activity; (2) the total floor space for the individual uses does not exceed five hundred (500) square feet of gross floor area; (3) such uses be restricted to shopfront and rowhouse areas and (4) that such uses shall be restricted to the following:
 - 1. Art galleries.
 - 2. Bakery.
 - 3. Barber/beauty parlor.
 - 4. Bookstore.
 - 5. Coffee house.
 - 6. Confectionary, sale of cookies/ice cream.
 - 7. Convenience grocery.
 - 8. Dry cleaning (no cleaning on premises).
 - 9. Sale of newspapers, magazines.
 - 10. Shoe repair (no sale of shoes).

ARTICLE IV Zoning District Regulations

- (6) *Landscape.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

Sec. 13-824. Ownership requirements.

An application for approval of a TND District shall meet the requirements of Section 13-306 of this chapter.

Sec. 13-825. Review procedure.

The TND review procedures are divided into four (4) steps: (A) preapplication conference; (B) initial TND review (C) intermediate site plan review and (D) final review.

- (a) *Preapplication conference.* It shall be the responsibility of the Department to coordinate with other affected departments, and where applicable, representatives of adjacent municipalities to a joint meeting for the purposes of participating in the review of the TND. Prior to said joint meeting, the applicant may confer with the Department, other affected Departments and, where applicable, representatives of adjacent municipalities, in connection with the preparation of the TND District application. The applicant shall provide a general outline of the proposal through schematics and sketch plans including narrative information sufficient for the understanding of the proposed development. Thereafter and within ten (10) working days after the preapplication conference, the Department shall furnish the applicant with all written comments resulting from such conference including appropriate recommendations to inform and assist the applicant in the preparation of the components of the TND District application. The applicant shall have the right to apply for an additional preapplication conference prior to filing a formal application with the Department. The same procedure as above shall be followed.
- (b) *Initial TND review.*
- (1) Following the preapplication conference(s), the total development plan reviews shall be initiated by the applicant. Required exhibits listed below together with an application for public hearing shall be submitted to the Department in accordance with the requirements of Section 13-306 of this chapter.
- a. *Required exhibits--Written documents.* The following written documents shall be submitted to the Department for review prior to the public hearing.
1. Recordable agreement guaranteeing the development in accordance with promises made in the written and graphic documents listed below as approved by the Town Council. A draft of said agreement shall be submitted to the

ARTICLE IV Zoning District Regulations

Department twelve (12) days prior to Department review with final executed agreement received fifteen (15) days prior to Town Council review and action.

2. A development schedule indicating the approximate date(s) when construction of the TND and phases thereof including the mix of residential and commercial, will be initiated and completed.
3. Quantitative data in a table format indicating the intensity of the land uses proposed in the TND and the total maximum number of units.

b. *Required exhibits--Graphic documents.* Map, site plans and drawings, depicting the proposed TND shall be submitted as part of the development plan and shall contain the following minimum information:

1. A certificated survey indicating the existing site characteristics including any major variations of elevations, watercourse(s), unique natural historical and archeological features, existing buildings and vegetation.
2. A plan at a scale of 1"=300' indicating all land uses on perimeter lots greenbelts, existing and proposed circulation systems for arterial, (i.e. through streets), and major points of ingress and egress to the development.
3. Adequate information on land areas adjacent to the proposed TND at a scale of 1"=300' to indicate the relationships between the proposed development and adjacent areas, including existing land uses, zoning districts, densities, vehicular, pedestrian and equestrian circulations systems and public facilities, as well as unique natural features of the landscape.
4. The proposed treatment of the perimeter of the TND including materials and techniques to be used to provide transition to other developments.
5. Any additional information required by the Department to evaluate the character and impact of the proposed TND.

It is provided, however, that the requirements of Subsections 13-825(b)(1)a.1 and 2., and 13-825(b)(1)b.4 shall not apply to applications of the Director.

- (2) Upon the filing of a complete application, the Department shall submit the required exhibits for the TND. At a public hearing held by the Town Council, the applicant shall present the proposal. The Town Council shall have the recommendations of the Department. The Town Council shall consider the information presented by the applicant, the recommendations

ARTICLE IV Zoning District Regulations

of the Department and viewpoints of the public expressed at the hearing. The Town Council shall take formal action either approving the plan as presented, approving it subject to certain specified modifications, and/or conditions disapproving it, or a combination of the foregoing. Upon approval, plans, documents and recordable development agreements shall be filed with the Department and recorded in the official records and shall thereby constitute the TND District. If the TND is approved with specific modifications, as incorporated in the Town Council's resolution, those modifications shall be made by the applicant on all applicable documents and plans prior to filing the same with the Department. Such filing shall be completed within sixty (60) calendar days from date the decision becomes final including all appeals. Failure to do so shall nullify the Town Council's action unless waived by the Town Council. The Director shall review all modifications in accordance with the Town Council's decision. The approved TND shall be indicated on the zoning maps as would any other district boundary change. Intermediate site plan review shall not be initiated until the above requirements have been met.

(c) *Intermediate site plan review.*

- (1) Following approval of the TND by the Town Council, the following plans and documents shall be submitted for Department review and approval together with any other relevant information required by said Committee.

The site plan(s) to be reviewed and approved administratively by the Department shall include:

- a. A master plan at a scale of no less than 1"=100' which shall include the following information:
1. All land use categories, blocks, squares and parks, greenbelts, civic and/or public/semi-public building footprints, parking, landscaped open space. In addition, the plan shall indicate existing and proposed circulation systems, including streets, alleys and major points of access.
 2. Drawings of typical street sections.
 3. A table shall be provided as part of the site plan in accordance with the following:

Areas	Quantity (Acreage, sq. ft. linear ft.)	Percent of Gross Area Neighborhood Proper
Total Gross Acres TND	Ac/sq.ft.	N/A
Greenbelt	Ac/sq.ft.	N/A
Gross Acres Neighborhood Proper	Ac/sq.ft.	N/A

ARTICLE IV Zoning District Regulations

Public Use Tracts	Ac/sq.ft.	
Civic Use Lots	Ac/sq.ft.	
Shopfront Use Lots	Ac/sq.ft.	
Rowhouse Use Lots	Ac/sq.ft.	
House Use Lots	Ac/sq.ft.	
Workshop Use Lots	Ac/sq.ft.	
Average block perimeter	linear ft.	N/A
Parking Areas (with more than 6 spaces)	Ac/sq.ft.	
Parking Spaces	quantity	N/A
Trees	quantity	N/A
Total Dwelling Units	quantity	N/A

- (2) Following administrative site plan approval by the Department, subsequent substantial modifications to the site plan with regard to land use including but not limited to the location of streets, parks and squares, civic use lots, greenbelts, and parking shall be required to be approved after a public hearing in accordance with the procedures contained in Subsection (b) herein.

(d) *Final review.*

- (1) Final review for all or a portion of the TND shall be by the Department in accordance with all plans and documents as approved by the Town Council, the Department, and as filed with the Department. Said final review shall be completed prior to tentative plat approval. Upon approval by said Department, the applicant may proceed to develop any portion of the TND as approved under final review. The Department shall issue building permits in accordance with all previously approved plans and documents and in accordance with applicable requirements of the South Florida Building Code and other applicable State and Town requirements. The following information shall be submitted to the Department.

- a. Master plan at a scale of not less than 1"=100' which shall include the following information:
1. All land use categories, blocks, squares and parks, greenbelts, civic and/or public/semi-public building footprints, parking, landscaped open space. In addition, the plan shall indicate existing and proposed circulation systems, including streets, alleys and major points of access.
 2. Footprint and height of existing and proposed civic use buildings, fences and walls.
 3. Building lots.
 4. Pedestrian, equestrian and vehicular circulation systems.
 5. Drawings of typical street sections at 1"=20'.

ARTICLE IV Zoning District Regulations

6. Drawings indicating the type of street furniture, signage, and street lights proposed for the TND.
7. Parking layouts and drives.
8. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
9. Building design control which will establish the design criteria for the TND referring to materials and methods of construction, proportions and conformance to regional environmental and design issues including the general use of roof overhangs, colonnades, porches, pergolas, trellises and the maximization of cross ventilation.
10. A calculation of maximum potential lot coverage for stormwater drainage engineering purposes.

Sec. 13-826. Land use categories.

(a) *Public and/or semi-public use.*

(1) *Land use.*

- a. Land designated for public and/or semi-public use shall be tracts consisting of parks, squares, greenbelts, and civic use lots and buildings.
- b. The only buildings permitted in public and/or semi-public use tracts shall be civic use buildings.
- c. A maximum of fifteen (15.0) percent of a park or square may be used as a civic use lot.
- d. Large area recreational uses such as golf courses and multiple game fields shall be located outside the neighborhood proper.

(2) *Land allocation.*

- a. A minimum of five (5.0) percent of the gross area of the neighborhood proper, or five (5.0) acres, (whichever is greater) shall be permanently allocated to tracts totally comprised of parks or squares. Each neighborhood proper shall contain at least one (1) square, no less than sixty thousand (60,000) square feet and no greater than one hundred twenty thousand (120,000) square feet. No single square or park can be more than forty-five (45.0) percent of the public use area. This mandatory square shall be within a three-hundred-foot radius of the geometric center of the neighborhood proper.
- b. The remaining required public use tracts shall be divided into lesser tracts and distributed such that no part of the neighborhood proper is further than a six-hundred-foot radius from a park or square.
- c. Squares, parks and waterfronts shall have at least fifty (50.0)

ARTICLE IV Zoning District Regulations

percent of their perimeter abutting public or semi-public tracts or streets.

(3) *Lots and buildings.*

- a. Setbacks for civic use buildings shall be indicated on the master plan at the time of intermediate and final review.

(4) *Parking.*

- b. Parking on public use tracts shall be restricted to required parking for civic use facilities located thereon. Such parking shall be graded, compacted and paved in accordance with the requirements of Section 13-1801. Public/semi-public use tracts shall permit a maximum of fifteen (15) percent of the land area of each tract to be used for civic use lots including required parking.

(b) *Civic use.*

(1) *Land use.*

- a. Land designated for civic use shall be lots containing community buildings which shall be open to the public, including meeting halls, libraries, schools, child care centers, police stations, fire stations, post offices, clubhouses, religious buildings, playgrounds, museums, cultural societies, visual and performance arts buildings, and governmental buildings.
- b. The construction of commonly owned buildings on civic use lots shall be supported by a permanent assessment dedicated to this purpose and administered according to the common maintenance provisions provided in Section 13-828.

(2) *Land allocation.*

- a. Civic use building lots shall constitute a minimum of two (2.0) percent of the gross area of the neighborhood proper.
- b. Civic use lots shall be located within or adjacent to a square or park tract or on a lot terminating a street vista.
- c. The developer shall covenant to construct a meeting hall on a civic use lot, on or adjacent to the mandatory square upon the sale of fifty (50.0) percent of the lots and/or units of the neighborhood proper.
- d. The developer shall dedicate a minimum of one (1) civic use lot reserved for child-care use. The developer shall covenant to construct a building for said use shall be constructed when fifty (50.0) percent of the residential units are sold. Day care centers

ARTICLE IV Zoning District Regulations

and private schools shall be in accordance with this chapter.

(3) *Lots and buildings.*

- a. Buildings located on civic use lots shall not exceed forty (40) feet in height excluding spires, cupolas, monuments, flag poles, and chimneys.

(4) *Parking.*

- a. The number of required parking spaces for civic uses shall be in accordance with this chapter; however, required parking may be provided within a six hundred-foot radius of the civic use facility provided that the required parking is under common lease or ownership with the civic use building it serves and that the same is approved at public hearing.
- b. Civic uses within or adjacent to a public use tract may utilize the on-street parking fronting the public use tract toward its parking requirement.
- c. When onsite parking is provided, no less than seventy-five (75.0) percent of the off-street parking places shall be to the rear of the building. Access may be through the frontage.

(5) *Signage.*

- a. Two (2) wall signs shall be permitted for each structure not to exceed a combined total of eight (8) square feet.

(c) *Shopfront use.*

(1) *Land use.*

- a. Land designated for shopfront use shall be in building lots containing buildings for residential, including lodging, and commercial uses as provided in the BU-1 District, and other similar uses as approved by the Town Council at the time of the TND approval, except those listed as prohibited uses in the design criteria. At least fifty (50.0) percent of the gross square footage shall be restricted to residential and/or limited lodging use.
- b. Residential uses, except for entries and lobbies to residential uses, are not permitted on the ground floors of shopfront use buildings.
- c. An outbuilding is permitted on each lot.

(2) *Land allocation.*

- a. Shopfront use building lots shall comprise a minimum of two (2.0)

ARTICLE IV Zoning District Regulations

percent and a maximum of twenty (20.0) percent of the gross area of the neighborhood proper.

- b. A maximum of three (3) shopfront use lots may be consolidated for the purpose of constructing a single building.
- c. A maximum of fifty (50.0) percent of all shopfront use lots may be consolidated.
- d. A minimum of two (2) shopfront use lots shall front on the mandatory square.

(3) *Lots and buildings.*

- a. Shopfront use lots shall have a maximum width of fifty (50) feet and a minimum width of sixteen (16) feet.
- b. Street-front entries shall be at grade to allow handicap access.
- c. Buildings on shopfront use lots shall have the facade built directly on the frontage line along at least seventy (70.0) percent of its linear frontage. For lots at street intersections, the building shall be built directly on the side street frontage for at least fifty (50.0) percent of its linear frontage.
- d. The unbuilt portion of the frontage line shall have a streetwall built directly upon it.
- e. Buildings on shopfront use lots shall have a setback of zero (0) feet along at least one (1) side property line. For buildings without a side setback, a maintenance easement is required in the form of a perpetual four-foot wall maintenance easement as provided herein. There shall be no required rear setback.
- f. Buildings on shopfront use lots shall cover no more than fifty (50.0) percent of the building lot area.
- g. Buildings on shopfront use lots shall not be less than twenty-four (24) feet in height and shall not exceed forty (40) feet in height (excluding chimneys and elevator towers). When fronting a square, buildings shall be no less than thirty (30) feet in height. A cornice line shall define the first floor.
- h. At least twenty-five (25.0) percent of the building lot shall be reserved for private open space.
- i. Unenclosed balconies with a minimum of nine (9) feet of clearance above grade shall be permitted to extend up to six (6) feet over the sidewalk.
- j. Colonnades, are required when shopfront use lots front on the mandatory square. Enclosed space shall be permitted directly above the sidewalk.

(4) *Streets and alleys.*

- a. Shopfront use lots shall front on streets of sixty (60) feet maximum width consisting of two (2) twelve-foot wide travel lanes, and an

ARTICLE IV Zoning District Regulations

eight-foot wide parallel parking lane on at least one (1) side. Parallel parking shall be located adjacent to all shop front lots when such lots front a square, park and/or plaza. If the parking lane is provided on only one (1) side, there shall be a planting strip, at least four (4) feet wide, between the opposite travel lane and sidewalk. Two (2) sidewalks are required and shall be no less than ten (10) feet wide. A public access easement shall provide for public passage--excepting an area within four (4) feet of the shopfronts which may be occupied by furniture for restaurants. (As an example, refer to Figures 1 and 2). Shopfront use lots may also front on a square or park tract.

- b. Posted vehicle speed for shopfront use streets shall not exceed twenty-five (25) miles per hour.
- c. At intersections the curb radius shall be twenty (20) feet, with a clear zone radius of twenty-five (25) feet. Parking lanes shall not be closer than thirty (30) feet to the nearest intersecting building lot line.
- d. Shopfront use lots may front on through streets or on a town center, if approved by the Town Council.
- e. Signs in colonnades shall have a minimum clearance of nine (9) feet above the sidewalk.
- f. Shopfront use lots shall have their rear lot lines coinciding with an alley twenty-four (24) feet wide, containing a vehicular pavement width of at least nine (9) feet one-way, and a maximum of eighteen (18) feet two-way.

(5) *Parking.*

- a. No less than seventy-five (75.0) percent of the parking spaces shall be to the rear of the building. Access may be through the frontage only if an alley or side street providing access to the alley is not within two hundred (200) linear feet of the lot.

(6) *Signage.*

- a. All signs shall be wall signs or cantilever signs and shall not exceed a total of twenty-four (24) square feet per building with no more than three (3) signs. Individual cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight (8) square feet. No sign shall be mounted above the first floor of the structure.

(d) *Rowhouse use.*

(1) *Land use.*

ARTICLE IV Zoning District Regulations

- a. Land designated for rowhouse use shall be on lots containing buildings for residential uses including townhouse, apartment, limited office as permitted in the RU-5A Zoning District, limited lodging, congregate living facilities, family day care pursuant to this chapter, and artisanal. Where nonresidential uses are proposed, at least fifty (50.0) percent of the gross square footage shall be restricted to residential use as demonstrated by the submittal of floor plans identifying the use of each room.
- b. One hundred (100) percent of the building area above the ground floor shall be designated for residential use.
- c. An outbuilding is permitted on each lot.

(2) *Land allocation.*

- a. Rowhouse use building lots shall constitute a minimum of twenty (20.0)percent and a maximum of fifty (50.0)percent of the gross area of the neighborhood proper.
- b. A maximum of five (5) rowhouse use lots may be consolidated for the purpose of constructing a single building containing multifamily dwellings.
- c. A maximum of fifty (50.0) percent of all rowhouse use lots may be consolidated.

(3) *Lots and buildings.*

- a. Rowhouse use lots shall have a maximum width of thirty-two (32) feet.
- b. Rowhouse use buildings with the minimum setback shall have their front entry set to one (1) side of the facade. This is to preserve the possibility of retro-fitting a ramp for wheelchair access.
- c. Rowhouse use buildings shall be attached (built with no side setback or as a single building) at not less than five-unit segments. Lots comprising the end of the block adjacent to the street or alley or along street curves may be attached in segments of two (2) to five (5) units.
- d. All units must comply with Americans With Disabilities Act 42 U.S.C. § 12101 et seq., requirements regarding handicapped access.
- e. Buildings on rowhouse use lots shall be setback six (6) or fifteen (15) feet from the frontage line. Buildings at street intersections shall be set back six (6) feet from frontage line and side street line. Setback requirements shall apply to the enclosed portion of the buildings only.
- f. Buildings on rowhouse use lots shall have a setback of zero (0) feet from at least one (1) side property line. There shall be no required rear setback.

ARTICLE IV Zoning District Regulations

- g. Outbuildings shall have no required setbacks.
- h. Setbacks on consolidated rowhouse use lots shall apply as in a single lot.
- i. Buildings on rowhouse use lots shall cover no more than fifty (50) percent of the building lot area. Outbuildings shall not count against lot coverage.
- j. Buildings on rowhouse use lots shall not exceed thirty-five (35) feet in height (excluding chimneys and elevator towers) and a cornice line shall be used to define the first floor.
- k. Buildings on rowhouse use lots shall have a first floor front elevation eighteen (18) inches above finished sidewalk grade.
- l. A minimum of thirty (30.0) percent of the building lot area shall be developed as private open space.
- m. Rowhouse use lots shall have a streetedge built along the unbuilt parts of the frontage line.
- n. A minimum of twenty-five (25.0) percent of the buildings on rowhouse use lots shall have front porches. Said front porches may encroach into the front setback and shall not count against lot coverage requirements but shall count towards private open space requirements.

(4) *Streets and alleys.*

- a. Rowhouse use lots shall front on streets consisting of a fifty-foot maximum width, including two (2) ten-foot wide travel lanes and an eight-foot wide parallel parking lane on at least one (1) side. If the parking lane is provided on only one (1) side there shall be a planting strip, at least five (5) feet wide, provided between the opposite sidewalk and travel lane. Two (2) sidewalks are required and shall be no less than six (6) feet wide. (As an example, refer to Figures 3 and 4). Rowhouse use lots may also front on squares or park tracts.
- b. Posted vehicle speed for rowhouse use streets shall not exceed twenty (20) miles per hour.
- c. At intersections, the curb radius shall be fifteen (15) feet with a clear zone radius of twenty-five (25) feet. Parking lanes shall not be closer than twenty-five (25) feet from the lot line adjoining intersecting streets.
- d. Rowhouse use lots shall have their rear lot lines coinciding with an alley twenty-four (24) feet wide containing a vehicular pavement width of at least ten (10) feet one-way and sixteen (16) feet two-way.

(5) *Parking.*

- a. All off-street parking places shall be to the rear of the building.

ARTICLE IV Zoning District Regulations

Access shall be through a vehicular alley only.

(6) *Signage.*

- a. All signs shall be wall signs and limited to two (2) signs and shall not exceed a cumulative total of four (4) square feet. No signs shall be mounted above the first floor of a structure.

(e) *House use.*

(1) *Land use.*

- a. Land designated for house use shall be on lots containing buildings for residential uses including single family houses, guest houses as outbuildings, home occupation, family day care pursuant to this chapter.
- b. One hundred (100) percent of the building area above the ground floor shall be designated for residential use.
- c. An outbuilding is permitted on each lot.

(2) *Land allocation.*

- a. House use building lots shall constitute a maximum of thirty (30.0) percent of the gross area of the neighborhood proper.
- b. A maximum of two (2) house use lots may be consolidated for the purpose of constructing a single residence.
- c. A maximum of fifty (50.0) percent of all house use lots may be consolidated.

(3) *Lots and buildings.*

- a. Houses on house use lots shall be raised a minimum of eighteen (18) inches from finished exterior sidewalk grade.
- b. All units must comply with Americans With Disabilities Act, 42 U.S.C. § 12101 et seq., requirements regarding handicapped access.
- c. Buildings on house use lots shall be set back ten (10) or twenty (20) feet from the frontage line. Buildings at street intersections shall be set back ten (10) feet from the frontage line and the side street frontage.
- d. House use building lots shall have a minimum width of thirty-six (36) feet and a maximum width of seventy-five (75) feet with a minimum average lot size of five thousand (5,000) square feet.
- e. Setbacks on consolidated house use lots shall apply as on a single lot.
- f. Buildings on house use lots shall be set back from the side building

ARTICLE IV Zoning District Regulations

lot lines equivalent (in total) to no less than twenty (20.0) percent of the width of the building lot. The entire setback may be allocated to one (1) side. If buildings have a zero (0) foot setback on one (1) side a four-foot maintenance easement shall be provided on the adjacent lot.

- g. Buildings on house use lots shall be set back no less than twenty (20) feet from the rear lot line. Outbuildings on house use lots shall have a setback no less than five (5) feet from the rear lot line except on an alley where it shall have a zero-foot setback. Side setbacks for outbuildings shall be the same as for the primary building on the lot.
- h. Buildings on house use lots shall cover no more than forty (40.0) percent of the building lot area. Outbuildings and front porches do not count in lot coverage.
- i. Buildings on house use lots shall not exceed twenty-four (24) feet in height (excluding chimneys).
- j. Buildings on house use lots shall have a streetedge built along the frontage line.
- k. A minimum of twenty-five (25.0) percent of the buildings on house use lots shall have front porches which may encroach into the front setback and shall not count in lot coverage but shall count towards private open space requirements.

(4) *Streets and alleys.*

- a. House use lots shall front on streets of a forty-six-foot maximum width consisting of two (2) ten-foot travel lanes, two (2) planting strips of at least six (6) feet wide each, and two (2) sidewalks which shall be no less than five (5) feet wide. A parallel parking lane eight (8) feet wide may be used in place of either planting strip. (As an example, refer to Figures 5 and 6.).
- b. Posted vehicle speed for house use streets shall not exceed twenty (20) miles per hour.
- c. At intersections, the curb radius shall be fifteen (15) feet with a clear zone radius of twenty-five (25) feet. Parking lanes shall not be closer than twenty-five (25) feet from the lot line adjoining intersecting streets.
- d. House use lots shall have their rear lot lines coinciding with an alley twenty-four (24) feet wide containing a pavement width of at least ten (10) feet one-way and sixteen (16) feet two-way, except where the rear lot adjoins a greenbelt.

(5) *Parking.*

- a. All off-street parking places shall be to the side or the rear of the building. Where no alley access exists and vehicular access is

ARTICLE IV Zoning District Regulations

through the frontage, garage or carports shall be located a minimum of twenty (20) feet behind the front building setback.

(6) *Signage.*

- a. One wall, or streetedge mounted, sign not to exceed one (1) square foot shall be permitted.

(f) *Workshop use.*

(1) *Land use.*

- a. Land designated for workshop use shall be in land containing buildings for the following uses:
 - 1. Artists studios and accessory gallery use.
 - 2. Artisanal use.
 - 3. Automobile body shops.
 - 4. Automobile parking garages.
 - 5. Automobile service and repairs.
 - 6. Bait and tackle shops.
 - 7. Bakeries (wholesale).
 - 8. Banks excluding drive-in teller services.
 - 9. Bottling of beverages.
 - 10. Cabinet shops.
 - 11. Cold storage warehouse.
 - 12. Dance studios.
 - 13. Dog and pet hospitals in air conditioned buildings.
 - 14. Dry cleaning and dyeing establishments.
 - 15. Engines, sales and services.
 - 16. Gasoline service stations.
 - 17. Glass installation.
 - 18. Health and exercise clubs.
 - 19. Interior design shops.
 - 20. Leather goods manufacturing, excluding tanning.
 - 21. Locksmith shops, sharpening and grinding shops.
 - 22. Lumber yards.
 - 23. Mail order offices and storage.
 - 24. Office buildings.
 - 25. Photography labs.
 - 26. Pottery shops.
 - 27. Printing shops.
 - 28. Restaurants excluding drive-in service.
 - 29. Secondhand stores.
 - 30. Upholstery and furniture shops.
 - 31. Wholesale salesroom and storage rooms.

ARTICLE IV Zoning District Regulations

(2) *Land allocation.*

- a. Workshop use building lots shall constitute a minimum of three (3.0) percent and a maximum of seven (7.0) percent of the gross area of the neighborhood proper.
- b. Workshop use lots shall not be within three hundred (300) feet of the geometric center of the neighborhood proper or the mandatory square. When a TND borders land designated in the CDMP as agriculture or open land, then workshop use lots shall not be permitted within three hundred thirty (330) feet of said TND boundary except if necessary to maintain consistency with the Goals, Objectives and Policies of the Comprehensive Plan.
- c. All workshop use lots shall be located within one (1) geographic area with no intervening uses.

(3) *Lots and buildings.*

- a. Buildings on workshop use lots shall have a setback of zero (0) or five (5) feet from the frontage line. The setback at street intersections shall not exceed five (5) feet from the frontage line and the side street line.
- b. Street-front entries shall be at grade to allow handicap access.
- c. Buildings on workshop use lots shall cover no more than fifty (50.0) percent of the building lot area.
- d. A minimum of fifteen (15.0) percent of the building lot area shall be developed as landscaped open space.
- e. Buildings on workshop use lots shall not exceed thirty-five (35) feet in height.
- f. Workshop use lots shall be separated from other use types at the side and rear lot lines (excepting an entry on the alley) by a continuous masonry wall no less than six (6) feet and no more than eight (8) feet in height.
- g. Workshop use building lots shall have a maximum width of three hundred (300) feet.

(4) *Streets and alleys.*

- a. Workshop use lots shall front on streets of a sixty (60) feet maximum width consisting of two (2) twelve-foot wide travel lanes, and eight-foot wide parallel parking on at least one (1) side of the road. If the parking lane is provided on only one (1) side there shall be a planting strip of at least eight (8) feet wide between the opposite lane and the sidewalk. Sidewalks shall be no less than eight (8) feet wide and are required on both sides of the street.
- b. Posted vehicle speed for workshop use streets shall not exceed

ARTICLE IV Zoning District Regulations

- twenty-five (25) miles per hour.
- c. At intersections the curb radius shall be twenty (20) feet, with a clear zone radius of twenty-five (25) feet. Parking lanes shall not be closer than twenty-five (25) feet to the nearest intersecting building lot line.
- d. Workshop use lots may front on through streets if approved by the Town Council at the time of submission.
- e. Workshop use lots shall have their rear lot lines adjacent to an alley twenty-four (24) feet wide containing a vehicular pavement width of at least ten (10) feet one-way and eighteen (18) feet two-way, except where the rear lot line adjoins a greenbelt.

(5) *Parking.*

- a. Off-street parking places may be to the side or the rear of the building.

(6) *Signage.*

- a. All signs shall be wall mounted perpendicular to the building face with an eight-foot clearance to the sidewalk and shall not exceed a total of twenty-four (24) square feet and shall be limited to three (3) signs.

Section 13-827 Limitation on Variances

The following provisions of the TND ordinance shall not be varied:

- (a) The requirement for the use of alleys.
- (b) Curb requirements.
- (c) Front porch requirements.
- (d) Location of on-site parking.
- (e) Colonnades.
- (f) Rowhouse and house use with first floor of eighteen (18) inches above finished grade.
- (g) Average block perimeter.
- (h) Public/semi-public use and civic use land allocation requirements.
- (i) Minimum land allocation requirements.
- (j) Street width requirements.
- (k) Maximum and minimum setback requirements.

Sec. 13-828. Ownership and maintenance of common open space(s) and civic use buildings

All land designated on approved plans as common open space, including squares and parks, and all structures devoted to the common use of the inhabitants of a TND will be owned and/or maintained as follows:

ARTICLE IV Zoning District Regulations

- (a) Those projects developed under a condominium ownership shall be in accordance with applicable Florida law, or
- (b) The common open space and civic uses shall be maintained under a special taxing improvement district as approved by the Town Council, or
- (c) The common open space and civic uses shall be owned by a property homeowners' association in which case the ownership shall be subject to covenants providing for the maintenance of common facilities in a manner that assures its continuing use for its intended purpose and provided that a homeowners' association shall comply with the following requirements:
 - (1) Approval for form and legal sufficiency as to compliance with the ordinance by the Town Attorney's Office.
 - (2) A homeowners' association shall be established before the units or individual building lots are sold.
 - (3) Membership shall be mandatory for each property owner and said association shall have the authority to adjust the assessment to meet the needs of maintaining the open space and common facilities.
 - (4) Any sums levied by the homeowners' association that remain unpaid, shall become a lien on the individual property and said lien shall be superior to all other liens save and except tax liens and mortgage liens, provided said mortgage liens are first liens against the property encumbered thereby, subject only to tax liens and secure indebtedness which are amortized in monthly or quarter annual payments over a period of not less than ten (10) years.

Sections 13-829 through 13-841 Reserved

ARTICLE IV Zoning District Regulations

DIVISION 24 GP, Governmental Property District

Sec. 13-842. Uses permitted.

- (a) No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in a GP District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:
- (1) Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses;
 - (2) Fire stations;
 - (3) Police stations;
 - (4) Public auto inspection stations;
 - (5) Public water and sewer treatment and distribution facilities;
 - (6) Public libraries;
 - (7) Public buildings and centers;
 - (8) Public hospitals, nursing homes and health facilities;
 - (9) Public auditoriums, arenas, museums, art galleries;
 - (10) Maximum and minimum detention facilities;
 - (11) Solid waste collection and disposal facilities;
 - (12) Public maintenance and equipment yards;
 - (13) Public bus stations and rapid transit stations and facilities;
 - (14) Public airports
 - (15) And other similar governmental uses.

Sec.. 13-843. Designation of property.

All governmental property in the Town of Miami Lakes heretofore and hereafter purchased and/or designated for a governmental use shall be so noted in the public records and maps of the Department. If a specific governmental use or uses has or have been designated pursuant to Sec. 13-844 of the Code for a particular property, the public records and maps of the Department shall so reflect said designation(s). All land subject to the permitted uses enumerated in Sec. 13-842 and owned in fee simple by a governmental entity shall be designated as governmental property. The designation GP shall be deemed an overlay zoning district and shall be in addition to any other zoning district by which the property is designated. If applicable, a GP District shall automatically revert to its other district classification if the property is no longer utilized as provided in Sec. 13-842 of the Code.

Sec.. 13-844. Exclusive procedure.

- (a) The procedure provided herein shall be exclusive in the Town; provided,

ARTICLE IV Zoning District Regulations

however, that unless a governmental facility is authorized as a designated permitted use in a zoning district, the Town Council shall not be bound by the procedures herein contained in constructing, erecting or operating any governmental facility listed below in the Town, and the Town Council may establish any governmental facility listed as follows where the Town Council may direct without regard to the zoning or use classification of any particular site or location: public parks, playgrounds and buildings, and structures supplementary and incidental to such uses; domestic violence centers; fire stations; police stations; public auto inspection stations; public water and sewer treatment and distribution facilities; public libraries; public buildings and centers; public hospitals, nursing homes and health facilities; public auditoriums, arenas, museums, art galleries and convention halls; maximum and minimum detention facilities; solid-waste collection and disposal facilities; public maintenance and equipment yards; public bus stations and Rapid-Transit stations and facilities; and uses determined by the Town Council to be similar to those listed above.

- (b) The Town Council may only authorize the erection, construction and operation of the governmental facilities enumerated in Subsection (a) above by resolution following public hearing. The said public hearing shall be held upon at least fifteen (15) days' notice of the time and place of such hearing published in a newspaper of general circulation in the Town, which publication shall include the time and place of hearing before the Town Council. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general nature of the application may be mailed to the property owners of record, within a radius of three hundred (300) feet of the property described in the application, or such greater distance as the Director may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public hearing thereon. Failure to post such property shall not affect any action taken hereunder. At the public hearing the Town Council shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the facility on the surrounding property. After considering these said factors, the Town Council shall take such action as is necessary to provide for and protect the public health, safety and welfare of the citizens and residents of the Town of Miami Lakes.

- (1) In the event the Town Council authorizes the construction, erection, use or operation of a governmental facility in accordance with the procedures delineated above, or in the event the Council otherwise determines that Town-owned property should be utilized by the Town for a particular public purpose, the property shall be posted by a sign or signs conspicuously located thereon indicating the governmental facility or use authorized for the property. Such sign or signs may be removed upon the commencement of construction. The Town Manager or designee shall periodically check the property to ensure that the signs provided for in this

ARTICLE IV Zoning District Regulations

subsection remain in existence and accurately depict the proposed use of the subject property. This subsection shall be construed as directory only and failure to comply with the provisions hereof shall not affect the validity of the Town Council's action authorizing the use of the property for the designated purposes.

- (c) Any facility which is designated as or intended to be operated as a domestic violence center at the time of consideration, planning, erection, construction or acquisition, shall be exempt from the notice and public hearing provisions set forth in Subsection (b) above.
- (d) The procedure established by this chapter shall be the exclusive procedure when applicable to any airport zoning regulations, and no application for a district boundary change, change in zoning regulations, appeals of administrative decisions, special exceptions or unusual and new uses or variances shall be considered or granted by any Town Board unless the same is provided for by this chapter and only by the procedure and method so provided; provided, however, the Town Council may change the zoning regulations without following the procedure provided therefore in this article; provided, however, that no such change will be made unless the written recommendation of the Director are first considered by the Town Council. No special permit shall be considered or granted by any Town Board.

Sec.. 13-845 – 13-855. Reserved.

ARTICLE IV Zoning District Regulations

DIVISION 25 GU, Interim District

Sec. 13-856. Boundary.

The boundary of the GU Interim District shall be the entire area of the Town, excepting the area specifically covered by another district.

Sec. 13-857. Standard for determining regulations to be applied.

- (a) If a neighborhood in GU District is predominantly one (1) classification of usage, the Director shall be governed by regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc. For the purposes of this section, "trend of development" shall mean the use or uses which predominate in adjoining properties which because of their geographic proximity to the subject parcel make for a compatible use. The Director shall be guided in determining what constitutes a neighborhood by limiting his evaluation to separate geographic areas which may be designated by natural boundaries (rivers, canals, etc.) and/or man-made boundaries (roads, full- and half-section lines, etc.). The Director's decision shall be subject to appeal pursuant to the provisions of Section 13-310 of the Code.
- (b) If no trend of development has been established in the neighborhood, the following minimum standards shall apply:
 - (1) Front setback: 50 feet for single-family residence; 85 feet for all others
 - (2) Rear setback: 25 feet
 - (3) Side street setback: 25 feet
 - (4) Interior side setback: 15 feet
 - (5) Minimum lot width: 200 feet
 - (6) Minimum lot area: 5 acres, including dedicated rights-of-way
 - (7) Maximum lot coverage (principal structure): 15 percent
 - (8) Minimum building size: 17,500 cubic feet.

Sec. 13-858. Group homes.

A group home shall be permitted in a dwelling unit provided:

- (a) That the total number of resident clients on the premises not exceed six (6) in number.
- (b) That the operation of the facility be licensed by the State of Florida Department of Health and Rehabilitative Services and that said Department or sponsoring agency promptly notify the Director of said licensure no later than the time of home occupancy.
- (c) That the structure used for a group home shall be located at least one thousand (1,000) feet from another existing, unabandoned legally established group home.

ARTICLE IV Zoning District Regulations

The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

Sec. 13-859. New district classifications.

Subdivisions in GU Districts shall be governed by the provisions of Section 13-308. Where applications for building permits indicate the need for reclassification of an area in GU District, the Director may initiate an application for a change of zoning.

Sec. 13-860. Public hearing on refusal to issue permit.

Whenever a permit to construct, alter, move or use a building or premises in a GU District is refused because the proposed use would conflict with regulations contained herein, the person desiring a permit may apply for a public hearing.

Sec. 13-861. Cemeteries, mausoleums and crematories.

No premises shall be used or occupied for the purpose of a cemetery, mausoleum or crematory, in any district established by this chapter, excepting in GU District, and then only upon approval after public hearing.

No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than fifty (50) feet to any highway right-of-way which is seventy (70) feet or more in width nor closer than twenty-five (25) feet to any highway, the right-of-way width of which is less than seventy (70) feet nor closer than twenty-five (25) feet to any other property line.

Section. 13-861 – 13-1500. Reserved.

ARTICLE V. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

Section 13-1505. Awnings.

(a) The following ~~This section~~ applies to single-family and two-family residences.

- (1) Awnings may only be installed over doors, windows or other openings and shall be permitted to project into any required setback as follows:
 - a. Maximum projection into front setback, five feet.
 - b. Maximum projection into interior or street side setback, three feet; five feet for zero lot line developments.
 - c. Maximum projection into rear setback, seven feet.

In no instance shall an awning project any closer than three feet to a property line.

- (2) An awning projecting into the rear setback of single-family and two-family residences may be installed along the rear facade regardless of whether there are doors, windows or other openings. However, the awning shall not cover more than 70 percent of the width of the rear facade of the residence.
- (3) All awnings affixed to a particular residence shall be of the same color scheme.
- (4) The area covered by awnings shall not be included in the lot coverage calculations.

(b) In all business and industrial districts, (including those districts requiring masonry construction), canvas or metal awnings shall be permitted for the purpose of providing protection from the elements of doors, windows and other openings. Such awning shall not extend more than nine (9) feet from the building wall nor extend closer than two and one-half (2 ½) feet to the interior side property lines when projected from side walls, or closer than two and one-half (2 ½) feet to the rear property line, nor closer than seven (7) feet to any official right-of-way line. In no event shall such awning be used to shelter any merchandise, equipment, display or be used for any commercial, industrial or storage purpose. [from Section 33-70]

Section 13-1509. Fences, walls and gates.

**ARTICLE V. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS
AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS**

- (c) *Height in AU and GU Districts.* In AU and GU Districts, the height of any fence, wall or hedge shall not exceed six (6) feet when located within the required front or side street setback areas; at other points in such districts, fences, walls or hedges shall not exceed eight (8) feet in height. The Director may authorize hedges of a greater height for windbreaks for groves when necessary to protect same.
- (d) *Height in BU and IU Districts.* In the BU and IU Districts, the height of any wire fence shall not exceed eight (8) feet when located within the required front or side street setback areas; when located between the building line and other property lines, not to exceed eight (8) feet in height. Walls and hedges, when located within the required front and side street setback areas shall not exceed four (4) feet in height; when located between the building line and other property lines, walls and hedges shall not exceed eight (8) feet in height.
- (e) *IU Districts, fence in lieu of wall.* In IU Districts, a wire fence shall be permitted in lieu of a masonry wall as required in the Industrial Districts under the following conditions:

 - (1) That the property concerned is zoned industrial and the adjacent property, either abutting on or across the street from where the fence is to be erected is zoned industrial.
 - (2) The storage within such fences be limited to vehicles, equipment and new materials.
 - (3) That all required parking be excluded from the fenced-in area, unless otherwise approved by the Director.
 - (4) Where abutting property is other than industrial, or where the property on the street opposite the industrial site concerned is zoned other than industrial, a concrete wall will be erected as otherwise provided for in this chapter.

ARTICLE VI. SUPPLEMENTARY REGULATIONS

Section 13-1611. Existing uses.

- (a) Nothing contained in this chapter shall be deemed or construed to prohibit a continuation of the particular lawful use or uses of any land, building, structure, improvement or premises legally existing in the respective districts at the time this chapter becomes effective; provided, however, that if any such existing lawful use is changed to a different use after the date of the adoption of this chapter such different use shall conform to the provisions of this chapter regulating the particular district in which said premises are situated.
- (b) If any legally existing use or occupancy of a building or premises conflicts with any requirement of this chapter or any of its amendments, such building shall not be moved, structurally altered or added to, except after approval after public hearing.
- (c) All future buildings, structures, repairs, alterations or other improvements shall comply with all district requirements contained herein and such structural provisions of the building code and other regulations as have been incorporated herein and made a part hereof, including any building on which construction was suspended at the time this chapter was adopted and any building for which foundations were not completed at said time.
- (d) If, after the adoption of this chapter the aggregate cost of the repairs or alterations, during the ensuing ten-year period, exceeds fifty (50) percent of its current value, any building not conforming in use and occupancy with the provisions of this chapter shall be arranged or altered to conform as to use and occupancy with the requirements of this chapter and its subsequent amendments; provided, however, that this paragraph shall apply only to such buildings as were so used or occupied legally prior to August 2, 1938.

Section 13-1612. Nonconforming use.

- (a) A nonconforming use shall not be extended in any direction nor shall such use be replaced by another use not specifically permitted in the district concerned.
- (b) No building or premises wherein or whereon a nonconforming use is discontinued for a period of at least six (6) months, or is superseded by a use permitted under the provisions of this chapter in the district in which said building or premises are situated, shall again be devoted to any use prohibited by this chapter in the district.
- (c) Any building which does not conform in use, occupancy or construction, or in some other way, with the provisions of this chapter (said structure, use of occupancy having existed prior to the adoption of these regulations) which becomes damaged as to roof and/or structure to an extent of fifty (50) percent or more of its reasonable market value at the time, by fire, flood, explosion, wind, war, riot or any other act of God or man, shall not be reconstructed or used or occupied as before said damage, but, if damage to an extent of less than fifty (50) percent of the reasonable market value at the time of the damage, the building may be reconstructed or used as before, provided such reconstruction is completed or such use is started within six (6) months of the date of such damage.

ARTICLE VI. SUPPLEMENTARY REGULATIONS

- (d) When a nonconforming building is vacated, the Director may attach, or have attached, a notice to the effect that new occupancy shall require conformance to this chapter, but the absence of such notice shall not relieve the owner of full compliance with this chapter.
- (e) Where any premises, whereon a building containing a nonconforming use is located, is partially acquired by an official public body for a public purpose, the use shall be permitted to continue on remaining portion of the premises under the following conditions:
 - (1) Where part of the structure is taken, an amount equal to that portion required may be added to the remaining structure.
 - (2) If the entire structure is acquired, a new structure may be erected on the remaining portion of the premises, if such premises conform to the requirements of this chapter, providing said new structure does not exceed in size the original structure that was taken.
 - (3) If such existing structure does not warrant remodeling or relocating, then a new structure may be erected on the remaining portion of the premises, providing the same does not exceed in size the original structure and providing that the new structure can be erected on the site in accordance with applicable zoning regulations.
 - (4) If the existing structure is such that it can be relocated on the portion of premises remaining, then the same can be relocated providing it complies with applicable zoning and building regulations.
 - (5) Where a new structure is erected for several uses and it is desired to reestablish a nonconforming use, the same shall be permitted providing the area to be devoted to the nonconforming use shall not exceed the original area devoted to the nonconforming use.
- (f) In the event a nonconforming use is created by resolution pursuant to an application filed by the Director, an application requesting a variance pursuant to Section 13-305 of the Code which furthers the original purpose and intent of the nonconforming use may be filed at no fee to the applicant. The application filed under this subsection must be filed within twelve (12) months of the date the zoning resolution is transmitted to the Town Clerk and shall only apply to those nonuse variances and special exceptions which are necessitated by a change of zoning and that would not have been required under the prior zoning district.

Section 13-1613. Outdoor lighting.

Lights for area lighting of outdoor areas, such as but not limited to tennis courts, golf courses, sporting areas or grounds, parking lots or areas, amusement or entertainment areas, and outside lighting for security purposes, shall not be permitted except under the following conditions:

- (a) Detailed plans shall be submitted to the Department showing the location, height, type of lights, shades, deflectors and beam directions.

ARTICLE VI. SUPPLEMENTARY REGULATIONS

- (b) The Department may issue a permit for such lighting if, after a review of the detailed plans therefor and after consideration of the adjacent area and neighborhood and its use and future development, the proposed lighting will be so located, oriented, adjusted and shielded that the lighting will be deflected, shaded and focused away from such adjacent property and will not be or become a nuisance to such adjacent property, and will not create a traffic hazard on adjacent streets by reason of glare or the like.
- (c) Upon a determination by the Department that the proposed lighting will not conform to the provisions of this subsection or as to the negative effect such lighting may have on the adjacent area and neighborhood or traffic, after considering the detailed plan and such area and neighborhood, the Department shall not issue a permit for the same, and no such lighting shall be permitted until approved after public hearing.
- (d) In addition, outdoor lighting for recreational and offstreet area parking purposes, or for any other purpose in the RU, AU and GU Zones shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half (1/2) footcandle (vertical) and shall not exceed one-half (1/2) footcandle (horizontal) illumination on adjacent properties or structures. An outdoor lighting installation shall not be placed in permanent use until a letter of compliance from a registered engineer or architect or the duly authorized representative of such engineer or architect is provided stating that the installation has been field checked and meets the requirements as set forth above. The requirements of this subparagraph shall apply to any night lighting in BU and IU Zones abutting an RU, AU, or GU Zone.
- (e) It is not intended here to regulate permitted sign lights and it is not the intent to modify, amend or repeal any portion of the Florida Building Code.

Section 13-1614. Compliance with FAA rules.

All buildings, structures and improvements to be constructed shall conform to and comply with the prevailing criteria and requirements of the Federal Aviation Administration and the Miami-Dade County Airport Zoning Regulations where applicable, regulations contrary thereto contained herein notwithstanding. The Director shall process applications for permits through the County Port Authority and Federal Aviation Administration whenever he deems it advisable.

Section 13-1615. Right-of-way plan and minimum width. *[Derived from Section 33-135(c), (d), (e) and (f)]*

Except as may be otherwise specifically provided in Section 13-308 of this Code, or in the Town of Miami Lakes Comprehensive Plan, the following minimum official right-of-way widths shall be observed:

- (1) On all section lines, eighty (80) feet shall be the minimum right-of-way width, and on all other half-section (also known as quarter section) lines, seventy (70) feet shall be the minimum official right-of-way width.
- (2) On all interior subdivision streets, fifty (50) feet shall be the official minimum

ARTICLE VI. SUPPLEMENTARY REGULATIONS

right-of-way width.

- (3) All five-acre fractional lines shall be deemed interior subdivision streets unless otherwise provided in this chapter, or unless waived by the Director and the Director of the Public Works Department.
- (4) On all alleys, twenty (20) feet shall be the official minimum width. The center line of all streets, roads and highways shall be approved and/or established by the Director of Public Works; in all cases where the right-of-way does not follow a fractional line, the location of the right-of-way shall be determined by the Director of Public Works.

Section 13-1616. Covenant in-lieu of unity of title. *[Derived from Section 33-257)*

In the RO-13 District, The BU Districts and the IU Districts, all applications for building permits where multiple buildings are proposed for a single site shall be accompanied by one (1) of the following documents:

- (a) A unity of title, approved for legal form and sufficiency by the Town Attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees or lessees and others presently or in the future having any interest in the property; or
- (b) A declaration of restrictive covenants, approved for legal form and sufficiency by the Town Attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. The declaration shall contain the following necessary elements:
 - (1) That the subject site will be developed in substantial accordance with the approved site plan. That no modification shall be effectuated without the written consent of the then owner(s) of the phase or portion of the property for which modification is sought, and the Director; provided the Director finds that the modification would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or tend to provoke a nuisance, or be incompatible with the area concerned, when considering the necessity and reasonableness of the modification in relation to the present and future development of the area concerned. Should the Director withhold such approval, the then owner(s) of the phase or portion of the property for which modification is sought shall be permitted to seek such modification by application to modify the plan or covenant at public hearing before the Town Council.
 - (2) That if the subject property will be developed in phases, that each phase will be developed in substantial accordance with the site plan.
 - (3) That in the event of multiple ownerships subsequent to site plan approval, that each of the subsequent owners shall be bound by the terms, provisions and conditions of the declaration of restrictive covenants. The owner shall further agree that he or she will not convey portions of the subject

ARTICLE VI. SUPPLEMENTARY REGULATIONS

property to such other parties unless and until the owner and such other party (parties) shall have executed and mutually delivered, in recordable form, an instrument to be known as an "easement and operating agreement" which shall contain, among other things:

- a. Easements in the common area of each parcel for ingress to and egress from the other parcels;
- b. Easements in the common area of each parcel for the passage and parking of vehicles;
- c. Easements in the common area of each parcel for the passage and accommodation of pedestrians;
- d. Easements for access roads across the common area of each parcel to public and private roadways;
- e. Easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel;
- f. Easements on each such parcel for construction of buildings and improvements in favor of each such other parcel;
- g. Easements upon each such parcel in favor of each adjoining parcel for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;
- h. Easements on each parcel for attachment of buildings;
- i. Easements on each parcel for building overhangs and other overhangs and projections encroaching upon such parcel from adjoining parcel such as, by way of example, marquees, canopies, lights, lighting devices, awnings, wing walls and the like;
- j. Appropriate reservation of rights to grant easements to utility companies;
- k. Appropriate reservation of rights to road right-of-ways and curb cuts;
- l. Easements in favor of each such parcel for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and
- m. Appropriate agreements between the owners of the several parcels as to the obligation to maintain and repair all private roadways, parking facilities, common areas and common facilities and the like.

These provisions or portions thereof may be waived by the Director if they are not applicable to the subject property. These provisions of the easement and operating agreement shall not be amended without prior written approval of the Office of the Town Attorney. In addition, such easement and operating agreement shall contain such other provisions with respect to the operation, maintenance and development of the property as to which the parties thereto may agree, all to the end that

ARTICLE VI. SUPPLEMENTARY REGULATIONS

although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan.

Nonuse variances created solely by separate ownerships, pursuant to Subsection (b)(3) shall be waived by the Director.

- (4) The declaration of restrictive covenants shall be in effect for a period of thirty (30) years from the date the documents are recorded in the public records of Miami-Dade County, Florida, after which time they shall be extended automatically for successive periods of ten (10) years unless released in writing by the owners and the Director, acting for and on behalf of the Town of Miami Lakes, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.
- (5) Enforcement of the declaration of restrictive covenants shall be by action at law or in equity with costs and reasonable attorney's fees to the prevailing party.

ARTICLE VIII Zoning District Regulations

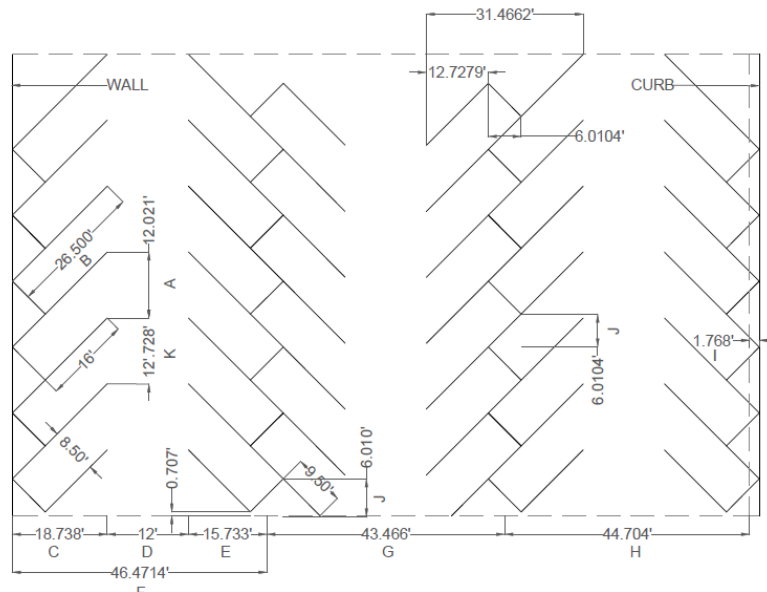
Section 13-1801 OFF-STREET PARKING

(a) **Required; definitions of parking space.**

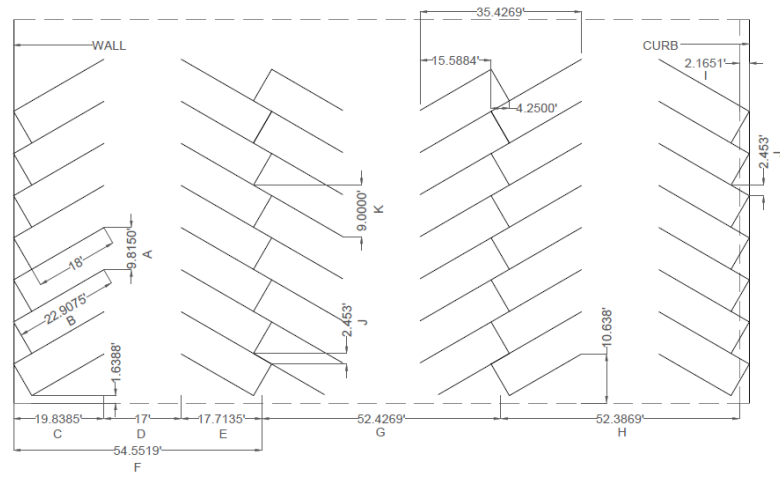
Permanently maintained off-street parking for vehicles shall be provided in connection with any building or premises used or designed to be used for the purposes set forth in this article. Parking spaces on private roadways shall not be credited towards required parking. For the purpose of this article, each parking space shall be a minimum of eight and one-half (8.5) by eighteen (18) feet with the following exceptions:

- (1) Where parking spaces for the handicapped are to be provided, they shall be a minimum of eighteen (18) feet long and the width and quality shall be in accordance with the Florida Building Code.
- (2) Parking stall and aisle dimensions shall conform to the charts entitled "Minimum Parking Stall Dimension" and "Striping Detail" hereby incorporated as part of this section.

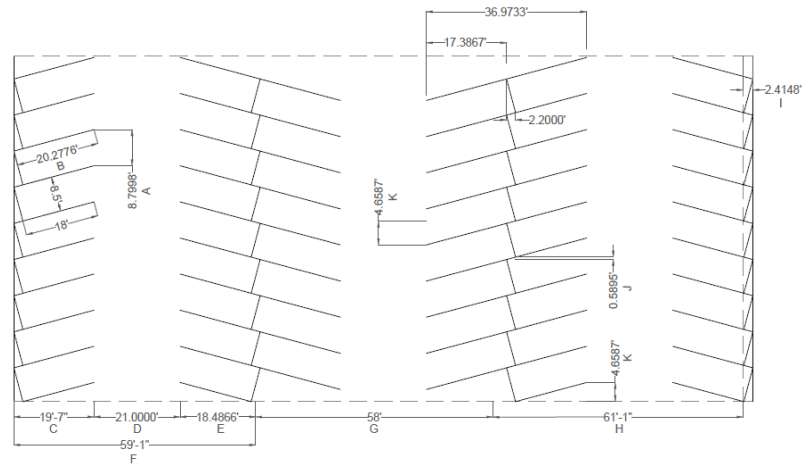
45 DEGREE PARKING



60 DEGREE PARKING

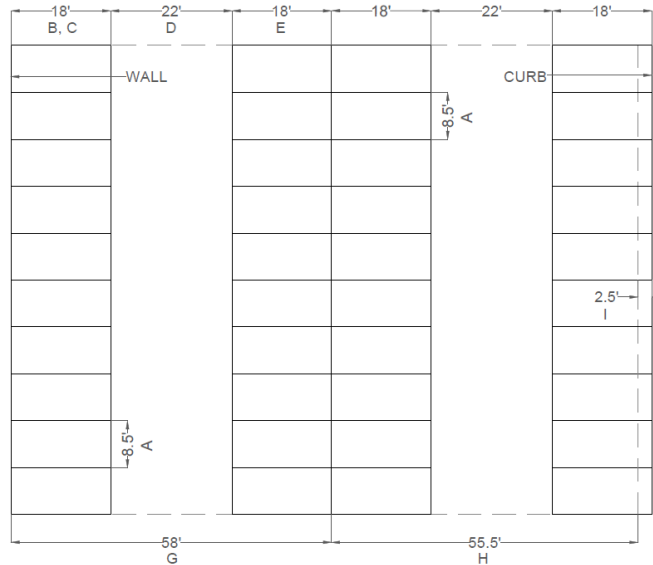


75 DEGREE PARKING



ARTICLE VIII Zoning District Regulations

90 DEGREE PARKING



MINIMUM PARKING STALL DIMENSIONS (IN FEET) AT VARIOUS ANGLES

Minimum Stall Dimension (in feet) at Various Angles (8.5' x 18')					
Dimensions	Symbols	Degrees			
		45 °	60 °	75 °	90 °
Stall width, parallel to aisle	A	12.0'	9.8'	8.8'	8.5'
Stall length to line	B	26.5'	22.9'	20.3'	18.0'
Stall depth to wall	C	18.7'	19.8'	19.6'	18.0'
Aisle width between stall lines	D	12.0'	17.0'	21.0'	22.0'
Stall depth, interlock	E	15.7'	17.7'	18.5'	18.0'
Module, wall to interlock	F	46.5'	54.6'	59.1'	58.0'
Module, interlocking	G	43.5'	52.4'	58.0'	58.0'
Module, interlocking to curb face	H	44.7'	52.4'	56.7'	55.5'
Bumper overhang (typical)	I	1.8'	2.2'	2.4'	2.5'
Offset	J	6.0'	2.5'	0.6'	0.0'
Setbacks	K	12.7'	9.0'	4.7'	0.0'
Driveways	L	***	***	***	***

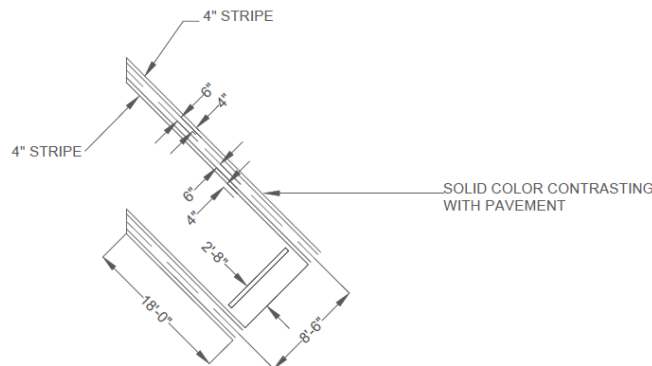
*** Driveways where there is no parking on either side shall be a minimum of 20 feet in width for two way traffic and 14 feet for one way traffic. Access drives between the paved portion of the right-of-way and the property line shall comply with the Miami-Dade County Public Works Manual.

For parallel parking minimum widths and length are 8.0' × 23.0'.

ARTICLE VIII Zoning District Regulations

****Driveways** where there is no parking on either side shall be a minimum of twenty (20) feet in width for two-way traffic and fourteen (14) feet for one-way traffic. Access drives between the paved portion of the right-of-way and the property line shall comply with the Miami-Dade County public works manual.

- (3) For all occupancies other than residential, the parking spaces shall be marked with double striping on each side of the space to identify and facilitate their use. All striping shall be of a color (typically white) contrasting with the pavement. Dimension requirements, as noted elsewhere, shall be measured to the center point of the double stripe, as shown on the "Striping Detail" hereby incorporated as part of this section. Notwithstanding the above provisions and striping details, where striping is required for residential users, not less than a single four-inch stripe shall be provided, with parking stall dimensions to be measured to the center line of the strip. In all instances, adequate interior driveways and ingress and egress driveways shall be provided to connect all parking spaces with a public right-of-way or alley. Where a parking space heads into and abuts a walkway, the paved eighteen-foot length shall be provided a wheel stop or curb at sixteen (16) feet in order to prevent extension of the vehicle over any portion of the provided walkway width. Required and surplus parking shall comply with these provisions and such parking shall not be placed in dedicated or official rights-of-way.



PARKING STALL DETAIL

(b) **Parking spaces for persons transporting young children and strollers.**

Parking spaces specifically designed for persons transporting young children under the age of three (3) and strollers, shall be required for all uses other than single-family, duplex, townhouse or multifamily; provided, however, industrial zoned properties shall not be required to comply with this section. Such baby stroller parking spaces shall be provided as follows:

1. *Quality of specially designated parking spaces:*

ARTICLE VIII Zoning District Regulations

Total Parking Spaces in Lot	Required Number of Spaces
Up to 100	0
101 to 500	2
501 to 1,000	3
Over 1,000	One (1) additional space for each 500 parking spaces over 1,000

2. *Location of parking spaces.* Such spaces shall be located as closely as possible to parking spaces designated for the physically handicapped and/or disabled persons; provided however, parking spaces designated for the physically handicapped and/or disabled persons shall take precedence. Where no parking spaces designated for the physically handicapped and/or disabled persons have been provided, parking spaces for persons transporting young children and strollers shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
3. *Signage and markings.* All parking spaces for persons transporting young children and strollers shall be prominently outlined with green paint and posted with an approved permanent above-ground sign which shall conform to the figure entitled "Baby Stroller Parking Sign" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, or seven (7) feet above grade for a detached sign.
4. All property owners who are required by this section to provide parking spaces for persons transporting young children and strollers shall provide such parking spaces by June 7, 1996. In no event shall the number of parking spaces for the physically handicapped and/or disabled be reduced below the quantity required by the Florida Building Code.

(c) **Requirement of bicycle racks or other means of storage.**

Racks or other means of storage that can secure at least four (4) bicycles shall be required for all park, shopping center, office and restaurant uses with parking lots, as follows:

- (1) Quantity of bicycle parking spaces required:

Total Parking Spaces in Lot	Required Number of Bicycle Parking Spaces:
25 to 50	4
51 to 100	8
101 to 500	12
501 to 1000	16
over 1000	four (4) additional spaces for each 500 parking spaces over 1000.

- (2) Other uses. All other uses, other than airport or seaport terminals, single family, duplex or townhouse which are exempt, shall provide racks or other means of storage as provided herein only where their total parking lot has one hundred one (101) or more spaces.

ARTICLE VIII Zoning District Regulations

(4) *Location and design of bicycle parking spaces; requirements.*

- a. The bicycle parking spaces shall be located near the entrances to the building.
- b. At buildings and shopping centers that have multiple parking lots, the bicycle parking spaces should be installed near the entrances to the buildings served by the lots.
- c. The bicycle parking spaces should be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicap accessibility.
- d. The parking spaces may not be placed in the County or Town maintained right-of-way.
- e. The design of the bicycle rack should permit the locking of the frame and at least one (1) wheel with a standard size "U" lock and accommodate the typical range of bicycle sizes.
- f. The bicycle rack must resist removal, resist rust, corrosion and vandalism, and must be properly maintained.

(4) Other forms of storage. At the owner's option, bicycle parking may also be installed in the form of storage rooms, lockers or cages.

(5) Signage and markings. All bicycle parking spaces shall be posted with a permanent and properly maintained above-ground sign which shall conform to the figure entitled "Secured Bicycle Parking" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, which may not be installed in the County maintained right-of-way. No permit shall be required for such signs.

(6) Application to existing uses. All property owners of existing establishments that are required by this section to provide bicycle parking spaces shall comply within one (1) year from the effective date of the ordinance from which this section derives and shall be responsible to maintain such facilities. Existing multi-family uses are exempt from this subsection.

(d) **Litter containers.**

(1) All shopping centers, strip malls, grocery stores, restaurants or commercial establishments that sell takeout beverages or food must provide a litter container near every entrance and at every 100 feet along any established pedestrian walkway within the footprint of such property.

(2) Litter containers shall be well designed and secured in a manner that will cause them

ARTICLE VIII Zoning District Regulations

to remain stationary where placed. They shall be maintained free of graffiti and overflow trash.

- (3) Containers shall not interfere with access for the general pedestrian public or for people with disabilities. The definitions contained in the Americans with Disabilities Act Accessibility Guidelines shall control the placement of the containers.

(e) **Approval of plan before issuance of permits.**

Prior to the issuance of any building, paving, grading and leveling or other permits, a suitable sketch must be presented to the Department indicating the parking layout drainage on the premises and indicating all driveways extending beyond the property line into the public right-of-way. The drainage plan for the premises shall meet with the approval of the Department of Public Works. The driveway plan must meet with the approval of the Director and the Director of the Public Works Department on all roads and in approving or rejecting the plan, the Directors shall determine that their decision is in the interest of public safety and welfare, taking into consideration the volume of traffic to be generated, its pattern and conflict with the adjacent road traffic; the number of driveways proposed and their proximity to others in the area; location and proximity of median cuts; visual clearances or obstructions at the driveways; angle and location of driveway and its intersection with the road; elevation of the driveway in reference to the road, and any other factors that may affect the safety and welfare of the public. In addition all driveways extending into State roads shall meet with the approval of the State and Department.

(f) **Standards.**

Off-street parking shall be provided in accordance with the following minimum standards:

(1) *Dwellings:*

- a. Single-family dwellings not specifically referenced elsewhere in this section shall be provided two (2) parking spaces. Paving of said spaces shall not be required.
- b. Two-, three- and four-unit dwellings shall be provided two (2) parking spaces per unit.
- c. Townhouses shall be provided a minimum of two (2) off-street parking spaces per townhouse unit. Such parking spaces may be provided on the lot of the townhouses or in a commonly owned and maintained off-street parking bay or facility; provided, that no parking space shall be more than one hundred fifty (150) feet, by the most direct pedestrian route, from the door of the townhouse to the parking space it is intended to serve.

1. Each townhouse site shall have its own off-street parking area and driveway thereto where on-site off-street parking is to be provided. In addition to the above required residents off-street parking

ARTICLE VIII Zoning District Regulations

spaces, a minimum of twenty-five hundredths (0.25) visitors parking spaces per townhouse shall be provided in a convenient commonly owned and maintained off-street parking bay or facility. Individual garages shall not be credited towards the parking requirement.

- d. Cluster communities shall have two and one-quarter (2.25) parking spaces provided for each dwelling unit either on the individually owned lot(s) or on common property. Tandem parking is permitted only on individual lots and in the driveways connecting such lots with the adjacent roads provided said driveways are for the exclusive use of each individual lot; however, tandem parking shall be limited to no more than one (1) such tandem parking space for each individual lot. Individual garages shall not be credited towards the parking requirement.
 - e. Zero lot line communities shall have a minimum of two (2) off-street parking spaces provided on each platted lot.
 - i. In addition, zero lot line communities shall provide one (1) guest parking space for every four (4) dwelling units for all projects, except for those developed on public streets.
 - ii. Tandem parking is permitted only on individual lots and in the driveways connecting such lots with the adjacent roads; provided, said driveways are for the exclusive use of each individual lot; however, tandem parking shall be limited to no more than one (1) such tandem parking space for each individual lot. Individual garages shall not be credited towards the parking requirement.
 - f. Five (5) or more unit apartment buildings or apartment hotels:
 - One and one-half (1.50) parking spaces for each guest room, efficiency, or one (1) bedroom unit.
 - One and three-quarters (1.75) parking spaces for each two-bedroom unit.
 - Two (2.0) parking spaces for each three- or more bedroom unit.
 - g. A minimum of two (2) off-street parking spaces shall be provided for each mobile home space, both such parking spaces may be on the mobile home space, and each of the same shall be hard surfaced, or one (1) or both parking spaces may be in a common parking court, such courts, where provided, to be installed throughout the park to conveniently serve the inhabitants in different areas of the park, and such courts shall be hard surfaced.
- (2) *Hotels, rooming houses.* At least one (1) parking space for each of the first forty (40) individual guest rooms or suites; one (1) additional parking space for every two (2) guest rooms or suites thereafter. Public meeting rooms in hotels shall be further

ARTICLE VIII Zoning District Regulations

controlled as to parking by Subsection (e) of this section and by Subsection (k) where the meeting room does not contain permanent seats; and restaurants by Subsection (I) and (j). In addition, one (1) parking space shall be provided for each four (4) employees.

- (3) *Motels, tourist courts and transient accommodations.* One (1) parking space for each individual sleeping room or bedroom.
- (4) *Churches.* At least one (1) parking space for each fifty (50) square feet or fractional part thereof of the seating area in the main auditorium (sanctuary), including adjacent areas which may be used as part of the auditorium.
- (5) *Reserved.*
- (6) *Hospitals.* At least one (1) parking space for each of the first three hundred (300) beds and one (1) additional parking space for every two (2) additional beds thereafter for patients contained in such building, plus one (1) parking space for each three (3) employees and resident staff members.
- (7) *Sanitariums, convalescent homes, homes for the aged and similar institutions.* At least one (1) parking space for each two (2) beds for patients contained in such buildings, plus one (1) parking space for each two (2) employees.
- (8) *Commercial:*
 - (a) Retail--Food or grocery stores, drug and sundry stores, department stores, membership warehouses, retail stores, retail stores similar to the foregoing, banks, post offices, mortuaries, funeral homes, waiting rooms stations for common carriers and shopping centers shall be provided parking at a rate of one (1) parking space for each and every two hundred fifty (250) square feet of the gross floor area or fractional part thereof. All retail uses within enclosed malls in excess of three hundred thousand (300,000) square feet shall provide parking at the rate of one (1) parking space for each and every three hundred and fifty (350) square feet of the gross floor area or fractional part thereof, excluding theaters, restaurants and food courts which shall provide parking as delineated in this section.
 - (b) Auto dealership showrooms, garage and gas station bay areas, and similar uses shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of floor area, or fractional part thereof, and one (1) parking space for each additional five hundred (500) square feet of gross floor area, or fractional part thereof, plus three (3) parking spaces for each five thousand (5,000) square feet, or fractional part thereof, of open lot area. Office and retail parts areas shall be provided parking spaces as otherwise contained in this article. Customer and employee parking shall be labeled as such.
 - (c) Furniture showrooms shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of gross floor area, or fractional part thereof, and one (1) parking space for each additional five hundred (500) square feet of gross floor area or fractional part thereof. When such a use is located within any BU District, the site plan submitted to the Department shall illustrate future parking spaces based on a calculation of one (1) parking space for each two hundred fifty (250) square feet of gross floor area or fractional part thereof, which shall be provided in the event the furniture use is discontinued. The lot area

ARTICLE VIII Zoning District Regulations

reserved for future parking spaces shall remain unencumbered with any structures and shall be landscaped. However, this landscaped area shall not be credited toward the minimum required open space. Prior to the issuance of a Certificate of Use and Occupancy for any use other than a furniture store, the property owner must provide the required number of parking spaces for the intended use as provided elsewhere in the article.

- (d) Plant nurseries shall have parking provided at a rate of eight (8) spaces for the first acre, or fractional part thereof, and one (1) parking space for each two (2) acres thereafter up to ten (10) acres. One (1) additional parking space shall be provided for each five (5) acres or portion thereof thereafter.
- (e) Packing plants shall have parking provided at a rate of one (1) parking space for each one thousand (1,000) square feet of gross floor area, or fractional part thereof.
- (f) Open lot commercial uses such as, but not limited to, used car lots, storage yards and recreational vehicle sales lots shall be provided five (5) off-street parking spaces for the first five thousand (5,000) square feet of net lot area, or fractional part thereof and one (1) parking space for each additional five hundred (500) square feet of net lot area so used. These spaces shall be reserved for customer and employee parking only, and shall be labeled as such.
- (g) Self-service gas station/mini marts shall be provided one (1) parking space for each two hundred fifty square feet (250) of gross floor area or fractional part thereof, with a minimum of three (3) spaces which shall be designed so as not to interfere with the dispensing operation.
- (h) Wholesale showrooms in the industrial districts shall be provided one (1) parking space for each six hundred (600) square feet of showroom area, or fractional part thereof.
- (i) All commercial uses not identified in Subsections (1) through (7) above shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of gross floor area, or fractional part thereof, and one (1) parking space for each and every additional five hundred (500) square feet of gross floor area, or fractional part thereof.
- (j) *Restaurants, lounges, nightclubs, or similar places dispensing food, drink or refreshments.*
 - 1. Table service establishments shall be provided one (1) parking space for each fifty (50) square feet of floor area, or fractional part thereof devoted to patron use.
 - 2. Take-out establishments shall be provided one (1) parking space for each two hundred fifty (250) square feet of gross floor area, or fractional part thereof.
- (k) *Reserved.*
- (l) *Recreational and entertainment use:*
 - 1. Art galleries, amusement centers, cultural centers, libraries and museums shall be provided one (1) parking space for each two hundred fifty (250)

ARTICLE VIII Zoning District Regulations

square feet of gross floor area, or fractional part thereof.

2. Banquet halls, bingo halls, convention halls and private clubs shall be provided one (1) parking space for each one hundred (100) square feet of patron area, or fractional part thereof.
3. Bowling alleys, skating rinks, and indoor gun ranges shall be provided one (1) parking space per two hundred fifty (250) square feet of gross floor area, or fractional part thereof. Office, retail, restaurant and other areas in conjunction therewith shall have parking spaces provided as otherwise contained in this article.
4. Dance, karate, and aerobics schools, and health/exercise studios shall be provided one (1) parking space for each one hundred (100) square feet of classroom area, or fractional part thereof. Office, retail, and restaurant areas in conjunction therewith shall have parking spaces provided as otherwise contained in this article.
5. Golf courses shall be provided three (3) parking spaces per hole plus three (3) additional spaces. Office, retail, restaurant and other areas in conjunction therewith shall have parking provided as otherwise contained in this article.
6. Live-aboard marinas shall be provided one (1) parking space per boat slip.
7. Non-live-aboard marinas shall be provided one (1) parking space for each two (2) boat slips.
8. Boats stored in racks shall be provided one (1) parking space for each three (3) boat racks.
9. Stadiums and basketball gymnasiums shall be provided at least one (1) parking space for each four (4) seats.
10. Commercial tennis and racquetball clubs shall be provided four (4) parking spaces per court. Office, retail, and restaurant areas in conjunction therewith shall have parking provided as otherwise contained in this article.
11. Theaters, including movie theaters, and general auditoriums shall be provided one (1) parking space for each one hundred (100) square feet of auditorium seating area or fractional part thereof.
12. Open lot recreational use parking requirements shall be determined by the Director and such requirements shall be based on the number of people that can reasonably be expected to be on such premises at one (1) time. Said determination shall be calculated on a basis of one (1) parking space for each four (4) persons.

(m) *Schools.*

1. Day nurseries, kindergarten and elementary schools: Total parking spaces shall equal the combined total of personnel and transportation vehicles.
2. Junior high [schools]: Total parking spaces shall equal one and one-quarter (1 1/4) times the combined total of personnel and transportation vehicles.
3. High schools, trade schools and colleges: One (1) parking space per two hundred (200) square feet of classroom area, including laboratories, libraries and administrative areas. Housing facilities on college campuses must provide off-street parking of two (2) spaces for each three (3) sleeping

ARTICLE VIII Zoning District Regulations

rooms. Other such uses, such as restaurants, auditoriums, theaters, etc., shall provide parking as required in this section for such uses. In addition, in connection with the foregoing schools, one (1) parking space shall be required for each four (4) employees, excluding teachers.

In connection with the foregoing school use, parking required for church use may be credited toward parking requirements for school use, where the same are operated by the same ownership and on the same property.

The applicant shall submit information substantiating the personnel and vehicle figures used for computing the above parking requirements.

(n) *Office, professional building or similar uses.* One (1) parking space for each three hundred (300) square feet of gross floor area of such building or fractional part thereof.

(o) *Industrial.*

1. For a warehouse building, one (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area in the building up to ten thousand (10,000) square feet and then one (1) space for each two thousand (2,000) square feet of gross warehouse floor area thereafter. Office, retail and wholesale showroom areas provided in conjunction with the industrial use shall have parking spaces provided for such areas as otherwise contained in this article. Regardless of the intended mix of use, a minimum of two (2) parking spaces shall be provided for each bay in the building. In determining the number of bays, the Director shall take into account the possibility of partitioning the building into multiple units, the number and location of bathrooms, the number and location of overhead or other door openings, the layout of electrical circuits and air conditioning units, etc. In determining the number of spaces to be provided, the formula requiring the greatest number of parking spaces shall be applied.
2. Where open lot or walled-in uses only are involved, such as salvage yards, batching plants, precast or prestressed concrete products, or the like, two (2) parking spaces for each five thousand (5,000) square feet of lot area shall be provided, or one (1) space for each two (2) employees shall be provided, whichever requires the greater number of parking spaces. Such parking spaces shall be located no farther than one thousand five hundred (1,500) feet from the industrial use in question. Such noncontiguous property to be used for parking must be located in BU-1A, BU-2, BU-3 or an industrial district.
3. The ownership of the parking area shall be the same as that of the individual site which it is to serve. Before any permit for industrial use may be obtained, which under this chapter requires additional and separate parking areas, the owner of the industrial site shall cause to be recorded an agreement to the effect that the ownership of the industrial site and of the separate parking area shall remain the same until the regulations are

ARTICLE VIII Zoning District Regulations

amended eliminating the need for such separate parking area.

4. Prior to the issuance of a building permit for the erection of a new structure or building, or for an addition thereto, either of which is to be used for industrial purposes, or prior to the issuance of a certificate of use and occupancy for a different use of an existing industrial structure or building, the applicant shall complete and execute a form prescribed by the Director which shall, among other things, provide the necessary information upon which the required off-street parking may be determined; and the applicant shall therein acknowledge that such information is submitted for such determination; and in the event of a change in use or additional use is contemplated, such additional off-street parking as may be required by this chapter, if any, must be furnished prior to such use change or additional use.

(p) *Housing for low and/or moderate income for the elderly and/or handicapped.*

1. For any apartment building exceeding four (4) units, fifty hundredths (0.50) parking space shall be provided for each dwelling unit in the apartment building.
2. Provisions of this chapter concerned with the requirements for lot coverage and open space shall remain enforced under this section. The lot area not used as a result of the decrease in parking spaces as required under Section 33-124(a) shall remain as open space and shall be landscaped or used for recreational purposes. Said open space shall be in addition to the open space requirements of the Code. The site plan submitted to the Department shall illustrate future parking spaces if the present parking requirements are in-adequate pursuant to subdivision (3) herein.
3. If it is determined by the Department at the time of annual renewal of certificate of occupancy that the parking reduction of fifty hundredths (0.50) space per unit does not allow adequate parking for the apartment building, the owner must increase the number of parking spaces to fulfill the needs as determined by the Director.
4. For the purposes of this section only, housing for low and/or moderate income elderly and/or handicapped shall be defined as publicly owned or nonprofit sponsored and owned housing for the elderly or handicapped developed and financially assisted under the United States Housing Act of 1937, as amended.

(q) *Self-service storage facilities.*

1. Self-service storage facilities shall be defined as fully enclosed spaces used for warehousing which contain individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.
2. In self-service storage facilities, off-street parking shall be provided on the following basis: One (1) parking space per five thousand (5,000) square

ARTICLE VIII Zoning District Regulations

feet of building area for the first twenty thousand (20,000) square feet of building; one (1) parking space per ten thousand (10,000) square feet (or fraction thereof) of building area thereafter; and one (1) parking space for the manager's apartment, where provided. One (1) parking space per four hundred (400) square feet of gross office area (or fraction thereof) shall also be provided. In the application of these regulations, a minimum number of five (5) off-street parking spaces shall be provided for any self-service storage facility regardless of size.

(a) Parking area on application for building permit.

Applications for building or use permits shall indicate the area to be used for parking and permits shall be issued stating that such area shall be so reserved and developed. Recordable restrictions so reserving such area may be required at the discretion of the Director. Such area reserved for parking area will be marked on the zoning maps and no permits for additional use of such area shall be issued. Area reserved for parking in connection with any use shall be under the same ownership as that of the use itself.

(b) Surface of parking areas.

1. In the AU, RU-1 and RU-2 Districts the area reserved for off-street parking shall be either graveled, mulched or hard-surfaced. In all other zones it shall be hard-surfaced. Where the parking area is hard-surfaced, the same shall consist of a good rolled rock base, well tamped and topped with oil and sand or with asphalt or surfaced with concrete. Occupancy of a given structure or premises shall be prohibited until the required parking area has been improved, inspected and approved.
2. In all other districts, all off-street parking areas shall be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement. The occupancy or use of a given structure or premises shall be prohibited until the required off-street parking area has been improved, inspected and approved.
3. All required off-street parking areas shall be properly drained so that no nuisance will be caused to adjacent or nearby properties. All construction shall comply with design standards as established by all applicable laws, ordinances and regulations.
4. All required off-street parking areas shall be maintained in good repair and shall be kept in a reasonably clean and sanitary condition free from rodents, insects and vermin.

(c) Landscaping and Open Space Requirements:

1. All parking areas shall comply with the requirements for landscaping, including but not limited to buffers and open space requirements contained elsewhere this code.

ARTICLE VIII Zoning District Regulations

2. In addition to the minimum open space requirements for the individual zoning district contained elsewhere in this code, all parking lots shall include ten (10) square feet of open landscaped space area per parking space dispersed throughout the parking lot and exclusive of required parking lot buffers.

(d) Districts where parking area permitted between setback line and right-of-way.

1. No parking areas including driveways except for minimum ingress and egress drives in the RU, EU, AU and GU Districts shall be located closer than twenty-five (25) feet to an official right-of-way except parking areas for single family, two-family, three- and four-unit apartment uses.
2. In the RU-1 and RU-2 Districts, front, side, and side street setback areas may be used for off-street parking if said area is of sufficient depth to permit the parking of vehicles. Parking in the BU Districts shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line. Parking in the IU-1, IU-2 and IU-3 Districts shall be permitted between the required setback line and the official right-of-way line providing that greenbelt requirements as provided elsewhere in this chapter are satisfied. In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

(e) 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 three hundred feet (300') from the site of such business or commercial use to be served; provided such business, ~~or~~ 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 shall cease and terminate upon the elimination of such parking area, and that no business commercial 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 three hundred feet (300') 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

ARTICLE VIII Zoning District Regulations

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.

(g) Application of provisions to change of uses.

This article shall apply to changes of uses as well as the establishment of new uses.

(h) Between business structure and public park.

Where a business is adjacent to a park, neither the driveway nor the parking area shall be located between the business structure and the public park.

(i) Using parking areas for commercial parking lot.

No area designated as a parking area in connection with any designated use or uses shall be operated as a commercial parking lot.

(j) Marking parking spaces; backing out into street; improvement of frontage.

For all uses other than single family, duplex or townhouse, the parking area shall be marked by painted lines, as otherwise provided in this chapter, indicating the individual parking spaces or stalls. In all districts, the parking area shall be so arranged that there is no backout into an adjacent private or public street, excepting only lots used for single family or duplex use. The frontage along the entire parking area adjacent to the private or public street shall be curbed, walled or landscaped, except at entrances, exits, or drainage outlets approved by the Director and the Department of Public Works.

(k) *Landscape.*

Landscaping shall be provided in accordance with **Chapter 18A** of this Code

(l) *Parking Waiver .*

The Administrative Official shall be authorized to review and act upon applications for administrative waivers of off-street parking requirements for properties with multiple uses where an applicant can demonstrate that differing hours of operations of existing businesses, or other conditions, justify such a waiver.

No waiver shall be granted greater than fifteen (15) percent of off-street parking requirements for a single use, or that would result in a cumulative total greater than twenty (20) percent of off-street parking requirements for an entire property.

The Administrative Official, in consultation with the Town Engineer, shall review and evaluate such applications as indicated in the following sections. In the event a wavier

ARTICLE VIII Zoning District Regulations

exceeding 15% for an individual use is requested or more than 20% for an entire site the request shall be reviewed by the Town Council as a Conditional Use pursuant to the requirements of the Town's Code.