

**ORDINANCE NO. #2007 – 12**

**AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE IN ITS ENTIRETY; PROVIDING FOR GENERAL PROVISIONS, SUMMARY OF USES AND DEVELOPMENT STANDARDS, DEFINITIONS AND INTERPRETATIONS, AND ADMINISTRATION; PROVIDING FOR ZONING DISTRICTS WITHIN THE CITY; PROVIDING FOR MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS; PROVIDING FOR LANDSCAPING AND BUFFERS, URBAN DESIGN AND ARCHITECTURAL STANDARDS, ROADS AND VEHICULAR USE AREAS, SIGN REGULATIONS, TOWERS, POLES AND MASTS, SUBDIVISIONS, CONCURRENCY AND IMPACT FEES, AS SET FORTH IN EXHIBIT "A" TO THIS ORDINANCE; PROVIDING FOR RENUMBERING, CODIFICATION, CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, since its incorporation, the City of Doral has adopted the Miami-Dade County Land Development Regulations to use as its own pending development and approval of the City's Comprehensive Plan and the City's own Land Development Regulations; and,

WHEREAS, the City of Doral has adopted some ordinances to amend certain portions of the Miami-Dade Land Development Regulations; and,

WHEREAS, the City of Doral Planning Staff and Consultants have prepared Land Development Regulations, attached hereto as Exhibit "A," to be adopted and implemented consistent with the City's Comprehensive Plan; and,

WHEREAS, the City Council of the City of Doral has reviewed the proposed Land Development Regulations to confirm consistency with the City's Comprehensive Plan, and has conducted all necessary public hearings for the adoption by the City of the Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DORAL:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirm as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The City Council of the City of Doral hereby adopts the Land Development Regulations, attached hereto as Exhibit "A." The Land Development Regulations include the following subjects, set forth more particularly in Exhibit "A":

General Provisions; Summary Of Uses And Development Standards; Definitions and Interpretations; Administration; Zoning Districts Within The City; Miscellaneous And Supplementary Regulations; Landscaping And Buffers; Urban Design And Architectural Standards; Roads And Vehicular Use Areas; Sign Regulations; Towers, Poles And Masts; Subdivisions; Concurrency; and, Impact Fees.

Section 3. Renumbering. To the extent necessary, the sections of the Land Development Regulations, as well as provisions of previously approved Ordinances to be included within the codified Land Development Regulations, may be renumbered or re-lettered to accomplish the codification authorized herein.

Section 4. Severability. That if any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 5. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 6.    Inclusion in Code. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section " or other appropriate word.

Section 7.    Effective Date. This Ordinance shall become effective as provided by law.

[Section left blank intentionally]

The foregoing Ordinance was offered by Vice Mayor Cabrera who moved its adoption.

The motion was seconded by Councilman DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon FIRST READING the 23<sup>rd</sup> day of May, 2007.

PASSED AND ADOPTED upon SECOND READING the 22<sup>nd</sup> day of August,  
2007.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR THE SOLE USE OF  
THE CITY OF DORAL:

  
\_\_\_\_\_  
JOHN J. HEARN, CITY ATTORNEY

# EXHIBIT “A”



City of Doral

**Land Development Code**  
**FINAL HEARING DRAFT**

Prepared by:



Iler Planning Group  
Palm Beach Gardens, FL

August 22, 2007

# City of Doral Land Development Code

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## **CHAPTER I. GENERAL PROVISIONS**

### **Section 1.**

This Code shall be known as and referred to as the Land Development Code (LDC) of the City of Doral.

### **Section 2. Authority.**

This Land Development Code is enacted pursuant to the requirements and authority of Section 163.3161 et seq., Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the Charter of the City of Doral, and the powers and authority provided in the Florida Statutes including, but not limited to Chapters 60, 162, 166, 171, 177, 286 and 823-

### **Section 3. General purposes.**

- (a) It is the purpose of this Land Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city.
- (b) It is the purpose of this Land Development Code to create value for the citizens of the City of Doral by:
  - (1) Allowing property owners to enhance the value of their property through innovative and creative redevelopment;
  - (2) Ensuring that development and redevelopment will not have a negative impact on the value of surrounding properties and wherever practicable promoting development and redevelopment which will enhance the value of surrounding properties; and
  - (3) Strengthening the city's economy and increasing its tax base as a whole.
- (c) It is the purpose of this Land Development Code to promote economic development, neighborhood revitalization, and regional cooperation to sustain efforts through which development will protect regionally significant water and other environmental resources.
- (d) It is the purpose of this Land Development Code to make the beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law.
- (e) It is the purpose of this Land Development Code to:
  - (1) Provide for adequate light, air and privacy; secure safety from fire, flood and other damage; prevent overcrowding of the land and undue congestion of population; and improve the quality of life for the citizens of the city;
  - (2) Protect the character and the social and economic stability of all parts of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land within the city;

- (3) Protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and minimize the conflicts among the uses of land and buildings;
- (4) Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, with particular regard for safe and efficient vehicular and pedestrian traffic movement;
- (5) Preserve the natural resources and aesthetic character of the community for both the resident and tourist population consistent with the city's economic underpinnings;
- (6) Provide for open spaces through efficient project design and layout that addresses appropriate relationships between buildings on the project site and adjoining properties, including public rights-of-way and other public places;
- (7) Protect and improve the quality of water resources and wetlands in both interior and coastal areas and preserve floodplains, drainage ways, and other natural areas having beneficial hydrological characteristics and functions;
- (8) Establish zoning districts of a size, type, location and with standards that reflect the existing and desirable characteristics of a particular area within the city;
- (9) Establish permitted uses corresponding with the purpose and character of the respective zoning districts and limit uses within each district to those uses specifically authorized;
- (10) Establish use limitations for specified uses consistent with the zoning district in which they are allowed and the particular characteristics of such specified uses;
- (11) Enumerate density, area, width, depth, height, setback, coverage and like requirements for each district, and make appropriate distinctions between categories of use within districts, based on the general purposes of this article, the Comprehensive Plan, and existing and desired community characteristics;
- (12) Coordinate the provisions of this Land Development Code with corollary provisions relating to parking, fences and walls, signs, minimum habitable area and like supplementary requirements designed to establish an integrated and complete regulatory framework for the use of land and water within the city.

#### **Section 4. Jurisdiction and applicability.**

- (a) This Land Development Code shall govern the development and use of land and structures within the corporate limits of the city.
- (b) No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

#### **Section 5. Comprehensive plan and establishment of zoning districts:**

The Comprehensive Plan of the City of Doral is the official statement of policy of the city in regard to the use of land and all use or development of land undertaken pursuant to this Land Development Code shall be consistent with the Comprehensive Plan.

For the purposes of protecting, promoting and improving the public health, safety and general welfare of the community and in order to regulate the location of buildings, the height and size of buildings hereafter erected or structured, the setbacks and other open

space requirements, the city is hereby divided into the following zoning districts, together with the appropriate land use categories as defined in the comprehensive plan:

TABLE INSET:

No.	Future Land Use Categories	Zoning Districts*
1.	Estate Density Residential (up to 6 du/gross acre)	Single Family Residential (SFR-1, SFR-2, SFR-3 & SFR-4)
2.	Low Density Residential (up to 10 du/gross acre)	1) Multi Family-1 (MF-1) Residential 2) SFR-1, SFR-2, SFR-3, SFR-4 & SF-5
3.	Moderate Density Residential (up to 13 du/gross acre)	1) Single Family-5 (SF-5) Residential 2) Multi Family-1 (MF-1) Residential 3) Multi Family-2 (MF-2) Residential
4.	Medium Density Residential (up to 19 du/gross acre)	1) Multi Family-3 (MF-3) Residential 2) Multi Family-2 (MF-2) Residential
5.	High Density Residential (up to 25 du/gross acre)	1) Multi Family-4 (MF-4) Residential 2) Multi Family-3 (MF-3) Residential
6.	Downtown Mixed Use	Downtown Mixed Use (DMU)
7.	Community Mixed Use	Community Mixed Use (CMU)
8.	Traditional Neighborhood Development	Traditional Neighborhood Development (TND)
9	Business	1) Corridor Commercial District (CC) 2) Neighborhood Commercial (NC) 3) Office (O-1, O-2 & O-3)
10.	Office	Office (O-1, O-2 & O-3) Districts
11.	Office/Residential	1) Office (O-1, O-2 & O-3) Districts 2) Multi-Family Residential (MF-3 and MF-4 only)
12.	All Categories	Planned Unit Development District
13.	Industrial	1) Industrial Commercial District (IC) 2) Industrial District (I)
14.	Restricted Industrial	Industrial-Restrictive (I-R) District
15.	Institutional & Public Facility	Institutional & Public Facility (IPF)
16.	Private Parks & Recreation	Private Parks & Recreation (PPR)
17.	Environmentally Protected Parks	Environmentally Protected Parks

\*Under no circumstances shall the density, intensity, or uses permitted be inconsistent with that allowed on the city's future land use plan. If the zoning district used contains a more restrictive standard than that found in the city's future land use plan, the more restrictive standard shall apply. Mixed uses shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated to their respective proportion to the total lot area. Zoning districts that are inconsistent with the land use map and categories shall rezone prior to development.

**Section 6. Transition**

(a) *Transition period.* Where a complete application for development approval was pending upon the adoption of this Land Development Code, the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application for development approval, provided that:

- (1) The application is approved within six (6) months of the date of adoption of this Land Development Code; and
  - (2) Construction begins within six (6) months of the issuance of such approval and is diligently pursued to completion.
- (b) *Existing unlawful uses and structures.* A structure or use not lawfully existing at the time of the adoption of this Land Development Code is lawful only if it conforms with all of the requirements of this Land Development Code.
- (c) *Existing approved uses.* An existing use which is lawful on the date of adoption of this Land Development Code, whether permitted as a "permitted use" or a "conditional use" in the zoning district in which it is located, shall not be deemed nonconforming solely because the procedure for approval has changed through the adoption of this Land Development Code. In the event the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained. If the existing use is nonconforming under either the prior Land Development Code or this Land Development Code, then such use shall come into conformance with this Land Development Code if required by the provisions of Article 7.
- (d) *Previously granted variances.*
- (1) All variances granted subject to a time frame for construction which are still in effect on the adoption of this Land Development Code shall remain in full force and effect, including any conditions attached thereto, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, the provisions of this Land Development Code shall govern and the variance shall have no further force and effect.
  - (2) Any variance granted which is not subject to a time frame for construction, where the development proposal to which the variance related has not been commenced prior to the adoption of this Land Development Code, shall remain in full force and effect, including any conditions attached thereto, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance fails to commence construction within six (6) months of the adoption of this Land Development Code, the provisions of this Land Development Code shall govern and the variance shall have no further force and effect.
- (e) *Previously certified site plans.* All site plans certified prior to the adoption of this Land Development Code, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the certified site plan may proceed to develop the property in accordance with the certified site plan previously approved. However, if the recipient of the certified site plan has failed to commence construction before the certified site plan expires or if a certified site plan is abandoned, the provisions of this Land Development Code shall govern. No site plan certified prior to the adoption of this Land Development Code shall be extended.
- (f) *Previous approvals with required reviews.* In the event that an approval granted prior to the adoption of this Land Development Code includes a condition requiring further

review in regard to the development, such further review shall be conducted by the community development board.

- (g) *Previous amortization schedules.* In the event any use or structure has been subject to an amortization provision under a previously adopted City Code the use or structure shall continue to be subject to those provisions.
- (h) *Properties affected by eminent domain.* When an eminent domain project has begun and has achieved a substantial amount of progress as evidenced by the condemning authority's adoption of a resolution and/or the approval of final construction plans with greater than 60 percent completion and/or other actions that demonstrate substantial progress prior to the adoption of this LDC, the condemning authority or property owner may request that the city review the property under this section. If requested by either the condemning authority or property owner, the city will evaluate the property's compliance with the previous land development code and related regulations and this community development code and develop a post-acquisition-site plan which applies this LDC where physically and financially feasible and adequately improves the public safety issues of the site. The Planning & Zoning Director may require mitigation and/or improvements to the site that are related to the specific conditions of the site and implement the purposes of this LDC. Based on the above criteria, the community development coordinator shall review and approve a site plan which shall govern the re-development of the site after the acquisition by the condemning agency.

### **Section 7. Severability.**

Should any section or provision of this LDC be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this LDC as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### **Section 8. Zoning uses, districts and map.**

- (a) The Zoning Map of the City of Doral consists of a map of the city, published in the form of a map or book containing a title and summary page and additional separate sheets, each covering a portion of the city, depicting all real property within the city and designating the various zoning districts and the boundaries thereof. The zoning map shall be in sufficient detail so that property owners may locate their properties with respect to the zoning district boundary lines. The zoning map shall be available for inspection and examination by members of the public at all reasonable times as any other public record. The zoning map is not included herein, but such map is on file and available for inspection in the planning department.
- (b) *Interpretation of district boundaries.* Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules shall apply:
- (1) *Delineation of boundaries.* Zoning district boundaries are shown as heavy lines upon the zoning map and are superimposed upon lighter lines designating section lines, fractional section lines, platted lot lines, streets, city limits and other physically identifiable ground features or extensions of same, unless



- other specific distances in feet or other angles, bearings, radii and other references to a boundary location are specified.
- (2) *Boundaries in streets.* Zoning district boundary lines when located in streets or other public rights-of-way shall be interpreted as located on the centerline of such rights-of-way.
  - (3) *Interruption of boundary lines.* Boundary lines which are interrupted to show street names or other identification numbers or letters upon the official zoning map shall be interpreted as extending through such identifications unless otherwise specified.
  - (4) *Shore, seawall or bulkhead lines.* Zoning district boundary lines shall be construed to follow such shore, seawall or bulkhead lines, and in the event of change in the shore, seawall or bulkhead lines, shall be construed as following the changed shore, seawall or bulkhead line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
  - (5) *Boundary line unclear.* When the exact location of a zoning district boundary line is not clear, its location shall be determined by the community development coordinator using the following criteria in order of importance: the appropriate ordinance as passed by the city council; the Future Land Use Map (FLUM) boundary line; and historical development patterns.
- (c) *Zoning of annexed properties.* Property annexed to the city shall be rezoned through the city ordinances, the zoning classification which most closely relates to the city zoning classification, as determined by the planning and zoning director, in effect at the time of such annexation and the city zoning maps referred to in section (8) above. A shall be amended or posted accordingly.

**CHAPTER II. SUMMARY OF USES AND DEVELOPMENT STANDARDS**

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Section 1. Zoning districts development standards table<sup>a</sup>.

	SF-1	SF-2	SF-3	SF-4	SF-5	MF-1 <sup>b</sup>	MF-2	MF-3	MF-4	O-1	O-2	O-3	NC	CC	IC	I	I-R
<b>Comparison to Old District</b>	-	-	-	-	RU-1M(a)	RU-TH	RU-3M	RU-4L	RU-4M, RU-4A	-	-	-	BU-1A	BU-2	IU-1	IU-2/IU-3	-
<b>Density</b>	Pursuant to respective future land use category of the parcels									N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Floor Area Ratio (FAR)<sup>c</sup></b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.5 & 0.20	0.5 & 0.25	0.5 & 0.25	0.5 & 0.25	0.5 & 0.25	0.5 & 0.25	0.5 & 0.25	0.5 & 0.25
<b>Maximum Height</b>	35'	35'	35'	35'	35'	40'	2s/35'	6s/75'	9s/100'	4s	6s d(1)	14s	4s or 45'	6s	Width of r-o-w	Width of r-o-w	Width of r-o-w
<b>Minimum Lot Area</b>	20,000	10,000	8,000	7,500	5,000	1 acre	16,884	10,000	1 acre	10,000	10,000	1 acre	7,500	1 acre	7,500	7,500	7,500
<b>Minimum Lot Width (Ft.)</b>	100	90	80	75'	50'	b	100'	100'	100'	75'	75'	100'	50'/75' <sup>d</sup>	100'	75'	75'	75'
<b>Maximum Building Coverage</b>	30%	35%	35%	35%	45%	b	40%	35%	30%	50%	50%	50%	50%	50%	50%	50%	50%

<sup>a</sup> All developments fronting Doral Blvd shall meet the urban design, architecture and landscaping standards as recommended by Doral Blvd Study.

<sup>b</sup> All developments in MF-1 shall refer to Section 6 of Chapter V for more detailed requirements. Requirements on this table are given only to demonstrate nature of the zoning district and shall not be construed for development approval purposes.

<sup>c</sup> First number indicate FAR for first floor while the second number indicate FAR for subsequent upper floors. Multi story structured parking shall not be counted for FAR calculations. However, parking floors shall be counted for maximum number of floors and/or maximum height calculations.

<sup>d</sup> 75' width for corner lots and 50' width for all other lots.

<sup>d(1)</sup> up to 8 stories permitted if the property is located in the Office and Residential Land Use Designation

		SF-1	SF-2	SF-3	SF-4	SF-5	MF-1 <sup>b</sup>	MF-2	MF-3	MF-4	O-1	O-2	O-3	NC	CC	IC	I	I-R
<b>Minimum Open Space</b>		60%	45%	40%	40%	30%	30/50%	25%	25%/35% <sup>e</sup>	25/30/35% <sup>f</sup>	20%	15%	15%	15% - 20%	17%	20%	15%	15%
<b>Minimum Building Setback (Ft.)<sup>g</sup></b>	<b>Front</b>	30	30	30	25'	25'	25'	25'	25'	25'	20'	20'	20'	20'	20'	20'	20'	20'
	<b>Side Street</b>	15'	15'	10'	10'	10'	b	25'	25'	25'	15'	15'	15'	15'	15'	15'	15'	15'
	<b>Interior Side</b>	10	10	7.5	7.5'	7.5'	20'/25'	20'	15'/20' <sup>h</sup>	15'/20' <sup>h</sup>	5'/15' <sup>i</sup>	5'/15' <sup>i</sup>	5'/15' <sup>i</sup>	5'/15' <sup>i</sup>	5'/15' <sup>i</sup>	5'/15' <sup>i</sup>	5'/15' <sup>i</sup>	5'/15' <sup>i</sup>
	<b>Rear</b>	25	25	25	25'	25'	25'	25'	25'	25'	5'/15' <sup>j</sup>	5'/15' <sup>j</sup>	5'/15' <sup>j</sup>	5'/15' <sup>j</sup>	5'/15' <sup>j</sup>	5'/15' <sup>j</sup>	5'/15' <sup>j</sup>	5'/15' <sup>j</sup>

<sup>e</sup> 25% for lots with structures not exceeding four (4) stories and 35% for lots exceeding four (4) stories.

<sup>f</sup> 25% for lots with structures not exceeding four (4) stories in height and 30% for lots with structures ranging from four (4) to six (6) stories in height and 35% for lots with structures exceeding six (6) stories in height.

<sup>g</sup> Where a setback is in conflict with Florida Building Code and/or landscape bufferyard requirements as per Chapter VII of this code, the restrictive regulations shall apply.

<sup>h</sup> 15' for structures not more than two (2) stories or 24' height; and twenty (20') for structures more than two (2) stories or 24' in height.

<sup>i</sup> Five (5) feet setback where the adjacent property is either commercial, business and/or office district; 15' setback when abutting a residential district.

<sup>j</sup> Five (5) feet setback where the adjacent property is either commercial, business and/or office district; 15' setback when abutting a residential district.

**Section 2. Use compatibility table.**

P = Permitted Use;      S = Permitted with special regulations;      E = Special exception use;      -- = Not Permitted

GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
<b><u>Professional Offices</u></b>	Accountant	P	P	P	P	P	P	P	P
	Architect	P	P	P	P	P	P	P	P
	Engineer	P	P	P	P	P	P	P	P
	Attorney	P	P	P	P	P	P	P	P
	Consultant	P	P	P	P	P	P	P	P
	Engineer	P	P	P	P	P	P	P	P
	Surveyor	P	P	P	P	P	P	P	P
	Interior Designer	P	P	P	P	P	P	P	P
	Paralegal	P	P	P	P	P	P	P	P
	Etc	P	P	P	P	P	P	P	P
<b><u>Medical</u></b>	Medical Center	P	P	P	-	P	P	P	P
	Rehab Centers	P	P	P	-	P	P	P	P
	Hospitals	P	P	P	-	P	P	P	P
	Emergency Facilities	P	P	P	-	P	P	P	P
<b><u>Low Intense Medical</u></b>									
	Doctor Offices (any practice)	P	P	P	P	P	P	P	P
	Clinic	P	P	P	P	P	P	P	P
	Dialysis Center	P	P	P	P	P	P	P	P
	Health testing Invasive	P	P	P	P	P	P	P	P
	Health testing - non invasive	P	P	P	P	P	P	P	P
	Home Health Care Provider	P	P	P	P	P	P	P	P
	Home Health Care Agency	P	P	P	P	P	P	P	P

GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
<b>Real Estate &amp; Mortgage Offices:</b>	Massage/Physical/Occupational Therapist Center	P	P	P	P	P	P	P	P
	Real Estate Broker	P	P	P	P	P	P	P	P
	Appraiser	P	P	P	P	P	P	P	P
	Mortgage Company	P	P	P	P	P	P	P	P
<b>Auto/Truck/Van</b>	Retail Sale	-	-	-	-	-	S	S	S
	Wholesale	-	-	-	-	-	S	S	S
	Export Only	-	-	-	-	-	S	S	S
<b>Gas Stations</b>	Gas Stations	-	-	-	-	S	S	S	S
<b>Auto/Trucks</b>	Body Shop	-	-	-	-	-	S	S	S
	General Mechanical Service	-	-	-	-	-	S	S	S
	Car Rental	-	-	-	-	-	S	S	S
<b>Car Wash</b>	Inside Building	-	-	-	S	P	P	P	P
	Exterior Washing	-	-	-	S	P	P	P	P
<b>Educational /Training</b>	Public Schools	P	P	P	P	P	P	P	P
	Schools	S	S	S	S	P	P	P	P
	University	S	S	S	S	P	P	P	P
	Tutoring/Instructions (up to 5 students)	S	S	S	S	P	P	P	P
<b>Passengers</b>	Taxis	-	-	-	-	S	S	P	P
	Buses	-	-	-	-	S	S	P	P
	Towing	-	-	-	-	S	S	P	P
	Limousine	-	-	-	-	S	S	P	P

GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
<b>Care Facilities</b>	Adult Care	-	-	-	-	-	P	P	P
	Day Care	-	-	-	S	P	P	P	P
	Assisted Living Facility	-	-	-	-	-	P	P	P
<b>Religious</b>	Religious Facility	P	P	P	P	P	P	P	P
<b>Funeral Services:</b>	Embalmer	-	-	-	-	P	P	P	P
	Funeral Homes	-	-	-	-	P	P	P	P
<b>Admission Facilities</b>	Auditoriums	-	-	-	-	P	P	P	P
	Theatres	-	-	-	-	P	P	P	P
	Museums	-	-	-	-	P	P	P	P
	Galleries	-	-	-	-	P	P	P	P
	Film Studios	-	-	-	-	P	P	P	P
<b>Rental Rooms</b>	Hotels/Motels (stand alone)	P	P	P	S	S	P	P	P
	Hotels/Motels (mixed use)	S	S	S	S	S	S	S	S
<b>Eating Establishments</b>	Drive-In Restaurant	-	-	-	-	P	P	P	P
	Restaurant/Cafeteria	S	S	S	P	P	P	P	P
	Restaurant	S	S	S	P	P	P	P	P
	Wine/Café	S	S	S	S	P	P	P	P
	Wine Café with Retail Sale	-	-	-	S	P	P	P	P
	Liquor Sales with Wine Tasting	-	-	-	-	P	P	P	P
	Bars and Pubs	S	S	S	E	P	P	P	P
	Night Clubs	-	-	-	-	S	P	P	P
	Billiards	-	-	-	S	P	P	P	P
	Bingo Hall	-	-	-	-	P	P		
	Banquet Hall	S	S	S	P	P	P	P	P

GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
<b>Warehouse</b>	Freight Forwarding	-	-	-	-	-	P	P	P
	Cargo Service	-	-	-	-	-	P	P	P
	Custom Brokerage	-	-	-	-	-	P	P	P
	Mini-warehouse or self-storage facilities	∓	∓	∓	∓	S	∓	∓	∓
<b>Manufacturing Uses</b>									
<b>Manufacturing Light Uses</b>									
	Residential uses as a watchman's or caretaker's quarters in connection with an existing industrial use located on the premises concerned.	-	-	-	-	-	P	P	P
	Animal hospitals within soundproof, air-conditioned buildings.	-	-	-	-	-	P	P	P
	Armories, arsenals.	-	-	-	-	-	P	P	P
	Bakeries--wholesale only with incidental retail uses.	-	-	-	-	-	P	P	P
	Blacksmith, gas steam fitting shops.	-	-	-	-	-	P	P	P
	Boat slips used for the tying up of boats for the purpose of overhauling or repairing.	-	-	-	-	-	P	P	P
	Bottling plants.	-	-	-	-	-	P	P	P
	Brewery.	-	-	-	-	-	P	P	P
	Caterers.	-	-	-	-	-	P	P	P
	Clubs, private.	-	-	-	-	-	P	P	P
	Cold storage warehouses and precooling plants.	-	-	-	-	-	P	P	P
	Concrete, clay or ceramic products, hand manufacture or involving only small mixer	-	-	-	-	-	P	P	P
	Contractors' offices and yards.	-	-	-	-	-	P	P	P
	Dry cleaning and dyeing plants.	-	-	-	-	-	P	P	P
	Electric substation.	-	-	-	-	-	P	P	P
	Engine sales and service, gas, oil, steam, etc.	-	-	-	-	-	P	P	P
	Fertilizer storage. †	-	-	-	-	-	P	P	P



GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
	Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables	-	-	-	-	-	P	P	P
	Furniture refinishing.	-	-	-	-	-	P	P	P
	Garages--storage mechanical, including trucks, buses, heavy equipment.	-	-	-	-	-	P	P	P
	Glass installations.	-	-	-	-	-	P	P	P
	Laboratories, material testing.	-	-	-	-	-	P	P	P
	Leather goods manufacturing, excluding tanning.	-	-	-	-	-	P	P	P
	Livery stables, for riding clubs, or a stable for sheltering horses	-	-	-	-	-	P	P	P
	Machine shops.	-	-	-	-	-	P	P	P
	Marine warehouses.	-	-	-	-	-	P	P	P
	Mattress manufacturing and renovating.	-	-	-	-	-	P	P	P
	Metalizing processes.	-	-	-	-	-	P	P	P
	Milk or ice distributing station from which extensive truck or wagon deliveries are customarily made.	-	-	-	-	-	P	P	P
	Motion picture production studios.	-	-	-	-	-	P	P	P
	Oxygen storage and filling of cylinders.	-	-	-	-	-	P	P	P
	Parking lots--commercial and noncommercial.	-	-	-	-	-	P	P	P
	Passenger and freight--stations and terminals--boats, trucks, buses, and railroads.	-	-	-	-	-	P	P	P
	Pharmaceutical storage	-	-	-	-	-	S	P	P
	Police and fire stations.	-	-	-	-	-	P	P	P
	Printing shops.	-	-	-	-	-	P	P	P
	Radio and television transmitting stations and studios.	-	-	-	-	-	P	P	P
	Salesrooms and storage show rooms--wholesale.	-	-	-	-	-	S	P	P
	Salesrooms and showrooms	-	-	-	-	-	S	P	P
	Ship chandlers.	-	-	-	-	-	P	P	P
	Shipyards and dry docks.	-	-	-	-	-	P	P	P

GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
	Sign painting shops.	-	-	-	-	-	P	P	P
	Storage warehouse for food, fodder, etc.	-	-	-	-	-	P	P	P
	Telephone exchanges.	-	-	-	-	-	P	P	P
	Telephone service unit yards.	-	-	-	-	-	P	P	P
	Textile, hosiery and weaving mills	-	-	-	-	-	P	P	P
	Upholstery shops.	-	-	-	-	-	P	P	P
	Utility work centers--power and telephone, etc.	-	-	-	-	-	P	P	P
	Vending machine sales and service.	-	-	-	-	-	P	P	P
	Veterinarians.	-	-	-	-	-	P	P	P
	Warehouses for storage or products in the form sold in a business district	-	-	-	-	-	P	P	P
	Warehouse, membership	-	-	-	-	-	S	S	S
	Welding supplies.	-	-	-	-	-	P	P	P
	Wood and coal yards.	-	-	-	-	-	P	P	P
<b>Manufacturing Medium Uses</b>									
	Aircraft hangars and repair shops, aircraft assembling and manufacturing.	-	-	-	-	-	-	P	P
	Boat or yacht repairing or overhauling, or boat building.	-	-	-	-	-	-	P	P
	Cabinet shops.	-	-	-	-	-	-	P	P
	Canning factories.	-	-	-	-	-	-	P	P
	Commercial chicken hatcheries.	-	-	-	-	-	-	P	P
	Dredging base or place where dredging supplies are kept and where dredges or boats or machinery are stored, repaired or rebuilt.	-	-	-	-	-	-	P	P
	Fruit packing and fruit preserving.	-	-	-	-	-	-	P	P
	Furniture manufacturing.	-	-	-	-	-	-	P	P
	Grinding shops.	-	-	-	-	-	-	P	P
	Ice manufacturing.	-	-	-	-	-	-	P	P

GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
	Insecticide, mixing, packaging and storage.	-	-	-	-	-	-	P	P
	Lumberyards.	-	-	-	-	-	-	P	P
	Millwork shops.	-	-	-	-	-	-	P	P
	Novelty works.	-	-	-	-	-	-	P	P
	Ornamental metal workshops.	-	-	-	-	-	-	P	P
	Power or steam laundries.	-	-	-	-	-	-	P	P
	Steel fabrication.	-	-	-	-	-	-	S	S
	Taxidermy.	-	-	-	-	-	-	S	S
	Telecommunications hubs	-	-	-	-	-	-	S	S
	Vulcanizing.	-	-	-	-	-	-	S	S
	Welding shops.	-	-	-	-	-	-	S	S
<b>Manufacturing Heavy Uses</b>									
	Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.	-	-	-	-	-	-	S	S
	Rock and sand yards.	-	-	-	-	-	-	P	P
	Cement and clay products, such as concrete blocks, pipe, etc.	-	-	-	-	-	-	P	P
	Soap manufacturing, vegetable byproducts, only	-	-	-	-	-	-	P	P
	Railroad shops.	-	-	-	-	-	-	P	P
	Sawmills.	-	-	-	-	-	-	P	P
	Petroleum products storage tank not exceeding 30,000-gallon capacity or a group of such tanks with an aggregate capacity not in excess of thirty thousand (30,000) gallons.	-	-	-	-	-	-	S	-
	Petroleum products storage tank with a capacity of over thirty thousand (30,000) gallons or a group of such tanks with an aggregate capacity in excess of thirty thousand (30,000) gallons	-	-	-	-	-	-	S	-
	Dynamite storage.	-	-	-	-	-	-	S	S

GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
	Construction debris materials recovery transfer facility	-	-	-	-	-	-	S	S

<b>Retail Services</b>									
<b><u>Banks:</u></b>	Banking Facility	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Drive Thru	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Savings & Loans	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Trust Companies	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Cash/Check Cashing	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
<b><u>Tangible Sales:</u></b>	Retail	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Showroom/Office Sales	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Wholesale	-	-	-	-	P	P	P <sup>a</sup>	P <sup>a</sup>
	Regional Mall	=	=	=	=	P	=	=	=
<b><u>Fitness/Sports</u></b>	Fitness Center (Gyms)	P	P	P	P	P	P	P	P
	Sports Membership	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Sports Rental	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Indoor Sports Club	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P	P	P
	Trade Schools (Karate, Dancing, Gymnastics, etc)	-	-	-	P	P	P	P	P
<b><u>Animal Service</u></b>	Pet Shop	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Grooming	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Kennel	-	-	-	-	-	P	P	-
	Animal training	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Veterinarian	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
<b><u>Firearms</u></b>	Retail	-	-	-	-	-	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Wholesale	-	-	-	-	-	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>

GENERAL CATEGORY	DESCRIPTION	O-1	O-2	O-3	NC	CC	IC	I	I-R
	Shooting Range	-	-	-	-	-	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
<b>Beauty</b>	Barber Shop/Chair	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Spa	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Weight Loss Center	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Beauty Salon	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Nail Salon	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Electrolysis	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Body Wrap, massage establishments	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Tattoo Studio	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
<b>Other Services:</b>	Locksmith	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Janitorial	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Cleaning	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Pest Control	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Laundry/Cleaning plat	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Laundry/Cleaning pick-up/drop off	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Laundromat	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
	Etc	P <sup>c</sup>	P <sup>c</sup>	P <sup>c</sup>	P	P	P <sup>b</sup>	P <sup>a</sup>	P <sup>a</sup>
<b>Adult Uses</b>	Adult Uses	-	-	-	-	-	-	E	-

- a. Only 15% of the entire development is permitted as an ancillary use to principal use.
- b. Only 15% of the entire development is permitted.
- c. Only 5% of the total floor area is permitted. If the property's Future Land Use Designation is Office and Residential, up to 10% of the floor area may be permitted.



## CHAPTER III. DEFINITIONS AND INTERPRETATION

### Section 1. Interpretations of certain terms and words.

- (a) The singular includes the plural and vice versa.
- (b) The masculine includes the feminine and neuter and vice versa.
- (c) The present tense includes the future.
- (d) The word "shall" is mandatory and the word "may" is permissive.
- (e) The word "person" includes an individual, child, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, and all other groups or combinations.
- (f) The word "writing" includes handwriting, printing, typewriting, and all other methods and means of forming letters and characters upon paper, stone, wood or other materials.
- (g) The word "lot" includes the words parcel of land, plot, or tract.
- (h) The word "land" includes the words "water," "marsh," "swamp," "gross land area" and "gross acre of land."
- (i) The word "street" includes the words "avenue," "highway," "road," "boulevard," "lane," "thoroughfare," "easement," "public right-of-way," "private right-of-way" and other similar words.
- (j) All words and terms defined in any code adopted by reference are hereby incorporated in this code. However, if a word is also defined in this chapter, the latter definition shall apply in all cases except when interpreting the referenced code.

### Section 2. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

*Accessory building.* A secondary residence, garage, 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*.

*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.

*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.

*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.

*Adult entertainment club.* Any business which features live entertainment requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.

*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.

*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.

*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.

*Alcoholic beverages.* The term "alcoholic beverages" shall be as defined by Section 561.01(4), Florida Statutes.

*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.

*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.

*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.

*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.

*Antennas (cylinder type).* Antennas which are fully housed within cylindrical design canisters.

*Antenna support structure.* A facility that is constructed and designed primarily for the support of Antennas, which include the following types:

*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;



*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;

*Monopole.* A tower of a single pole design; and

*Camouflaged structure.* A structure designed to support antenna and designed to blend into the existing surroundings.

*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.

*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.

*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.

*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.

*Arterial highway.* Highways enumerated in City of Doral's Comprehensive Plan.

*Arts Foundation.* A facility containing offices, lecture and seminar rooms, exhibition areas, as well as artists' work studios, all of which is operated by a non-profit organization dedicated to the promotion of the visual arts and artists through the exhibition and presentation of the foundation's artists' works.

*Pubs or Bar.* 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. If the 51% of the sales is alcohol in any eating establishments, then it shall be considered as a pub and/or bar.

*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.

*Beer.* The word "beer" shall be as defined in Section 563.01, Florida Statutes.

*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.

*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.

*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 grade 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.

*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.

*Building site.* The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

*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.

*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.

*Business.* See *Place of business.*

*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.

*Cafeteria.* A place where food is obtained by self-service and eaten on the premises.

*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 shown on a map approved by the Department of Public Works.

*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.

*Church or religious facility.* A church, synagogue or other structure in which worship services pertaining to a particular system of beliefs are held. Wherever the term "church" is used in this chapter the term "religious facility" shall also apply.

*Club, pressing.* A pressing, cleaning or laundry agency where no gasoline or explosive of any kind is used.

*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.

*Commercial districts.* Either business, industrial or arts and crafts districts.

*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.

*Conditional permit.* A permit issued subject to revision or cancellation by the issuing department under the terms of this chapter.

*Construction debris materials recovery transfer facility.* The term construction debris materials recovery transfer facility shall mean a solid waste management facility that provides for the processing of construction and demolition debris and the extraction of recyclable materials therefrom.

*Convention hall.* An assembly or meeting place for delegates for action on particular matters such as political, fraternal, veterans affairs and the like.

*Court.* An open, unoccupied, unobstructed space, except for trees, shrubs and foundations, statuary, other than a yard, on the same lot as a building.

*Court, bungalow.* See *Bungalow court*.

*Court, inner.* A court surrounded by a structure and not extending to a street or alley or to a front, side or rear yard.

*Court, outer.* A court extending to a street or alley or to a front or rear yard.

*Department.* Unless otherwise specified within this chapter, department shall mean the Department of Planning and Zoning.

*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
- (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.

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

*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.

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

*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, pet care center or pet shop, as permitted by law, or the keeping of four (4) 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.

*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.

*Domestic violence center* means a facility that provides shelter, counseling and referral services to victims of domestic violence.

*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.

*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.

*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.

*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.

*Filling station.* See *Gas station*.

*Floor area ratio.* The floor area of the building or buildings on any lot divided by the area of the lot.

*Frontage.* Distance measured along a highway right-of-way.

*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.

*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.

*Garage, mechanical.* See *Garage, public*.

*Garage, private.* A structure 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 maximum four (4) noncommercial motor vehicles, and which has no public shop or mechanical service in connection therewith.

*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.

*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.

*Governmental center.* A site or tract of land where three (3) or more departments or divisions of a government are located.

*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.

*Gridiron system.* A rectangular system of street and blocks.

*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.

*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.

*Height of building.* See *Building height*.

*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.

*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 33-25.1 of this code. It is further provided that an office use ancillary to a permitted, bonafide agricultural use shall not constitute a home office.

*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.

*Immediate vicinity* means the area in which a specified parcel of land is located that is physically, functionally or geographically identifiable as a distinct realm, place or neighborhood, or the area within a radius of not more than five hundred (500) feet from the specified parcel of land, whichever is smaller.

*Intoxicating liquors.* For the purpose of this chapter, "intoxicating liquors" shall be as defined in Section 561.01(8), Florida Statutes.

*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*.

*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.

*Light truck* shall mean a truck having a net vehicle weight not to exceed five thousand (5,000) pounds.

*Lot.* Parcel of land shown on a recorded plat or on the official County zoning maps or any piece of land described by a legally recorded deed.

*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.

*Lot, interior.* Any lot which is not a corner lot.

*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.

*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*.

*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.

*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.

*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 as defined in Section 28-1(k) along the rear property line as required by the plat.

*Manufacturing, Light.* "Light manufacturing" means the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; paper imprinting; household appliances; leather products; jewelry; food and bakery products; and, clothing apparel.

*Manufacturing, Medium.* "Medium manufacturing" means the processing and manufacturing of materials or products predominately from extracted or raw materials. These activities may include outdoor assembly and storage of products. Outdoor manufacturing of raw materials into compost, primarily for commercial resale, is a medium manufacturing activity. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Typical medium manufacturing uses include but are not limited to: alcoholic beverages; glue; carpet; porcelain products for bathroom and kitchen fixtures; bleaching products; vegetable gelatin; dye stuffs; welding; furniture; and sporting goods;

*Manufacturing, Heavy.* "Heavy manufacturing" means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include but are not limited to: concrete batch plants; concrete, tile, or brick manufacturing; automobile, truck, and tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; gas manufacturing; grain milling or processing; metal or metal ore production, refining, smelting, or alloying; petroleum or petroleum product refining; boat, pool and spa manufacturing; slaughtering of animals; glass manufacturing; paper manufacturing; and wood or lumber processing.



*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 of the Building and Zoning Department and the Director of Public Works.

*Medical Allied Training Facility.* Any facility with a minimum floor area of 20,000 square feet, licensed by the Commission for Independent Education of the Florida Department of Education, to train students for careers as medical equipment technicians or as medical support personnel.

*Medical observation dormitory.* A facility at which research and testing for pharmaceutical and pharmaceutical device companies occurs pursuant to a clinical investigation as defined by 21 CFR § 312.3(b), Code of Federal Regulations. Such investigation is governed by extensive U.S. Food and Drug Administration regulations and involves the overnight stay of human subjects, either healthy volunteers or clinically stable representatives of subpopulations which may ultimately use the tested pharmaceuticals. The facility may include laboratories, dormitory rooms, kitchens, observation rooms and recreation rooms. The scope of services rendered is to consist solely of performing research studies, and does not include other therapy rendered for the benefit of a patient or diagnostic services.

*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.

*Mini-warehouse facilities.* See *self-storage facilities*.

*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 for tie-down of Chapter 19A of the Code of Miami-Dade County, Florida, and other similar additional tie-downs, but shall not otherwise be permanently secured to a foundation.

*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.

*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.

*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.

*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.

*New subdivision.* A subdivision of land into lots, parcels or tracts, excluding any subdivision included under "old" subdivision.

*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 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) squarefeet; such floor space providing for dancing to be free from chairs, tables or other obstructions at all times.

*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 provided for the district in which the property or premises are situated, if such use was originally legally established.

*Official right-of-way.* This term shall be interpreted to mean the zoned right-of-way width as established in this chapter.

*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.

*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.

*Pet Care Centers.* The term "pet care center" shall mean a business establishment, operating during daytime hours only, that provides supervised care for cats or dogs in an air conditioned indoor facility for the purpose of the animal's general well-being including supervised interaction with other animals, feeding and grooming services. A pet care center shall not include breeding services.

*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.

*Planning and Zoning Department.* The words "Planning and Zoning Department" shall mean the Department of Planning and Zoning in the City of Doral.

*Point of sale.* The boundary of the room and the necessary parts of the building in which products are sold.

*Poultry market.* A commercial establishment or place where live poultry is kept and offered for sale.

*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.

*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.

*Resident client* shall include an aged person, a physically disabled or handicapped person, developmentally disabled person, dependent child, or a nondangerous mentally ill person.

*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.

*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.

*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.

*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.

*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.

*Screen enclosure.* A frame erected of metal or wood spaced and constructed in accordance with Ordinance No. 57-22,\* South 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.

*Sector(s).* A group of antennas, excluding cylinder types, not to exceed four (4).

*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.

*Self-service storage facility* shall be defined as a fully enclosed space used for warehousing which contains individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted. Self-service storage facility use will only be permitted upon the submission of a site plan which shall be approved at public hearing.

*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.

*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.

*Service station.* See *Gas station.*

*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.

*Site.* Area of premises to be covered by a structure.

*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.

*Store.* A building in which commodities are sold at retail or wholesale. Also, see *Neighborhood store.*

*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 Chapter 11C (Development Within Coastal Flood Hazard Districts) of the Code of Miami-Dade County shall not be considered a story.

*Street.* See *Highway*.

*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.

*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.

*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.

*Tearoom.* A room in a building for use in serving light meals and nonalcoholic beverages.

*Telecommunications hub.* A facility designed and constructed primarily to house computer servers, communications routers, switches and similar machinery or equipment for directing or facilitating communications traffic.

*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.

*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.

*Tourist cottage.* A single family dwelling used as one (1) of the units of a tourist park.

*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.

*Trade school.* A technical trade school, such as but not limited to, aviation technology, computer technology, construction trades, electronics, health and beauty services, office and business skills and similar vocational trades.

*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 for tie-down of Chapter 19A of the Code of Miami-Dade County, Florida, and other similar additional tie-downs, but shall not otherwise be permanently secured to a foundation.

*Trailer camps.* See *Tourist park*.

*Trailer park.* See *Tourist park*.

*Trash.* Cuttings from vegetation, refuse, paper, bottles, rags. Also see *Junk*.

*Townhouse.* A "townhouse" is a one-family dwelling unit of a group of three (3) or more such units separated by a common party fire wall; provided, however, that up to ten (10) percent of the total number of units on any individual site plan may be developed in two-unit groupings. Said common party fire wall shall extend to the roof line or above the roof of units which it serves and shall have no openings therein. Where units are offset from one (1) another and a common party wall is used, the wall maybe placed equidistant on each side of the lot line not exceeding the length of the offset. Each townhouse unit shall be constructed upon a separate platted lot; provided, however, that the roof lines may overhang onto adjacent lots or common areas a maximum of twenty-four (24) inches, subject to the approval of and determination by the Director that the roof or drainage system is designed so that runoff of water from the roof does not adversely affect adjacent units or lots. Each townhouse unit shall be serviced with separate utilities and other facilities and shall otherwise be independent of one (1) another; provided, however, that the electrical lines or telephone lines or cables which service a particular unit may be placed through other lots where approved by the Planning & Zoning Director. The Planning & Zoning Director's approval shall be based upon his finding that the placement of said lines or cables will not adversely affect the lots through which they are placed.

*Utility shed.* An accessory detached storage building.

*Vehicle.* A conveyance for persons or materials.

*Warehouse, membership.* A use designed and operated for warehousing and sale of merchandise at retail and wholesale prices to members.

*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.

*Wine.* The word "wine" shall be as defined in Section 461.01(4), Florida Statutes.

(115. 01) Winery (farm related). An agricultural processing facility used for fermenting and processing fruit into wine made from locally grown produce and where such wine products may be tasted and sold. As used in this section 'locally grown produce' shall mean produce grown in Miami-Dade County.

*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.

*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.

*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.

*Yard, rear.* The yard area lying to the rear of the principal building.

*Yard, side.* The year area lying to the sides of the principal building.

## CHAPTER IV. ADMINISTRATION

### ARTICLE I: CODE ADMINISTRATION

#### Section 1. General provisions.

- (a) *Administrative official.* The provisions of this code shall be administered and enforced under the direction of the administrative official. The administrative official shall be appointed by the city manager.
- (b) *Fees.* All applications for administrative action or approval by the city shall have the appropriate fee set by resolution of the city council, and the fee shall not exceed the actual average cost of all expenses incurred by the city associated with the subject activity, including materials, labor and overhead.

#### Section 2. Development order and development permit required.

- (a) *In general.* No development activity shall be undertaken unless the activity is authorized by a development permit. A development permit may not be issued unless authorized by a development order reflecting conformance with the requirements of this code.
- (b) *Exceptions to the requirement of a development order.* A building permit may be issued in the absence of a development order for the following activities, when the proposed development conforms to the standards and permitting requirements of this code:
- (1) The construction, alteration, or enlargement of a one-family dwelling or a townhouse.
  - (2) The construction of an accessory structure on a previously developed single-family lot or townhouse.
  - (3) The alteration of an existing structure which does not enlarge the effective size or capacity of the structure, with the exception of alterations to a one- or two-family dwelling.
  - (4) Demolition of a structure.
  - (5) Erection of signs or fences on a previously developed site and when independent of other development activity on the site.
  - (6) The clearing of trees or vegetation or changing of grade when independent of other development activity on the site.
  - (7) The construction of agricultural accessory structures.
  - (8) The resurfacing of a vehicle use area.
  - (9) The installation of an antenna on a communication tower or alternative support structure in compliance with the requirements of section 9 of chapter 16 of this code.

#### Section 3. Approval of development plans.

- (a) *Designation of plans as major or minor development.* For purposes of review and approval under this code, all plans shall be designated as minor development or major development as outlined below.
- (2) *Major development.* A development plan shall be designated as a major development if it meets one or more of the following criteria:



- a. The plan includes the final plat for the subdivision of land.
  - b. The plan is a required conceptual plan for the rezoning to PUD district, or is so deemed a major development in the development agreement of the PUD.
  - c. The plan is part of a larger development proposal, or poses special development issues that, in the opinion of the administrative official, require the additional review of a major development.
- (3) *Minor development.* A development plan shall be designated as a minor development if it fails to meet the criteria for major development, and is not exempt from the requirement for a development order under section 2(b) above.
- (b) *Pre-application conference.* Prior to filing for development plan approval, the developer or the developer's representative shall meet with the administrative official or his/her designee(s), in order to verify the steps necessary for application and review, and discuss potential issues regarding the development proposal. Comments made at the pre-application conference are intended to provide guidance and are nonbinding on the formal review of the development plans, except that an applicant may request a written confirmation of the designation of the proposal as a major or minor development.
- (c) *Application for development plan approval.* Application for development plan approval shall be made to the department utilizing the form provided by the department for that purpose, and accompanied by the appropriate review fee. Application shall be accompanied by the appropriate number of proposed plans, as determined by the administrative official. Plans shall be signed and sealed by a registered engineer, architect, and/or landscape architect, where required by this code. Plans shall be prepared according to the standards of this code.
- (1) *Review of application materials.* Within two working days of the receipt of an application, the department shall determine whether the submittal is complete. Incomplete submittals shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accompanied by a re-application fee as adopted by resolution of the city council.
  - (2) *Initiation of development review.* When an application is determined to be complete, it shall be scheduled for the next available staff development review committee (SDRC) meeting.
- (d) *Development review process.*
- (1) *Staff development review committee (SDRC).* All applications shall be reviewed by the SDRC, and member's comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the SDRC shall be transmitted in writing to the applicant no later than three working days after the meeting.

## DEVELOPMENT REVIEW PROCESS SUMMARY

### Step 1

The applicant(s) schedules a pre-application meeting with Department Director or designee.

### Step 2

The applicant(s) meet with Department Director or designee to discuss Code requirements and overall project.

### Step 3

Applicant(s) submits five (5) copies of T-Plat, site plan, evaluations, survey, traffic analysis, and letters from Miami-Dade Fire Department, DERM, and SFWMD if applicable for SDRC review.

A copy is distributed to the Building, Parks, and Public Works Departments. One copy remains with Planning and Zoning Department for review.

Applicant submits plans to **DERM, Fire, and the Public School District** (if applicable).

### Step 4

#### **SDRC Meeting:**

Applicant(s) makes corrections/revisions to plans. At this time, staff and the applicant(s) discuss the public hearing schedule – see public hearing schedule in appendix.

Letters from other agencies are submitted at this time.

### Step 5

Applicant(s) submits entire application package.

The Planning and Zoning Department coordinates with City Clerk to place the request(s) on the next schedule/available **City Council** agenda.

### Step 6

The Director prepares staff's analysis and recommendations (30 days prior) to the City Manager.

City Clerk places the request(s) on **City Council's** agenda.

### Step 7

**Advertising** takes place after DRT **ten (10) days** prior to a scheduled public hearing.

### Step 8

#### **City Council Meeting:**

The application is approved with conditions, denied, or postponed for additional consideration.

**BEGIN BUILDING PERMIT**

- (2) *Minor development approval.* Minor development projects may resubmit plans in response to the SDRC comments. The plans shall be reviewed by appropriate SDRC members, based on the original findings. Based on the outcome of this second review, the administrative official shall take one of the following actions:
- a. If previous comments were not addressed, or the plan modifications result in additional code discrepancies, such comments shall be transmitted along with a reasonable deadline for resubmission based on the number and magnitude of outstanding issues. However, in no case shall resubmittal be made more than 30 days after the transmittal of comments.
  - b. If all comments are satisfactorily addressed, a development order shall be issued. All development orders approved by the city for properties within ½ mile of the County's Resource Recovery Facility (RRF) boundary shall contain a condition requiring development order applicants, successors and assigns to place in all land and building transaction documents a notice to buyers, users, lessees and renters informing them the subject property be located adjacent to, or near, the RRF and describing the potential unpleasant impacts that could impact the property and submission of a waiver and release of liability. That waiver and release of liability, below, shall be executed and recorded in the Public Records of Miami-Dade County.
- (3) *Major development approval.* Major development projects must resubmit plans in response to SDRC comments. The plans shall be reviewed by the appropriate SDRC members. Projects shall be submitted by the department to the city council only after staff technical review is deemed complete in addition to the review of applicable agencies and jurisdictions.
- a. *City council approval.* The city council shall consider the development plans at a regularly scheduled meeting, and determine if they meet the requirements of this code. Upon consideration of the comments of the department and public, and the recommendation of the local planning agency, the city council shall take one of the following actions:
    - i. Table or continue the consideration of the proposed development plan to allow for the resolution of outstanding issues.
    - ii. Deny the proposed development plan.
    - iii. Approve the proposed development plan.
    - iv. Approve the proposed development plan with conditions. Revised plans and/or reflecting conditions of city council approval shall be submitted to the department within 30 days of that approval. Plans and/or documents shall be reviewed by the department within ten working days of resubmittal to determine compliance with those conditions.
  - b. *Issuance of development order.* The department shall issue a development order upon unconditional city council approval, or verification that city council conditions for approval have been met. All development orders approved by the city for properties within ½ mile of the County's Resource

Recovery Facility (RRF) boundary shall contain a condition requiring development order applicants, successors and assigns to place in all land and building transaction documents a notice to buyers, users, lessees and renters informing them the subject property be located adjacent to, or near, the RRF and describing the potential unpleasant impacts that could impact the property and submission of a waiver and release of liability. That waiver and release of liability, below, shall be executed and recorded in the Public Records of Miami-Dade County.

#### **NOTIFICATION OF PROXIMITY OF SOLID WASTE FACILITY, ACKNOWLEDGMENT, WAIVER AND RELEASE**

*The purchasers (their heirs, successors, assigns), lessees, occupants and residents (hereinafter jointly and severally, the "Covenanters") are hereby advised and hereby acknowledge, agree and covenant as follows:*

*The subject property is located in proximity to the Miami-Dade County Resource Recovery Facility and the Miami-Dade County Ash Landfill, both of which are used in connection with the County's solid waste management and disposal activities, and operate 24 hours per day, 7 days a weeks. As a result, occupants of the property may be affected by odors, noise, or dust emanating from the Ash Landfill and Resource Recovery Facility (the "Facility") and truck traffic entering and exiting the Facility during daytime and nighttime hours.*

*The Covenanters agree that they do not object to the presence of the Resource Recovery Facility or the Ash Landfill, or their respective operations. The Covenanters agree that they waive and shall not raise any objection to the continued operation of the Facility. Further, the Covenanters waive and release Miami-Dade County from any and all liability for any past, present or future claims, and hereby agree not to file any claim or action against Miami-Dade County or the operator of the Facility, pertaining to or arising out of the current operations of the Facility. This waiver and release includes, but is not limited to, both non-constitutional and constitutional claims and actions (including, but not limited to, inverse condemnation, takings and nuisance), of any kind or other constitutional or non-constitutional claims of any kind or nature whatsoever. In the event that any paragraph or portion of this notice is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, it shall affect no other provision of this Notification, Acknowledgment, Waiver and Release ("Notice"), and the remainder of this Notice shall be valid and enforceable in accordance with its terms.*

- c. *Issuance of development order.* The department shall issue a development order upon unconditional city council approval, or verification that city council conditions for approval have been met.

#### **Section 4. Development order.**

- (a) *Expiration of a development order.* All development orders shall have an expiration date clearly noted, after which no additional development permits may be issued. Expiration dates shall be based on the following:
  - (1) Development plan approval for subdivision or site development shall expire after two years from the date of issuance. For projects that have multiple

- construction phases, the administrative official shall have the authority to issue a development order for a period of up to two additional years.
- (2) Special exceptions, conditional uses, and variances shall expire either based on the conditions of approval or based on the specific requirements of this code.
  - (3) Conventional rezonings shall have no expiration date. Conceptual plans and master development agreements for planned zoning approvals shall expire based on the terms of its development agreement and any phasing plan therein.
- (b) *Extension of expiration date.* The expiration date for a development order may be extended as follows:
- (1) A developer must request an extension in writing from the administrative official, accompanied by a development order extension fee. The request for extension shall be reviewed and considered by the same process as the original approval, with special consideration to:
    - a. Amendments to this code, including codes and standards adopted by reference, that have been adopted since the original approval, requiring modification to the development plans or associated documents.
    - b. Re-evaluation of the ability of the proposed development to meet the requirements of chapter XIII, concurrency.
    - c. Changes in surrounding land use, development, or other conditions that may require modification of the plans to meet the requirements of this code.
- (c) *Securing building permits.* Application for building permits for subdivision, site, or building improvements shall be made according to the provisions of the appropriate chapter of this code.
- (d) *Modification of a development order.*
- (1) Minor modifications to development orders may be approved by the administrative official, when such modifications are consistent with the requirements of this code, and do not have a substantial impact on the overall impact and intent of the development order. The following modifications shall be generally considered as minor:
    - a. Dimensional changes to accommodate field conditions, including the connection to existing facilities and the preservation of existing vegetation.
    - b. Changes of landscape or construction materials that are deemed to be similar or equivalent to those approved.
    - c. Technical changes to construction details.
  - (2) Proposed modifications that do not meet the criteria for administrative approval described above, shall be submitted for development plan approval under the same procedure as required for the original approval, and accompanied by the minimum review fee specified for such approval.
  - (3) When in the opinion of the administrative official, the proposed modifications represent a major and fundamental change in the overall impact and intent of the original development order, a new application for development plan approval may be required, including the appropriate fees as specified for such approval.

**Section 5. Amendments.**

Application to amend this code or the comprehensive plan may be initiated by any person, board or agency. Application to rezone land under this code may be initiated by the landowner(s), department, or city council. The requirements of this section are in addition to the requirements of applicable state law and county ordinances.

(a) *Application.* Application for development code or comprehensive plan amendments shall be made on the appropriate forms provided by the department for that purpose, and shall be accompanied by the appropriate review fee.

- (1) Application deadlines for development code amendments and rezonings shall be as specified in the critical dates calendar, which shall be established annually by the city council no later than October 1 of each year.
- (2) Applications for comprehensive plan amendments may be made at any time, but will only be considered twice per year. Deadlines shall be as specified in the adopted critical dates calendar.

(b) *Notification of public hearing.* All amendments to the comprehensive plan and this code shall comply with the following:

- (1) *Rezoning and text changes to the land development code.* Notification and advertising for rezonings and text changes to this code shall be as prescribed by city Charter and Florida Statutes.
- (2) *Amendments to the comprehensive plan.* Notification and advertising for amendments to the comprehensive plan shall be as prescribed by city Charter and Florida Statutes.
- (3) Notification and required forms to be completed by affected persons, the petitioner and the City.
  - a. At least fourteen (14) calendar days prior to the proceeding, City shall provide a legal advertisement to be published in a newspaper of general paid circulation in Dade County and of general interest and readership in the community, not one of limited subject matter. Said notice shall state the name of the petitioner for the requested action, the date, time and location of the proceeding, and the location and times where and when the petition and any back up information may be reviewed. In addition, the notice shall inform all Affected Persons that they will be allowed to present evidence at the hearing, bring forth witnesses, and cross-examine witnesses provided they notify and file the required forms provided by the city clerk's office, the substance of which is described in subsection (d.) below, at least seven (7) calendar days prior to the proceeding.
  - b. No later than fourteen (14) calendar days prior to the proceeding, a mail notice containing the same information as the legal advertisement shall be sent to each real property owner within three hundred (300) feet of the subject property as each is listed in the records of the county property appraiser. Mail notice may be provided by bulk mail, first class mail or certified mail, return receipt requested.
  - c. All cost for notification shall be paid by the petitioner.
  - d. Any Affected Person desiring to testify, present evidence, bring forth witnesses, or cross examine witnesses at the proceeding shall complete the

required forms provided by the city clerk's office which forms shall at a minimum (1) set forth the Affected Person's name, address and telephone number which shall serve as notice to the petitioner and city of the Affected Person's intent to appear at the proceeding to testify, present evidence, bring forth witnesses, or cross-examine witnesses; (2) set forth the names, addresses and telephone number of all witnesses including consultants or experts to testify on their behalf; (3) provide copies of all documents, correspondence, memoranda or other evidence the Affected Person intends to present, use or make reference to during the proceeding; (4) indicate whether the Affected Person is for or against the petition; and (5) indicate how the Affected Person qualifies as an Affected Person. The required form must be completed and returned to the city clerk's office at least seven (7) calendar days before the proceeding.

- e. The petitioner and the City shall also complete the required forms, provided by the city clerk's office, described in subsection (d.) above. The completed form shall be returned to the city clerk's office within the time frame set forth in subsection (d.) above.

(c) *Procedure for public hearing.* The following procedures are in addition to, or where in conflict, superseded by those required by county ordinance or state law.

- (1) *Local planning agency action.* The local planning agency shall consider and make recommendations to the city council on every rezoning and every proposed amendment to the comprehensive plan or this code.

Recommendations on rezonings and future land use map amendments shall be considered at the public hearing noticed in [sub]section (b) above, while textual changes may be considered as a general item on the local planning agency's agenda.

- (2) *City council action.* The city council shall consider the recommendations of the local planning agency before taking action on proposed amendments to this code.
- (3) *Presentation of evidence.*
  - a. All persons testifying before a Board or the City Council must be sworn in. The petitioner, members of a Board or the City Council and any Affected Person who has provided notice that it intends to appear at the proceeding shall be given the opportunity to present evidence, bring forth witnesses, and cross-examine any witnesses.
  - b. All evidence relied upon by reasonably prudent persons in the conduct of their business shall be admissible, whether or not such evidence would be admissible in a court of law. However, immaterial or unduly repetitious evidence shall be excluded.
  - c. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding.
  - d. Documentary evidence may be presented in the form of a copy or the original, if available. Upon request, parties shall be given an opportunity to compare the copy with the original.
  - e. A party shall be entitled to conduct cross-examination when testimony is provided or documents are made a part of the record.

- f. The office of the city attorney shall represent the Board or the City Council. Any questions as to the propriety and admissibility of evidence shall be presented to the City Attorney's office in a timely fashion.
- (4) *Rights of Participants for Quasi-Judicial Proceedings.* The proceedings shall be conducted in an informal manner. Each party shall have the right to do the following:
- a. To call and examine witnesses
  - b. To introduce exhibits;
  - c. To cross examine opposing witnesses on any relevant matter; and
  - d. To rebut evidence.
- (d) *Reapplication for denied rezoning.* When an application for rezoning is denied by the city council, subsequent application for similar rezoning on any portion of the same parcel of property may not be made for 12 months from the date of city council denial, unless specifically authorized by the city council.
- (e) *Criteria for review of amendments.* When considering an amendment to the comprehensive plan or this code, the local planning agency, construction regulation board, and city council shall consider the following criteria:
- (1) Consistency with the comprehensive plan, or in the case of a plan amendment, consistency with the remainder of the plan and its goals, objectives, and policies.
  - (2) Consistency with applicable sections of this code.
  - (3) Additionally, as to rezoning amendments:
    - a. Whether justified by changed or changing conditions.
    - b. Whether adequate sites already exist for the proposed district uses.
    - c. Whether specific requirements of this code are adequate to insure compatibility with adjoining properties as required by the comprehensive plan.

#### **Section 6. Code enforcement department.**

The city shall reserve the right to enforce the provisions of this code in any manner as provided by law. Specific enforcement options are outlined as follows:

- (a) *In general.* Whenever the department has reason to believe that the provisions of this code are being violated, it shall notify the alleged violator of the nature of the violation(s), and require correction of the violation(s) in a reasonable period of time, based on the policies of the code enforcement division. If not corrected within the time specified, the violation(s) shall be referred to the special magistrate for enforcement as authorized in the Code of Ordinances.



*ARTICLE II BOARDS AND AGENCIES***Section 7. Staff development review committee (SDRC).**

There is hereby created the staff development review committee (SDRC) to provide technical review for all applications for development approval and grant final approval for development plans when authorized by this code.

- (a) *Meetings.* The SDRC shall hold regularly scheduled meetings at least once a month, unless there are no applications requiring review at that time. A schedule of regular meetings shall be made available in the department. A special meeting may be called by the chairman to allow extra time for the review of large or complex applications that have been submitted by the appropriate deadline for the next regularly scheduled meeting. SDRC meetings shall be open to all interested persons, for the review of formal development applications.
- (b) *Membership and organization.* The SDRC shall be composed of representatives from the following city departments or divisions: building, planning, city attorney's office, public works, parks & recreation, fire, police department and Miami Dade County's Department of Environmental Resources Management (DERM). The SDRC shall be chaired by the administrative official or his/her designated representative.

*ARTICLE III DEVELOPMENT APPROVAL***Section 8. Applicability.**

All construction of site improvements, and construction of building improvements for new structures, increases in the size of a structure, or changing the use of a structure, shall be required to comply with the requirements of this chapter, except where exempted in section 2, chapter III.

**Section 9. Improvements required.**

All final site development plans for new construction shall include all improvements required by this code and as outlined in this chapter.

- (a) *Completion of improvements prior to issuance of certificate of occupancy.* A certificate of occupancy shall not be issued by the building department until required improvements including lighting have been inspected and accepted by the department. An agreement and acceptable performance bond may be accepted for the completion of certain minor improvements where specifically outlined in this code.
- (b) *Adoption of standard construction details.* All construction shall comply with the standard construction details as adopted by resolution of the city council. Any deviation from the adopted standards shall be clearly noted as such in all plans and specifications. If inadvertent deviations in plans are not so noted, adopted standards shall apply.
- (c) *Improvement or expansion of existing development.* All construction regardless of scope shall comply with the specific requirements of this code relating to such

construction. Final development plans for improvements or expansion of existing development may be exempt from certain requirements as outlined in this code.

- (d) *Upgrade of site improvements for existing development.* Unless otherwise noted herein, the following activities shall require the upgrade of existing site improvements to satisfy current code requirements. Such upgrade shall include, but not be limited to, the provision of paved, curbed and expanded parking facilities, stormwater retention, landscaping and buffers, irrigation, signage, lighting, handicap, and architectural design as prescribed by this code. The administrative official may waive some or all of these required improvements based upon the extent of the proposed activity and the condition of the existing site development.
- (1) Change of use as described by the building code, the Standard Industrial Classification Manual or when determined to be of significance by the administrative official.
  - (2) Re-use of any site development which has been abandoned as described by this code.
  - (3) Substantial improvement to the property which is a major improvement program under the commercial property maintenance standards contained in the Land Development Code.
  - (4) As a condition for granting of a special exception, conditional use or variance for existing site developments, when appropriate.
- (e) *Modification of approved final site development plans/existing site developments to mitigate impacts of eminent domain actions.*
- (1) The owners of any property that has been the subject of an eminent domain action shall submit site development plans designed to mitigate the impacts of such eminent domain actions on the right-of-way bufferyards and parking/vehicular use areas within such property.
  - (2) Mitigation requirements shall be as follows:
    - a. Irrigation shall be provided as required by Chapter VII of this code.
    - b. New parking/vehicular use areas, including revised or new parking spaces, shall be provided in compliance with the requirements of Chapter IX of this code.
    - c. Right-of-way buffer landscaping and landscaping for vehicular use/parking areas shall be provided as required by Chapter VII of this code.

#### **Section 10. Site development plans.**

The approval process for site development plans is outlined in section 3, approval of development plans, in chapter III of this code. Approval of the final site development plans results in the issuance of a development order.

- (a) *Pre-application conference.* It is required that, prior to filing for final site plan approval, the developer or the developer's representative meet with the administrative official or his/her designee(s), in order to discuss potential issues regarding the proposed subdivision. Comments made at the preapplication conference are advisory and intended to provide guidance on the formal review of the preliminary plat and plans.

- (b) *Site development plan exhibits.* The following information and documentation shall be shown on or enclosed with the plans submitted for approval. The plans shall be drawn at the largest scale feasible, based on the size of the project, however in no case shall the scale be smaller than one inch equal to 60 feet.
- (1) Engineering drawings, prepared by an engineer registered in the State of Florida and based on an exact survey of the property, showing all proposed buildings and property improvements, and all required paving, drainage, and utility facilities, and including:
    - a. A detailed property survey showing all existing structures, trees and utilities drawn by a certified surveyor.
    - b. A composite plan drawing which shows all utility and drainage lines in relationship to each other, and to existing trees and vegetation to be preserved.
    - c. A drainage basin map showing the existing and proposed topography at one-foot contours, and size of drainage basins and the specific flows therein.
    - d. Existing streets, buildings, lot lines, easements, or other improvements and similar details on or adjacent to the development.
    - e. Tabulations verifying compliance with this code in the following areas, including the information described:
      - i. Lot coverage: the area covered by paving, structures, and remaining landscaped areas.
      - ii. Residential areas.
      - iii. Parking and loading: numbers of spaces by type and size.
      - iv. Tree preservation: total number of specimen trees and number preserved, total land area dedicated to tree preservation.
    - f. A vicinity map, drawn to scale, showing the zoning of the area and the relationship of the proposed site to surrounding development.
  - (2) Landscape plans, prepared in accordance with the requirements of chapter VII of this code, showing all required buffers and landscaping, and including:
    - a. All trees to be preserved, preservation easements, and tree protection details.
    - b. Irrigation plans.
  - (3) Plans and drawing showing building foot prints.
  - (4) Plans and drawings showing all building floor plans.
  - (5) Building elevations showing all sides of the proposed building(s), and including materials and colors.
  - (6) A vegetation survey in compliance with section 4, chapter VII of this code.
  - (7) Plans and drawing showing location of detailed street and/or lot lighting. A photometric study shall also be provided along with proposed tree canopies.
  - (8) Plans and drawings showing pavement markings.

- (9) All development within the designated Special Flood Plain Hazard Area (SFHA) must comply with the City of Doral Floodplain Management Ordinance, number 04-01

### Section 11. Issuance of development permits.

- (a) *Clearing permit.* A three-part clearing permit shall be secured and clearing shall be completed prior to the issuance of any other development permits. No site clearing shall take place on any property subject to an approved site development plan except as provided below.
- (1) *Application.* Application shall be made to the building department on the form provided by the department. The application shall include:
- The name and location of the project.
  - The name, address, and phone number of the general contractor, surveyor, and land clearing contractor.
  - Proof that all development order conditions have been met. The receipt of certain agency permits may be waived by the administrative official, only if not relevant to the clearing process.
  - Three copies of the approved composite utility plan and landscape plan sheets shall be attached.
- (2) *Survey line clearing.* Written authorization to commence survey line clearing and staking (part A of permit) shall be obtained from the department by an owner or developer prior to the cutting of trees or removal of vegetation on a site. Authorization to proceed with part A of the clearing permit shall be granted after site plan approval and before a building permit is obtained. This part A authorization will allow only underbrushing and hand clearing of those survey lines necessary in order to stake out the location of proposed building(s) and parking areas, and the installation of silt fence and tree protection barricades, with no removal of trees over two-inch caliper. No trees or vegetation shall be removed except as specifically authorized by the city and any unauthorized removal of trees shall constitute a violation of this code.
- (3) *Building site clearing; parking area clearing.* Written authorization to proceed with building site or parking area clearing (part B of permit) shall be obtained from the department by an owner or developer prior to the cutting of trees or further removal of any vegetation within the previously approved and staked-out site. This authorization shall be granted only after an authorized representative of the city has inspected the site to verify that no unauthorized clearing has taken place, and to ascertain whether field modification of the plan is justified in order to enhance tree preservation on the site. This part B authorization will allow the removal of the trees and vegetation within the previously approved staked out building site, including approved access to the proposed building location. This part B authorization generally allows clearing of the area ten feet outside of the actual building wall, except for those trees or areas specifically delineated on the approved site plan or by the city after field inspection. Unless specifically permitted in the written part B authorization, no filling or excavation on the site shall take place until the final inspection of

previously permitted clearing has been completed and such work is found to be in compliance with this code, the Code of Ordinances, and the written permit requirements and conditions.

- (4) *Phasing of clearing process.* On those large projects, where feasible, clearing for additional buildings or parking areas may be permitted as a second phase of development, whereupon a second complete permitting process shall be required. Those areas not covered under the initial permit shall be clearly delineated or barricaded so as to prohibit any disturbance or use of the area.
  - (5) *Final inspection.* After all proposed clearing has been completed, and all required tree and soil preservation measures have been implemented, an authorized representative of the city shall make a final inspection to verify that all work has been completed in compliance with the permit and this code. If all work has been satisfactorily completed, a building permit may be issued. While this code shall not be construed so as to preclude the review and approval of building plans, no building permit shall be issued until the terms of this code have been met.
  - (6) *Time limitations.* The developer shall complete all clearing activities within 60 calendar days after the permit is issued. If the developer fails to complete all clearing activities within the permit period, the developer shall be required to secure an additional clearing permit and complete any uncompleted clearing activities prior to the issuance of any other development permits.
- (b) *Issuance of building permits.* Upon receipt of all required documents, the department shall issue approved for construction plans, which constitute a development permit. The development permit is issued contingent upon compliance with the development order. In addition, the department may attach procedural contingencies on construction based on the discussion at the preconstruction meeting.
- (1) Development permits expire after one year from the date of approval. Extensions must be requested in writing to the administrative official, accompanied by the development permit extension fee as established in the fee resolution. Expired development permits must be resubmitted through the normal review process.

### **Section 12. Inspections and acceptance.**

Inspection and acceptance of building improvements shall be as outlined in building codes and building plan & permit approval process as outlined in chapter 8 of Miami Dade County and Chapter IV of this code. The following procedures shall apply to site improvements, and the overall acceptance for issuance of a certificate of occupancy.

- (a) *Inspections.* The city shall inspect construction for conformance with the terms of the development permits. The city shall have the authority to reject materials or suspend work when construction is not in conformity with the terms of the development permit. The developer shall notify the city of the commencement of major phases of construction as discussed in the preconstruction meeting.

- (b) *Testing.* The developer shall provide laboratory tests to verify specifications of materials as required in the standard construction details and this code. The city reserves the right to require additional testing based on unusual circumstances encountered in the field.
- (c) *Request for final inspection.* Final inspection of site improvements shall be scheduled no more than five working days after receipt of the following information, unless a later date is requested by the developer:
- (1) *Certification of completion by the engineer of record and/or landscape architect, as appropriate.* Upon completion of the site improvements, the developer's engineer and/or landscape architect, as appropriate, shall submit a signed and sealed certificate stating that the work was constructed under his supervision, and has been completed in substantial conformance with the approved development plans and in compliance with the requirements of this code.
  - (2) *As-built drawings.* One mylar reproducible and ten copies of as-built drawings, signed and sealed by the engineer of record, landscape architect, as appropriate, and surveyor.
  - (3) *Testing reports.* Copies of all required testing reports shall be submitted.
- (d) *Final inspection report.* A final inspection report will be issued noting any discrepancies from the development permit, corrective actions required, and any re-inspection fee required. In addition, the report shall review final documentation required for acceptance and issuance of a certificate of occupancy, once any necessary corrections are made.
- (e) *Re-inspection.* Re-inspection may be requested at any time, subject to remittance of a re-inspection fee, when required. Re-inspection will be scheduled within three working days, and an inspection report issued if necessary.
- (f) *Acceptance of site improvements and issuance of certificate of occupancy.* Upon completion of any corrective actions required upon inspection, site improvements shall be accepted by the city upon the receipt of the following:
- (1) All required certifications of completion under federal, state, regional, and county agency permits.
  - (2) Improvement warranty in the amount of ten percent of the cost of construction on any facility to be owned or maintained by the city or other public agency. The improvement warranty period shall commence on the date of issuance of the certificate of occupancy of the attendant structure.
  - (3) Construction guarantee in the amount of 110 percent of the estimated construction cost of any uncompleted improvements, where allowed by this code.
  - (4) Recording of any additional on- or off-site easements required by the development permit or this code.

Certificate of occupancy shall be issued upon acceptance of site improvements, and compliance with the requirements of chapter 8 of Miami Dade County and Chapter IV of this LDC, and the building permits issued.

*ARTICLE I: VARIANCES***Section 13. Variances.**

- (a) *In general.* Requests for variances from requirements of the development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. Requests for variances to permit a use which is not allowed as a permitted use or by special exception within the specific zoning district shall not be considered. In addition, requests for variances to permit the nonconforming use of any land or structure, or the continuance of any nonconforming use shall not be considered. Variances from requirements established in a PUD master development agreement may only be made as outlined in the agreement.
- (b) *Procedure for variances to building and fire codes.* Application for variance shall be made on the appropriate forms provided by the department for that purpose, and shall be accompanied by the appropriate review fee.
- (1) *Scheduling of hearing.* Upon receipt of an application for variance, a meeting of the construction regulation board shall be scheduled within 15 days, to be held within 30 days. The meeting shall be open to the public, but shall not constitute a public hearing as otherwise defined in this code.
  - (2) *Decision of the board.* A decision of the board to vary the application of any provision of the codes shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefore.
  - (3) *Appeals to city council.* If the board decides not to grant a variance or modification, the applicant shall have the right to appeal the board's decision to the city council by filing a written request for appeal with the building official no later than 30 days after the rendition of the board's decision. The appeal shall be scheduled for the next available agenda, and all interested parties shall be notified of the appeal and hearing date. However, if the board fails to take action within 60 days of the variance's first consideration by the board, then the city council may take action based upon an assumed denial of variance by the board.
- (c) *Application for all other variances.* Application for variance shall be made on the appropriate forms provided by the department for that purpose, and shall be accompanied by the appropriate review fee. Except where modified by the specialized procedures above, variances shall be considered as follows:
- (1) Applications for variance shall be submitted in accordance with the adopted critical dates calendar and scheduled for the corresponding local planning agency meeting date.
  - (2) Applications for variance shall include a legal description of the property, sketch or survey of the property (no greater than 11 by 17 inches), proof of

ownership, and authorization of the owner if represented by an agent or contract purchaser.

- (3) In addition, the applicant shall provide a written statement which explains the conditions and circumstances of the alleged hardship, the proposed action by the applicant should the variance be granted, and the necessity of the action. The written statement shall clearly justify the granting of relief from [the] requirements of the development code, and satisfactorily address the review criteria of this chapter.
- (d) *Notification of public hearing.* Except where modified by the specialized procedures noted in this chapter, all variance requests shall be considered at public hearings, which shall be noticed as follows:
- (1) *Adjoining owners.* The city shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time and place of the public hearing before the local planning agency, along with a clear and concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties separated from the subject property by a road, canal, easement, right-of-way, or similar barrier of 500 feet or less in width.
  - (2) *Posting of property.* The city shall post every property that is the subject of a public hearing with signs notifying the public of the proposed variance, date of public hearing, and the department to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one sign per 500 feet along any one frontage.
  - (3) *Public advertisement.* Notice of public hearing shall be published in a newspaper of general circulation within the city at least 15 days prior to the hearing, with a second publication to be at least five days prior to the hearing. Notice shall also be posted in a conspicuous location at the city hall, and may be posted at other public locations at the discretion of the city.
- (e) *Procedure for public hearing.*
- (1) *Local planning agency action.* The local planning agency shall consider every variance request at the public hearing noticed in subsection (e) of this section. A decision of the local planning agency to vary the application of any provision of this code shall specify the variance granted, the conditions upon which it is granted and the reasons therefor.
  - (2) *Appeals to city council.* Any party aggrieved by a decision of the local planning agency on a requested variance shall have the right to appeal the local planning agency's decision to the city council by filing a written request for appeal with the administrative official, accompanied by the appropriate fee no later than the closure of the fifth business day after the rendition of the local planning agency's decision on the requested variance. For the purposes of this section, an aggrieved party is defined to be the applicant, adjoining property owners, or any person sufficiently affected by the action taken so as to have a legally protectible and tangible interest at stake [standing], provided such person was also present at the public hearing and entered testimony into the record. The administrative official shall schedule the appeal for the next available city council agenda and notify the applicant and the appellant.



- (3) *City council review on appeal.* Upon appeal, the city council shall consider all facts presented during the local planning agency hearing, the review criteria established under this code for variance requests, and the local planning agency's decision on the requested variance.

(f) *Review criteria.*

- (1) *Review criteria, building code variances.* When reviewing an application for a variance, the construction regulation board and city council shall consider the following criteria:
- a. Special circumstances exist which are peculiar to the particular property or structure, and which are not applicable to similar properties or structures in general.
  - b. The special circumstances do not result from the direct actions of the applicant.
  - c. Literal interpretation of this code would result in unnecessary and undue hardship on the applicant.
  - d. The granting of the variance is consistent with the overall intent of this code, and will not result in increased danger or reduced safety to the owner or general public.

The above criteria shall be used to determine the justification for granting of relief from requirements of the development code. All variance requests shall demonstrate the application of each criterion to the specific case.

- (2) *Review criteria, all other variances.* The following criteria shall apply in all variance cases other than those relating to building and fire codes:
- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district.
  - b. The special conditions and circumstances are not the result of actions of the applicant.
  - c. Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code, and would work unnecessary and undue hardship on the applicant.
  - d. The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.
  - e. Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same zoning district.
  - f. The granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

The above criteria shall be used to determine the justification for granting of relief from requirements of the development code. All variance requests shall demonstrate the application of each criterion to the specific case.

- (3) *Financial hardship.* Financial disadvantages or inconvenience to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
  - (4) *Physical hardship.* Notwithstanding the foregoing criteria, variances may be granted under the authority of the Americans with Disabilities Act as reasonable accommodations based on the disabilities of any applicant or a member of the applicant's household. For purposes herein, "reasonable accommodation" and "disabilities" shall have the meanings provided under the Americans with Disabilities Act.
  - (5) *Hardship related to provision of personal wireless communications.* Notwithstanding the foregoing criteria, variances may be granted to any person applying for a permit for personal wireless communications-related development, from any requirement of this code which, as applied to such person, would have the "effect of prohibiting the provision of wireless communication services," as that phrase is used in Section 704 of the Telecommunications Act of 1996.
- (g) *Conditions of approval.*
- (1) *Conditions and safeguards.* In granting any variance, appropriate conditions and safeguards may be prescribed to ensure compliance with the requirements of this chapter and the code in general. Such conditions may include time limits for the initiation of the variance, specific minimum or maximum limits to regular code requirements, or any other conditions reasonably related to the requirements and criteria of this chapter.
  - (2) *Transfer of variances.* Variances run with the property and the use of a variance may be transferred to another party for use on the same property.
  - (3) *Expiration of variance approval.* A variance that has not been utilized within two years of being granted shall not be utilized without a new public hearing in accordance with requirements of this chapter.
- (h) *Violation of variance terms or conditions.* It is a violation of this code for any person to violate or to refuse to comply with any term or condition of a variance. Violations may be enforced or prosecuted as provided by law for prosecution or enforcement of municipal ordinances unless granted because of a physical hardship variances that run with the property.

#### **Section 14. Administrative variances.**

Director of Planning and Zoning may issue administrative variances pursuant to the following conditions:

- (a) Structural encroachments into setbacks of no more than 5 percent. The director may issue an administrative variance for structural encroachments into a setback of no more than 5 percent of the setback provided the structural encroachment does not encroach upon an easement.

- (b) Conditions. The director may impose such conditions in a development order granting an administrative variance as are necessary to accomplish the goals, objectives and policies of the Comprehensive Plan and this section, including but not limited to limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provision of adequate ingress and egress.
- (c) Standards for granting administrative variances. When granting an administrative variance, the director shall make one or more of the following findings:
- (1) Special and unique conditions exist which are peculiar to the petitioner's case and which are not generally applicable to the property located in the zoning district;
  - (2) The special and unique conditions are not directly attributable to the actions of the petitioner;
  - (3) The literal interpretation of this chapter, as applied to the petitioner, would deprive the petitioner of rights commonly enjoyed by the owners of other property in the zoning district;
  - (4) The variance granted is the minimum variance necessary for the petitioner to make reasonable use of the property;
  - (5) Granting the variance is not detrimental to the public welfare, or injurious to property or improvements in the zoning district or neighborhood involved; and,
  - (6) Granting the variance is not contrary to the objectives of the comprehensive plan of the City.
- (d) Expiration of administrative variances. An administrative variance granted by the director shall automatically expire under the following conditions:
- (1) The variance shall expire 18 months from the date of the written determination of the director granting the administrative variance if a building permit has not been issued in accordance with the plans and conditions upon which the administrative variance was granted; and,
  - (2) The administrative variance shall expire if a building permit issued in accordance with the plans and conditions upon which the administrative variance was granted expires and is not renewed pursuant to the applicable provisions regarding renewal of building permits.
- (e) Appeal of director's decision. A petitioner may appeal the determination of the director to the City Council.

### **Section 15. Nonconforming uses and structures.**

- (a) *Intent.* At the time the ordinance from which this chapter derives becomes effective or is amended, there may exist lots, structures, uses of land or water or characteristics of use which were lawful prior to the adoption or amendment of the regulations herein, but are prohibited, regulated or restricted by these regulations or amendments thereto. It is the intent of these regulations that nonconformities shall not be enlarged, expanded, intensified or extended, nor shall they be used as a basis for the addition of other structures or uses otherwise prohibited in the same district.

- (b) *Continuation of nonconformity.* A lot, use, building or structure lawfully in existence on the effective date of the ordinance from which this chapter derives which is made nonconforming by the regulations herein or an amendment thereto may be continued except as otherwise provided by these regulations.
- (c) *Nonconforming lots of record.*
- (1) "Nonconforming or substandard lot" shall mean a lot of which the area, dimension or location was lawful prior to the adoption, revision or amendment of this chapter and which fails by reason of such adoption, revision or amendment to conform to the requirements for the zoning district in which the lot is located.
  - (2) For the purpose of this chapter, a lot is "created" on such date that one (1) of the following conditions occur:
    - a. The date that a deed for said lot is lawfully first recorded in the public records of the county; or
    - b. The date that a subdivision plat has been lawfully recorded in the public records of the county and the lot is a part of the subdivision.
  - (3) Nonconforming lots of record may be developed provided:
    - a. A variance shall be required prior to the issuance of a building permit for a structure proposed on a nonconforming lot of record less than fifty (50) feet in width or less than five thousand (5,000) square foot in area.
    - b. The burden of proof to establish that the lot is legally nonconforming and legally existing on the effective date of this section [June 27, 2007] shall be with the owner.
  - (4) *Nonconforming multifamily lot:* Any lot, platted and recorded on the effective date of the regulation from which this section is derived, which is located in a zoning district that permits multifamily residential dwellings and which exceeds in area the minimum lot size for the district but which does not contain the area required by the district for two (2) dwelling units nevertheless may have constructed on it two (2) dwelling units. Notwithstanding the foregoing, the density shall not exceed the maximum density permitted by the comprehensive plan.
  - (5) *Restrictions.*
    - a. No division of any buildable lot may be permitted which creates a lot with width, depth, or area below the minimum requirements stated in this section unless the lot that is below the minimum requirements is for one (1) or more of the following uses: park, open space, or utilities.
    - b. Contiguous lots of record may be combined and redivided to create larger dimension lots of record as long as such recombination includes the total area of the lots.
    - c. Where residential lots of record are nonconforming because of width, the minimum side yard setback shall be not less than ten (10) percent of the lot width, provided that no side yard setback shall be less than five (5) feet wide.

- (d) *Nonconforming use.* A use lawfully in existence on the effective date of these regulations [June 27, 2007], which is made nonconforming by these regulations may be continued provided:
- (1) No nonconforming use shall be enlarged, intensified, increased or extended to occupy a greater area of land than it occupied on the effective date of this chapter;
  - (2) No such nonconforming use shall be moved to any portion of the lot or parcel other than that occupied by such use on the effective date of this chapter.
  - (3) If any nonconforming use ceases for a period to exceed one (1) year for any reason except when governmental action impedes use, any subsequent use shall conform to the applicable district regulations.
- (e) *Nonconforming structures.* A structure lawfully in existence on the effective date of the ordinance from which this chapter derives which is made nonconforming by the regulation herein or any amendment thereto may be continued provided:
- (1) No such nonconforming structure may be enlarged or moved unless such change conforms with these regulations.
  - (2) Only ordinary repairs and maintenance, including repair or replacement of roof covering, walls, fixtures, wiring or plumbing, shall be permitted. In no case shall such repairs include structural alterations which change the size, shape, occupancy, character or use of a building or structure, unless such alteration conforms to these regulations.
  - (3) If any such nonconforming structure is destroyed to an extent of more than fifty (50) percent of its replacement cost at the time of destruction as determined by the replacement valuation on the most recent county tax roll, it shall not be reconstructed except in conformity with these regulations.
- (f) *Variances.* Unless otherwise specified within this Code, there shall be permitted no variances or exceptions from the requirements set forth within this section.

**Section 16. Administrative modification or elimination of conditions and restrictive covenants.**

- (a) *Standards.* The Director is authorized to consider and approve applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any restrictive covenant, or part thereof, accepted at public hearing, where the requirements of at least one of the following subsections have been demonstrated. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

- (1) *Substantial Compliance With Previous Approval.* The Director shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where it is demonstrated that the proposed modification or elimination will result in substantial compliance with the previous zoning action regarding a site plan, as demonstrated by all of the following:
- a. Development density and intensity have not materially changed, in that:
    1. the number of buildings is not increased by more than 10 percent;
    2. the number of stories is the same or fewer;
    3. the height of the building(s) is the same or less;
    4. the number of units is the same or fewer;
    5. the lot coverage and floor area ratio are the same or less;
    6. the number of bedrooms and corresponding parking spaces may be increased or decreased by as much as 10%, based on the entire plan, provided the plan complies with all other requirements of this subsection and of this chapter; and
    7. density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.
  - b. Design has not materially changed, in that:
    1. the roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
    2. the parking area is in the same general location and configuration;
    3. the building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development, zero lot line, rowhouse, townhouse and cluster development may also be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either
      - (a) the underlying zoning district regulations, or
      - (b) any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;
    4. the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
    5. the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
    6. elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans;
    7. recreational facilities, if shown on plans approved by a prior zoning action, either remain the same or are converted from one recreational use to another;
    8. if recreational facilities were not shown in the approved plans, they may be added, provided there is no increase in lot coverage or decrease in

- required open space and such facilities are located internally within the proposed development;
9. if a variance for signage has been granted, the proposed sign(s) are no greater in size and are placed in the same general location on the site as approved by zoning action. An entrance sign location may be moved the same proportional distance as a relocated entrance drive;
  10. the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the zoning code that were not previously approved at public hearing, or of expanding the scope of existing variances, alternative site development options, or other approvals pursuant to alternative development standards such that they would differ to a greater degree from the strict application of the zoning code;
  11. additional outparcels may be added where:
    - (a) there is no increase in the project's total floor area ratio or lot coverage;
    - (b) there is no reduction in the total amount of landscaped open space; and
    - (c) addition of the outparcel does not result in noncompliance with any other provision of this subsection on any other portion of the subject property.
  12. reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of this code.
- c. The slope of any lake for which a modification is requested complies with section 33-16 and all other applicable provisions of this code.

(2) *Reformation of Resolutions to Correct Clerical or Scrivener's Errors.*

- a. The Director shall approve an application to reform a clerical or scrivener's error in a prior zoning action, including an error in an application or notice, which error causes the zoning action not to accurately reflect the board's intent, and where it is demonstrated that all of the following requirements are met:
  1. the reformation shall not include a change of judgment, policy, or prior intent of the board;
  2. prior to the conclusion of the public hearing at which the zoning action for which reformation is sought was taken, the current applicant either did not know of the error, or knew of the error and made it known to the adopting board;
  3. the reformation of the previous resolution is essential to insure that the zoning action reflects the intent of the adopting board;
  4. the record, including but not limited to the staff recommendation, minutes, and motion, evidences the clear intent of the board;
  5. the substance of the decision of the board was evident at the time of the adoption of the zoning action, and there was no intent to deceive the public or the board on the part of the current applicant at any time;

6. failure to approve the reformation would lead to an unjust result;
  7. the error in the prior zoning action did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and
  8. any errors related to public notice did not affect the legal sufficiency of the required notice.
- b. Notwithstanding the foregoing provisions, the Director, within thirty (30) days of the transmittal of a resolution, may reform a clerical or scrivener's error in a zoning action without public notice, if:
    1. the error is not related to public notice, and
    2. the error causes the resolution as written to inaccurately reflect the clear decision of the board.
  - c. A reformed zoning action shall relate back to the original zoning action and the effective date of the corrected language shall be deemed to be the same as the effective date of the previous resolution.
- (3) *Modification or Elimination of Conditions and Restrictive Covenants Associated with Voluntarily Abandoned Zoning Actions.* The Director shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof (except where the covenant requires a public hearing), where it is demonstrated by the following that the condition, restrictive covenant or part thereof was imposed to mitigate the adverse impacts of a zoning action which has been entirely and voluntarily abandoned, in that:
- a. the applicant has provided a sworn affidavit stating that the applicant has sufficient title and authority to abandon the development rights under the zoning action for the property for which the modification or elimination is sought, that the applicant intends to abandon the zoning action and all rights thereunder, and that no material changes to the character or use of the land have ever been undertaken pursuant to the zoning action;
  - b. the development rights granted by the zoning action have been voluntarily abandoned in writing in a form approved by the Director;
  - c. the zoning action which imposed or accepted the condition or restrictive covenant was not a district boundary change; and
  - d. abandonment of the zoning action will not cause the subject property to fail to comply with any applicable provision of this code or the Comprehensive Development Master Plan.
- (4) *Modification or Elimination of Conditions and Restrictive Covenants That Are Satisfied or Moot.* The Director shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof (except where the covenant requires a public hearing), where it is demonstrated by the following that the condition, restrictive covenant or part thereof either is satisfied or is moot:
- a. *Satisfied conditions, covenants, or restrictions.* The requirements imposed by a condition, restrictive covenant or part thereof do not create a continuing obligation, and are fully completed or satisfied; and, in the case of a restrictive covenant, any procedural or approval requirement set forth in the



covenant is satisfied. Applications under this paragraph must be accompanied by a sworn affidavit that the conditions of this subsection have been satisfied.

- b. *Moot conditions, covenants, or restrictions.* The condition, restrictive covenant or part thereof is moot in that it can no longer serve the purpose for which it was imposed. A condition, restrictive covenant or part thereof in effect for a period of more than five (5) years shall be determined to be moot upon demonstration of any of the four (4) following:
  1. The purpose of the condition, restrictive covenant or part thereof is apparent from the zoning record of the subject property, including record facts pertaining to the character of the subject property and its immediate vicinity, and the impacts that were projected to be generated by the zoning action at the time the condition or covenant was imposed; and either
    - (a) the property subject to the condition or covenant has been developed in a manner or to an extent which does not, and under existing zoning approvals cannot, generate the adverse impacts intended to be prevented or mitigated by the condition or covenant; or
    - (b) since the imposition of the condition or covenant, all abutting parcels and the immediate vicinity have been zoned or developed in a manner or to an extent that the impacts previously anticipated or projected to be prevented or mitigated by the condition or restrictive covenant are not, and cannot be, adverse to the abutting parcels or the immediate vicinity.
  2. The purpose of the condition, restrictive covenant or part thereof is not apparent from the zoning record of the subject property, including record facts pertaining to the character of the subject property and its immediate vicinity, and
    - (a) the condition, restrictive covenant or part thereof if imposed under current circumstances, would not and could not mitigate or prevent any describable harm or create any describable benefit to the public or to owners or residents of property in the immediate vicinity to a degree that is greater than *de minimus* ; and
    - (b) the condition or restrictive covenant does not include a date of expiration.
  3. The condition or restrictive covenant for which modification or elimination is sought involves the timing or phasing of development, and
    - (a) the development which is the subject of the condition or restrictive covenant is completed; and
    - (b) no enforcement action regarding the condition or restrictive covenant has been initiated.
  4. The condition or restrictive covenant for which modification or elimination is sought involves only the timeliness of filing or recording of a document, and
    - (a) the failure to file or record the document was due to circumstances beyond the control of the applicant, or to excusable neglect; and

- (b) no one is prejudiced by the modification or elimination of the condition or restrictive covenant regarding the timing of the filing or recording; and
  - (c) the document has been recorded or filed subsequent to the deadline set by the original approval, and accepted by the County.
- (5) *Modification or Elimination of Conditions and Restrictive Covenants When No New Adverse Impacts Will Result.* The Director shall approve an application to modify an approved site plan, or modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof (except where the covenant requires a public hearing), where it is demonstrated by the following that the modification or elimination will not result in a material new adverse impact on the public health, safety, welfare, or aesthetic values:
- a. The proposed modification or elimination does not contravene or eliminate an express prohibition or timing or phasing requirement contained in the prior zoning action;
  - b. The request does not include a modification or elimination of conditions or restrictive covenants imposed simultaneously with a district boundary change;
  - c. The modification or elimination of the condition, restrictive covenant, or part thereof will not create new adverse impacts. The application will be deemed not to create new adverse impacts upon demonstration of the following:
    - 1. the modification or elimination will result in an increase of not more than 10% in trips generated above that generated by the approved development, except that trips generated in excess of 10% shall be permitted where completely mitigated by increased capacity constructed since the current development was approved. Trip generation shall be calculated based on the most current methodology applied by the County.
    - 2. the modification or elimination will result in an increase in projected demand for local parks of no more than 10% or 1/5 acre, whichever is greater, except that demand in excess of 10% or 1/5 acre shall be permitted if there is sufficient capacity of local parks to accommodate the increase in demand created by the modification;
    - 3. the modification or elimination will result in an increase in demand placed on public stormwater drainage systems of not more than 10%;
    - 4. the modification or elimination will result in a projected increase in the number of school-age children residing on the subject property of not more than ten percent (10%), or not more than three (3) school-age children, whichever is greater;
    - 5. the modification or elimination will not result in any increase in potable water, sanitary sewer, or solid waste disposal demand for which adequate capacity is not available, or any change in existing or planned facilities will not affect the level of service of potable water, sanitary sewer, or solid waste disposal;
    - 6. the modification or elimination will not result in any material increase in the risk of potential for discharge or spillage of pollutants, or generation of carbon monoxide at unsafe levels;
    - 7. the modification or elimination will not result in any material increase in the potential for damage to jurisdictional wetlands;

8. the modification or elimination will not result in a reduction in the area under tree canopy of greater than 10%;
  9. the modification or elimination will not result in any material increase in the risk of smoke, fire, odors, gases, excessive noise or vibration;
  10. the modification or elimination will result in an increase in building cubic content on the subject property of no more than 10%, or no more than 10% of the median building cubic content on similarly zoned parcels in the immediate vicinity, whichever is larger;
  11. the modification or elimination will not result in a decrease in the features or landscaping that buffer the existing use from properties in the immediate vicinity;
  12. the modification or elimination will not result in any material decrease in the privacy enjoyed by adjoining properties;
  13. the modification or elimination will not result in any material diminution of an existing view or vista to any landmark, natural area, or waterbody from any window or door in any residential unit on an adjoining parcel of land;
  14. the modification or elimination will not result in any material increase in the potential for vehicular-pedestrian conflicts;
  15. the modification or elimination will not result in any material and obvious departure from the aesthetic character of the immediate vicinity, taking into account the architectural design, scale, height, mass and building materials of existing structures, pattern of development and open space;
  16. the modification or elimination will not result in any material increase in the area of shadow, or of light from outdoor lighting, cast onto adjacent parcels;
  17. the modification or elimination will not result in any material change in the manner or hours of operation on the subject property so differing from the similar existing or approved uses in the immediate vicinity that the convenient, safe, peaceful or intended uses of such uses is interrupted or materially diminished;
  18. the modification or elimination will not result in any material change in the density or intensity of use of the subject property so differing from the density or intensity of other existing or approved uses in the immediate vicinity that the subject property would represent an obvious departure from the established development pattern of the immediate vicinity;
  19. the modification or elimination will not result in any material change in the type of use of the subject property so differing from the existing or approved uses in the immediate vicinity that the subject property would represent an obvious departure from the established pattern of use in the immediate vicinity;
  20. the modification or elimination will not result in a use of land that will have a significant adverse impact upon the value of properties in the immediate vicinity; and
  21. the modification or elimination will not result in a material increase in height or volume of open lot uses or facilities, or a material increase in intensity of allowed open lot uses, including but not limited to outdoor storage of products, materials or equipment, fleamarkets, carnivals, telecommunications facilities, concrete and asphalt batching plants, landfills and private playgrounds and recreational facilities.
- d. The subject property complies with all other applicable requirements of prior zoning actions and this code.

(6) *Modification of Conditions and Restrictive Covenants to Extend Timing or Phasing Deadlines.* The Director shall approve an application to modify a condition or part thereof, or a restrictive covenant or part thereof (except where the covenant requires a public hearing) that is related solely to the timing or phasing of development, where the applicant demonstrates satisfaction of one of the following two requirements:

- a. The applicant has been reasonably diligent in fulfilling the requirements of the condition or restrictive covenant, but is unable to perform within the time set forth in the condition or restrictive covenant, and
  1. No enforcement actions are pending with regard to the timing or phasing condition or covenant; and
  2. The condition or restrictive covenant was not imposed to enforce compliance with an obligation that was imposed or accepted prior to the zoning action in which the condition or restrictive covenant sought to be modified was imposed or accepted; and
  3. The extension of time or modification of phasing is:
    - (a) no greater than fifty (50%) of the time frame set forth in the condition or restrictive covenant or six (6) months, whichever is less; or
    - (b) no greater than ten percent (10%) of the number of residential units (if the time frame or phasing schedule is set forth in terms of completion of residential units) or twenty-five (25) residential units, whichever is less; or
- b. Development pursuant to the zoning action has not proceeded because of a pending appeal or pending litigation regarding the zoning action, and the application seeks only an extension of time or modification of phasing for the length of time that development has not proceeded due to such appeal or litigation.

(b) *Procedures for Administrative Determinations.*

An application for administrative determination of substantial compliance with a prior administrative approval or zoning action, for reformation to correct a clerical or scrivener's error, for modification or elimination of conditions and restrictive covenants associated with voluntarily abandoned zoning actions or administrative approvals, or for modification or elimination of conditions or restrictive covenants which are satisfied or moot, or for modification or elimination of conditions or restrictive covenants where no new adverse impacts will result, or for modifications of conditions or restrictive covenants to extend timing or phasing deadlines, or for parts of any of the foregoing, shall be submitted to the Department on a form required by the Director. If the application involves a restrictive covenant, the application shall demonstrate that any procedural or other consent or approval requirements to modify or eliminate the restrictive covenant have been satisfied.

Within fifteen (15) days after the determination, notice of the Director's decision shall be published in a newspaper of general circulation. Additionally, for applications for administrative modification or elimination of conditions and restrictive covenants associated with voluntarily abandoned zoning actions or administrative approvals, or conditions or restrictive covenants which are satisfied

or moot, or for modification or elimination of conditions or restrictive covenants where no new adverse impacts will result, or for modifications of conditions or restrictive covenants to extend timing or phasing deadlines, mailed written notice shall be provided to all property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated, within the same radius of the property as required to be noticed for the zoning action adopting or accepting the condition or restrictive covenant, or such greater distance as the Director may prescribe.

Any aggrieved person may appeal the Director's decision within thirty (30) days after the date of newspaper publication. For purposes of this section, an applicant for a substantial compliance determination shall not be considered an aggrieved person. If no timely appeal is taken, the decision shall become final, and the necessary changes shall be made upon the zoning maps and records. Any modifications or releases of recorded restrictive covenants, or parts thereof, shall be promptly recorded in the public records of Miami-Dade County, Florida.

## CHAPTER V. ZONING DISTRICTS

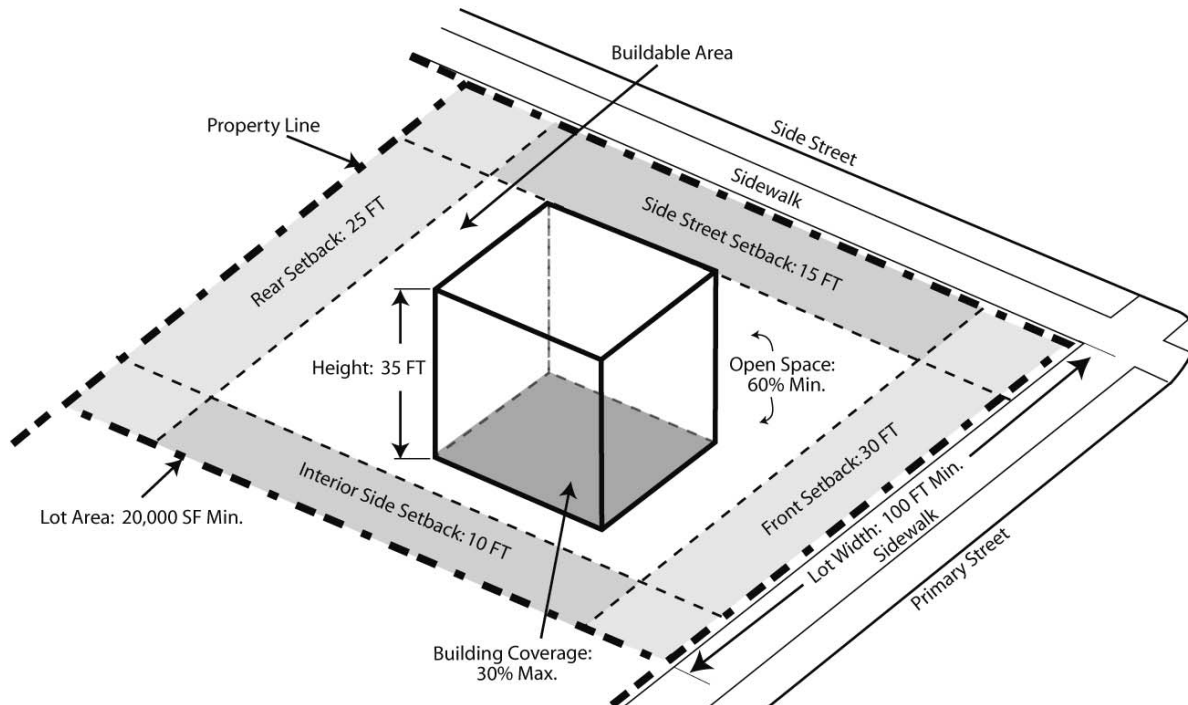
### ARTICLE I: RESIDENTIAL DISTRICTS

#### Section 1. Single family residential-1 district.(SF-1)

- (a) *Intent and Purpose of district:* The intent and purpose of the Single Family-1 Residential District ("SF-1") is to protect and preserve the integrity and value of existing, stable residential neighborhoods of estate density while at the same time, allowing a careful and deliberate redevelopment and revitalization of such neighborhoods in need of reinvigoration or neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the city.
- (b) *Permitted Uses:* The following uses are permitted in the Single Family-1 (SF-1) Residential district, while all other uses are conditional or prohibited:
- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.
  - (2) Municipal recreation building, playgrounds, parks or reservations owned and operated by a municipality, County, State or the United States Government.
  - (3) Golf courses.
  - (4) Public schools
- (c) *Permitted uses with special development requirements:*
- (1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
  - (2) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
  - (3) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
  - (4) Religious praying places as per Section 4 (p) in Chapter VI.
  - (5) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
  - (6) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
    - a. Small doctors office
    - b. Fitness center
    - c. Private education
    - d. Child care
    - e. Dance/karate studios
    - f. Therapy for elderly
    - g. Assembly halls
    - h. Art instruction
    - i. Convenience stores
    - j. Government uses
  - (7) Small scale public facilities and utilities less than one (1) acre in size.
  - (8) All other related and/or similar uses.

- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

## SF-1 — Single Family-1 Residential District



### Section 2. Single family residential-2 district.(SF-2)

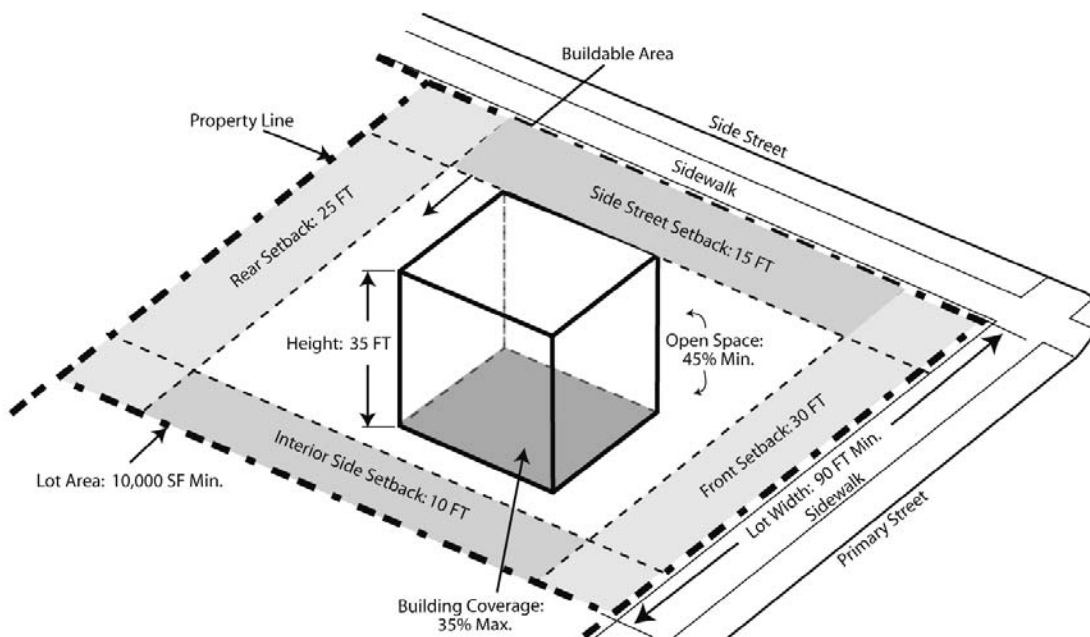
- (a) *Intent and Purpose of district:* The intent and purpose of the Single Family-2 Residential District ("SF-2") is to protect and preserve the integrity and value of existing, stable residential neighborhoods of estate density while at the same time, allowing a careful and deliberate redevelopment and revitalization of such neighborhoods in need of reinvigoration or neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the city.
- (b) *Permitted Uses:* The following uses are permitted in the Single Family-2 (SF-2) Residential district, while all other uses are conditional or prohibited:
- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.
  - (2) Municipal recreation building, playgrounds, parks or reservations owned and operated by a municipality, County, State or the United States Government.

- (3) Golf courses.
- (4) Public schools

(c) *Permitted uses with special development requirements:*

- (1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
- (2) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
- (3) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
- (4) Religious praying places as per Section 4 (p) in Chapter VI.
- (5) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
- (6) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
  - a. Small doctors office
  - b. Fitness center
  - c. Private education
  - d. Child care
  - e. Dance/karate studios
  - f. Therapy for elderly
  - g. Assembly halls
  - h. Art instruction
  - i. Convenience stores
  - j. Government uses
- (7) Small scale public facilities and utilities less than one (1) acre in size.
- (8) All other related and/or similar uses.

## SF-2 — Single Family-2 Residential District





- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

### **Section 3. Single family residential-3 district.(SF-3)**

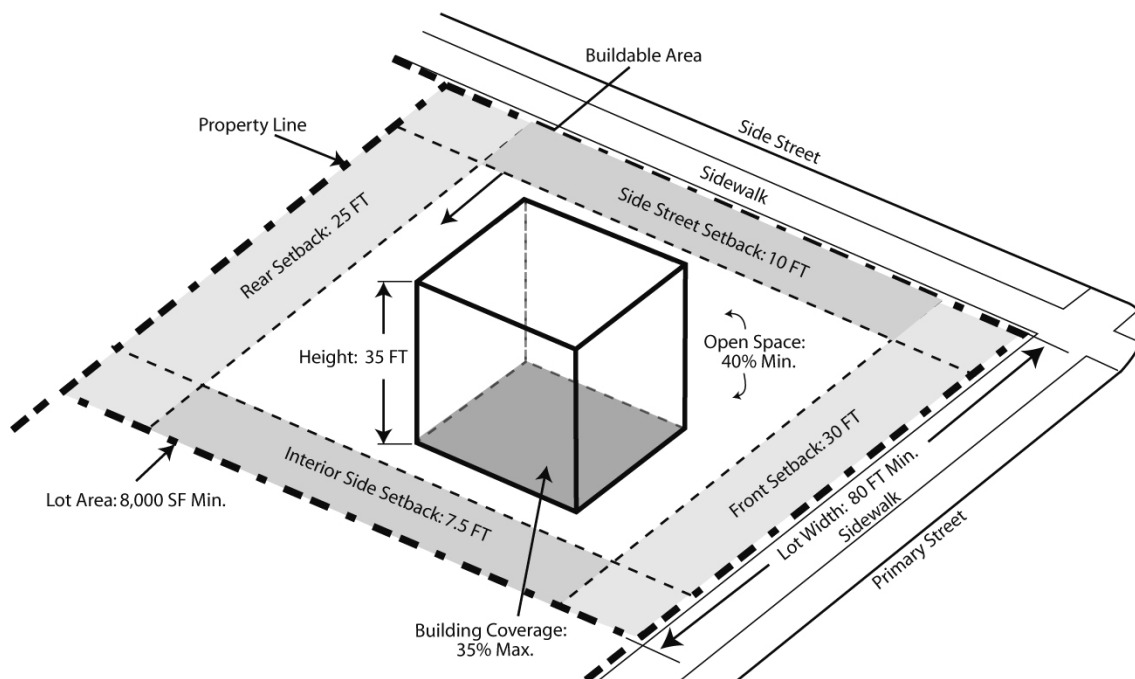
- (a) *Intent and Purpose of district:* The intent and purpose of the Single Family-3 Residential District ("SF-3") is to protect and preserve the integrity and value of existing, stable residential neighborhoods of estate density while at the same time, allowing a careful and deliberate redevelopment and revitalization of such neighborhoods in need of reinvigoration or neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the city.
- (b) *Permitted Uses:* The following uses are permitted in the Single Family-3 (SF-3) Residential district, while all other uses are conditional or prohibited:
- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.
  - (2) Municipal recreation building, playgrounds, parks or reservations owned and operated by a municipality, County, State or the United States Government.
  - (3) Golf courses.
  - (4) Public schools
- (c) *Permitted uses with special development requirements:*
- (1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
  - (2) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
  - (3) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
  - (4) Religious praying places as per Section 4 (p) in Chapter VI.
  - (5) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
  - (6) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
    1. Small doctors office
    2. Fitness center
    3. Private education
    4. Child care
    5. Dance/karate studios
    6. Therapy for elderly
    7. Assembly halls
    8. Art instruction
    9. Convenience stores

## 10. Government uses

- (7) Small scale public facilities and utilities less than one (1) acre in size.
- (8) All other related and/or similar uses.

- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

## SF-3 — Single Family 3 Residential District

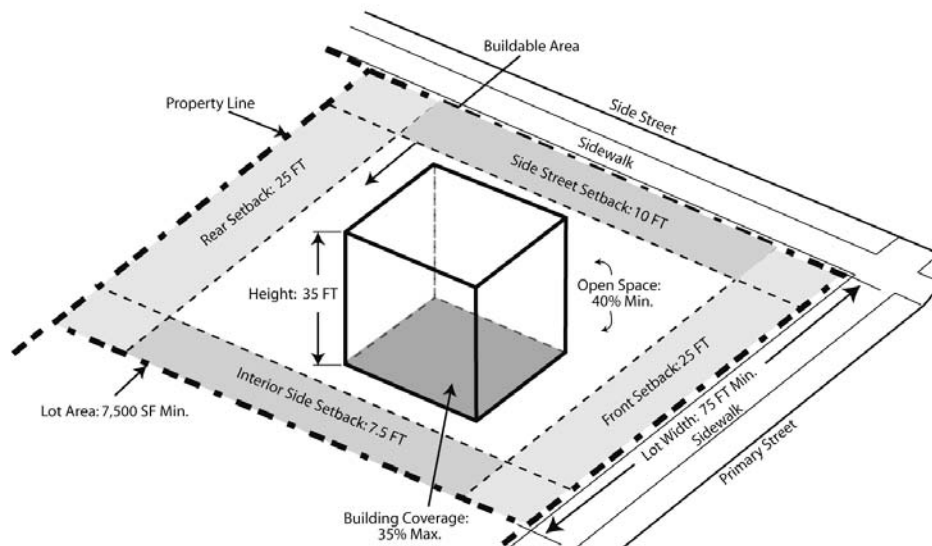


### Section 4. Single family residential-4 district.(SF-4)

- (a) *Intent and Purpose of district:* The intent and purpose of the Single Family-4 Residential District ("SF-4") is to protect and preserve the integrity and value of existing, stable residential neighborhoods of estate density while at the same time, allowing a careful and deliberate redevelopment and revitalization of such neighborhoods in need of reinvigoration or neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the city.
- (b) *Permitted Uses:* The following uses are permitted in the Single Family-4 (SF-4) Residential district, while all other uses are conditional or prohibited:

- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.
  - (2) Municipal recreation building, playgrounds, parks or reservations owned and operated by a municipality, County, State or the United States Government.
  - (3) Golf courses.
  - (4) Public schools
- (c) *Permitted uses with special development requirements:*
- (1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
  - (2) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
  - (3) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
  - (4) Religious praying places as per Section 4 (p) in Chapter VI.
  - (5) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
  - (6) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
    - a. Small doctors office
    - b. Fitness center
    - c. Private education
    - d. Child care
    - e. Dance/karate studios
    - f. Therapy for elderly
    - g. Assembly halls
    - h. Art instruction
    - i. Convenience stores
    - j. Government uses
  - (7) Small scale public facilities and utilities less than one (1) acre in size.
  - (8) All other related and/or similar uses.

## SF-4 — Single Family-4 Residential District



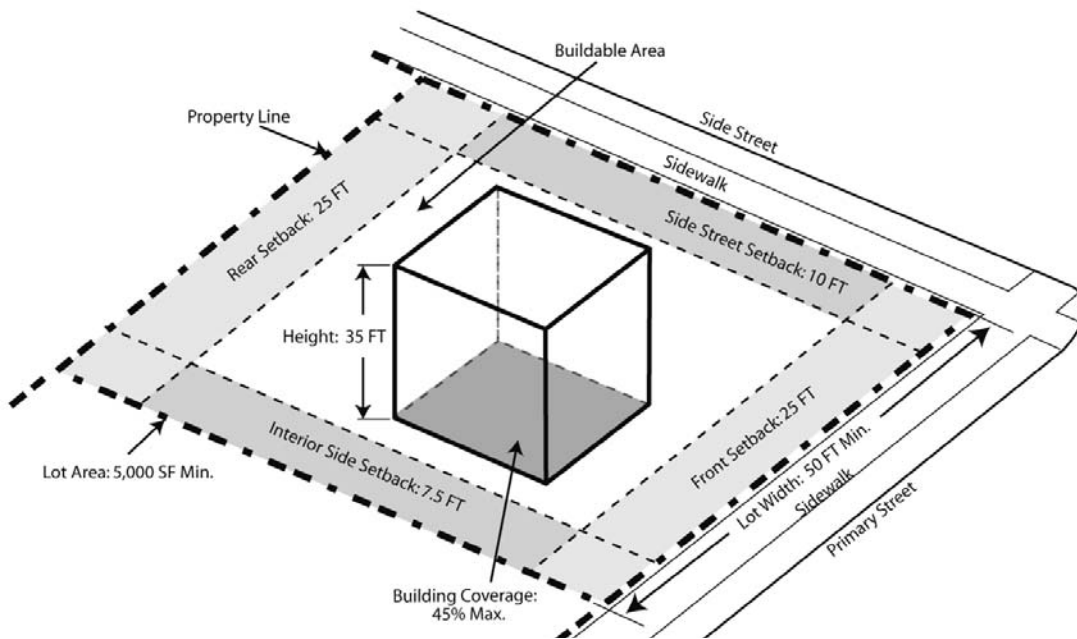
- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

### **Section 5. Single family residential-5 district. (SF-5)**

- (a) *Intent and Purpose of district:* The intent and purpose of the Single Family-5 Residential District ("SF-5") is to provide urban density single family housing, and it is intended to serve as a transitional zone between multifamily and single-family residential uses.
- (b) *Permitted Uses:* The following uses are permitted in the Single Family-5 (SF-5) Residential district, while all other uses are conditional or prohibited:
- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.
  - (2) Municipal recreation building, playgrounds, parks or reservations owned and operated by a municipality, County, State or the United States Government.
  - (3) Golf courses.
  - (4) Public Schools
- (c) *Permitted uses with special development requirements:*
- (1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
  - (2) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
  - (3) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
  - (4) Religious praying places as per Section 4 (p) in Chapter VI.
  - (5) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
  - (6) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
    - a. Small doctors office
    - b. Fitness center
    - c. Private education
    - d. Child care
    - e. Dance/karate studios
    - f. Therapy for elderly
    - g. Assembly halls
    - h. Art instruction
    - i. Convenience stores
    - j. Government uses
  - (7) Small scale public facilities and utilities less than one (1) acre in size.
  - (8) All other related and/or similar uses.

- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

## SF-5 — Single family-5 Residential District



**Section 6. Multi family residential-1 district. (MF-1)**

(a) *Intent and Purpose of district:* The intent and purpose of the Multi Family-1 Residential District ("MF-1") is to provide a townhouse zoning district in order to permit separate ownership of one-family dwelling units upon compliance with certain rules, regulations and standards, and to authorize the grouping of separately owned one-family dwelling units into a group of townhouses in such a manner as to make efficient, economical and aesthetically pleasing use of land, so restricted that the same will be continually well maintained in order to preserve the health, welfare, safety, morals and convenience of the neighborhood and surrounding area.

(b) *Permitted uses:*

- (1) Public schools.

GRAPHIC

(c) *Permitted uses with special development requirements:*

- (1) Townhouses, subject to the following restrictions:

- a. *Common open space.* A minimum of thirty (30) percent of the site to be developed for townhouses shall be provided as a common open space; fifty (50) percent of said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery. The remaining fifty (50) percent may be used only as swimming pools, tennis courts, shuffleboards, pedestrian walks, entrance features, recreation buildings, maintenance buildings for the common areas, lakes, canals and lagoons, and other recreational uses.
- b. *Grouping length.* A grouping of townhouses shall not exceed two hundred forty (240) feet in length.
- c. *Unit size.* No townhouse shall be smaller than nine hundred (900) square feet, and the average size of the townhouses in any grouping shall be a minimum of eleven hundred (1,100) square feet.
- d. *Size of development site.* The minimum size of the site to be developed for townhouses shall be one (1) net acre.
- e. *Lot area for each unit.* No townhouse site shall contain an area of less than one thousand four hundred (1,400) square feet and the average size for a group shall not be less than one thousand five hundred (1,500) square feet, and each unit shall have its foundation on its individual site, except where the units are separated by a common party wall in which event the foundation may be installed equidistant on each side of the lot line for the length of the party wall and its extension along the offset of the townhouses on abutting lots.
- f. *Front yard requirements.* There shall be a fifteen (15) foot minimum distance from the nearest edge of roadway pavement to the front building line. If parking is provided in front of the townhouse unit, then the below setback provisions shall apply.

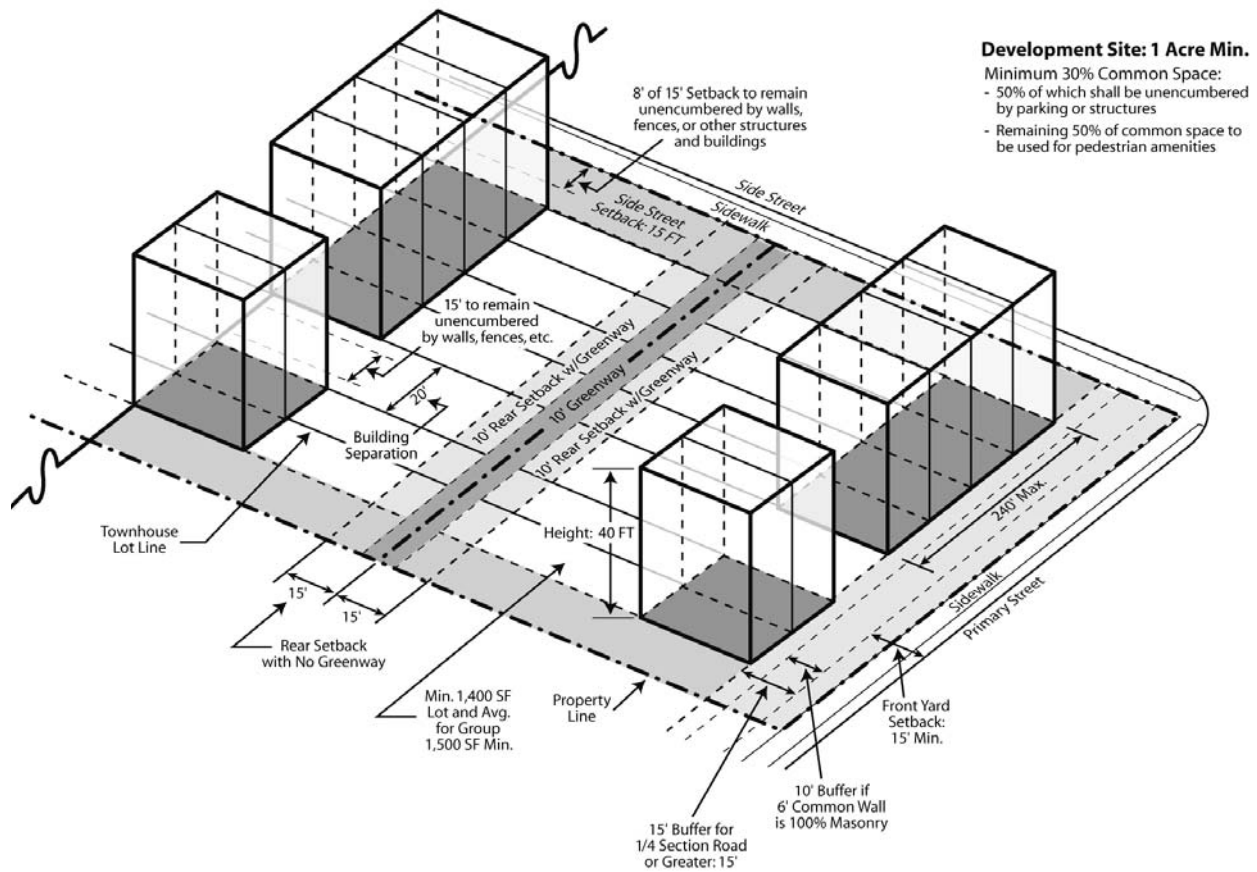
- i. Where parking spaces are provided in front of townhouse buildings, the required front setback of the building shall be twenty-five (25) feet from the nearest edge of roadway pavement in said parking area unless garages are provided, in which case the garage portion of the structure shall be set back twenty (20) feet from the nearest edge of roadway pavement. Any portion of the townhouse building that is not located directly in front of parking spaces shall be set back fifteen (15) feet from the nearest edge of roadway pavement.
- g. *Rear yard requirements.* The minimum rear building setback shall be ten (10) feet. A minimum greenbelt of ten (10) feet shall be provided between rear lot lines; provided, however, that rear lot lines may abut without a greenbelt if a rear building setback of fifteen (15) feet is provided.
- h. *Side yard requirements.* A minimum side yard of fifteen (15) feet shall be provided between the end of a group of townhouses and a public or private street, eight (8) feet of which shall be unencumbered by walls, fences or other structures or buildings. The remaining seven (7) feet may be encumbered by trellises, chimneys or walkways which may be enclosed by privacy fences. Said fences shall not extend in excess of fifty (50) percent of the depth of the building. Said amenities must be attached to the principal structure. A spacing of twenty (20) feet shall be provided between each such group of townhouses, fifteen (15) feet of which shall be unencumbered by walls, fences or other structures or buildings. The remaining five (5) feet may be encumbered by trellises, chimneys or walkways which may be enclosed by privacy fences. Said fences shall not extend in excess of fifty (50) percent of the depth of the building. Said amenities must be attached to the principal structure.
- i. *Buffer from roadways:* Townhouses that face a road way greater than or equal to a quarter-section road require an additional 15' buffer from the above mentioned yards. A six (6) foot high common wall is also required, which may be located anywhere in the buffer. If this wall is constructed with 100% masonry then the buffer could be reduced to ten (10) feet.
- j. *Street frontage.* Each townhouse must have a clear, direct frontage on a public or private street.
- k. *Utilities and services.* Each townhouse shall be independently served by separate heating, air conditioning, seer, water, electric power, gas, and other facility and utility services, wherever such utilities and services are provided, and no townhouse shall be in any way dependent upon such services or utility lines located within another unit or on or in another townhouse or townhouse site, except as may be installed in public easements. All townhouses must be connected to water and sewer lines and all electrical and telephone lines in a townhouse development site shall be placed underground. Proper and adequate access for firefighting purposes, and access to service areas to provide garbage and waste collection, and for other necessary services shall be provided.

- l. *Street right-of-way width and improvements.* The right-of-way width of public streets and private streets serving a group of townhouses and the improvements therein shall conform to all applicable minimum City standards and requirements for such streets.
- m. *Walls.* All patio and outdoor living areas on each townhouse site shall be enclosed by a wall affording complete screening except in cases where a natural feature of the site such as a lake or golf course would suggest that complete screening would not be required. Such determination shall be made as a result of the site plan review process as provided herein. Such wall shall be of masonry or other material having a life expectancy of not less than ten (10) years and the minimum height of such wall shall be six (6) feet; such walled-in patio may include a screen roof. All rear yard areas used for service, such as drying areas, shall be completely screened from view from the street and from adjoining lots by walls or landscaping.
- n. *Patios and service areas.* There shall be provided on each townhouse site at least four hundred (400) square feet of patio living area exclusive of parking and service areas for each townhouse; such footage may consist of one (1) or more patio area unless it is a screen enclosure. Open roof areas and balconies designed and planned for patio purposes may be credited toward patio area. Special setbacks for various accessory uses in Section 2 of Chapter VI do not apply to these accessory structures and/or uses.
- o. *Accessory buildings.* No accessory building shall be permitted in unwalled areas on sites containing a townhouse, and where located within an area enclosed with walls, shall not extend above the height of the walls.
- p. *Platting requirements.* Each townhouse unit shall be located on its own individual platted lot. If areas for common use of occupants of a townhouse development are shown on the plat, such areas shall not be approved until satisfactory arrangements are made for maintenance as provided by this article.
- q. *Trees.* Landscaping and trees shall be provided in accordance with Chapter VII. Landscaping and Buffers of this Code.
  - (2) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
  - (3) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
  - (4) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
  - (5) Religious praying places as per Section 4 (p) in Chapter VI.



- (6) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
- (7) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
  - 1. Small doctors office
  - 2. Fitness center
  - 3. Private education
  - 4. Child care
  - 5. Dance/karate studios
  - 6. Therapy for elderly
  - 7. Assembly halls
  - 8. Art instruction
  - 9. Convenience stores
  - 10. Government uses
- (8) Small scale public facilities and utilities less than one (1) acre in size.
- (9) All other related and/or similar uses.

## MF-1 — Multi Family Residential-1 District

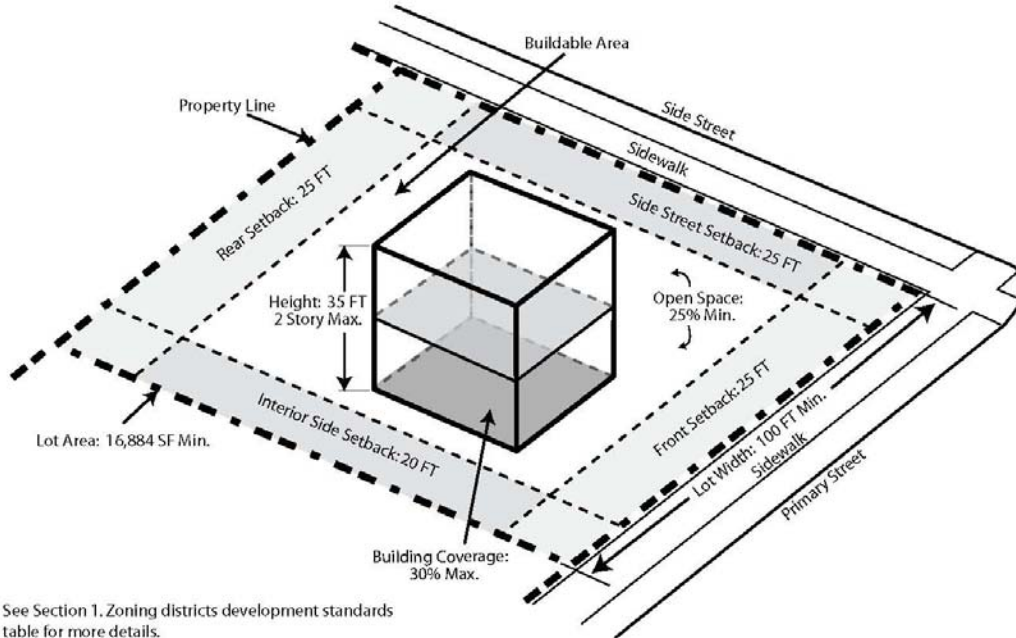


**Section 7. Multi family residential-2 district. (MF-2)**

- (a) *Intent and Purpose of district:* The intent and purpose of the Multi Family-2 Residential District ("MF-2") is to provide for residential districts allowing low-rise condominiums/apartments with moderate density.
- (b) *Permitted Uses:* The following uses are permitted in the Multi Family-2 (MF-2) Residential district, while all other uses are conditional or prohibited:
- (1) Multiple family condominium/apartment house use with only one (1) principal building on a lot, parcel or tract, designed for more than four (4) family units.
  - (2) Public schools
- (c) *Permitted uses with special development requirements:*
- (1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
  - (2) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
  - (3) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
  - (4) Religious praying places as per Section 4 (p) in Chapter VI.
  - (5) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
  - (6) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
    - a. Small doctors office
    - b. Fitness center
    - c. Private education
    - d. Child care
    - e. Dance/karate studios
    - f. Therapy for elderly
    - g. Assembly halls
    - h. Art instruction
    - i. Convenience stores
    - j. Government uses
  - (7) Small scale public facilities and utilities less than one (1) acre in size.
  - (8) All other related and/or similar uses.
- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design

and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

## MF-2 — Multi Family-2 Residential District

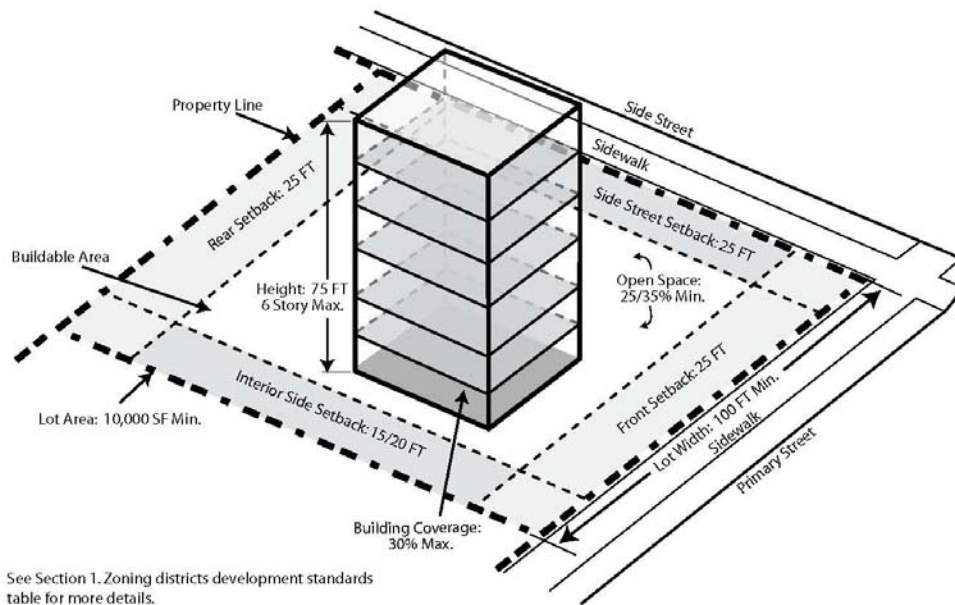


### Section 8. Multi family residential-3 district. (MF-3)

- (a) *Intent and Purpose of district:* The intent and purpose of the Multi Family-3 Residential District ("MF-3") is to provide for residential district allowing low and mid rise condominiums/apartments with medium density.
- (b) *Permitted Uses:* The following uses are permitted in the Multi Family-3 (MF-3) Residential district, while all other uses are conditional or prohibited:
- (1) Multiple family condominium/apartment house use with only one (1) principal building on a lot, parcel or tract, designed for more than four (4) family units.
  - (2) Public schools
- (c) *Permitted uses with special development requirements:*
- (1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.

- (2) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
- (3) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
- (4) Religious praying places as per Section 4 (p) in Chapter VI.
- (5) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
- (6) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
  - a. Small doctors office
  - b. Fitness center
  - c. Private education
  - d. Child care
  - e. Dance/karate studios
  - f. Therapy for elderly
  - g. Assembly halls
  - h. Art instruction
  - i. Convenience stores
  - j. Government uses
- (7) Small scale public facilities and utilities less than (1) acre in size.
- (8) All other related and/or similar uses.

## MF-3 — Multi Family-3 Residential District



- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design

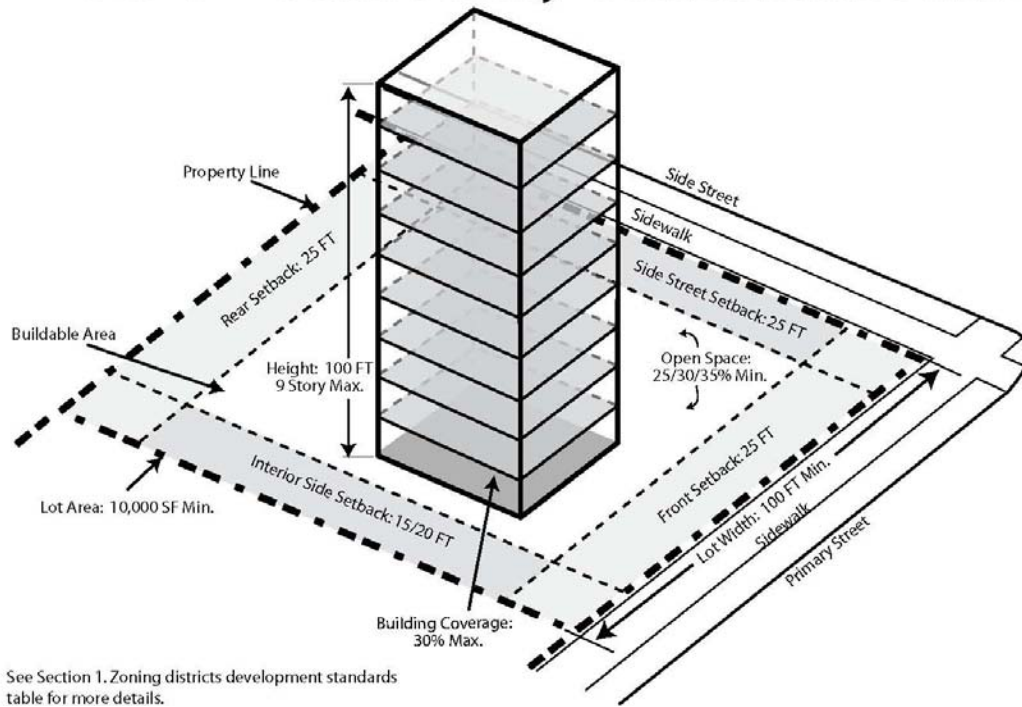
and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

### **Section 9. Multi family residential-4 district. (MF-4)**

- (a) *Intent and Purpose of district:* The intent and purpose of the Multi Family-4 Residential District ("MF-4") is to provide for residential district allowing mid and high rise condominiums/apartments with high density.
- (b) *Permitted Uses:* The following uses are permitted in the Multi Family-4 (MF-4) Residential district, while all other uses are conditional or prohibited:
- (1) Multiple family condominium/apartment house use with only one (1) principal building on a lot, parcel or tract, designed for more than four (4) family units.
  - (2) Public schools
- (c) *Permitted uses with special development requirements:*
- (1) Hotels with a maximum of 75 units/acre and a minimum of 11 units per building.
  - (2) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
  - (3) Family day care and after-school care for children as per Section 4 (a) (k) in Chapter VI.
  - (4) A group home in a dwelling unit as per Section 4 (l) in Chapter VI.
  - (5) Religious praying places as per Section 4 (p) in Chapter VI.
  - (6) Uses that are allowed under power lines such as neighborhood nursery gardens, greenhouses and other similar uses as per Section 3. Regulations for uses under power lines. in Chapter VI.
  - (7) Ancillary uses to residential uses as per Section 4 (a) in Chapter VI.
    1. Small doctors office
    2. Fitness center
    3. Private education
    4. Child care
    5. Dance/karate studios
    6. Therapy for elderly
    7. Assembly halls
    8. Art instruction
    9. Convenience stores
    10. Government uses

- (8) Small scale public facilities and utilities less than one (1) acre in size.
- (9) All other related and/or similar uses.
- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

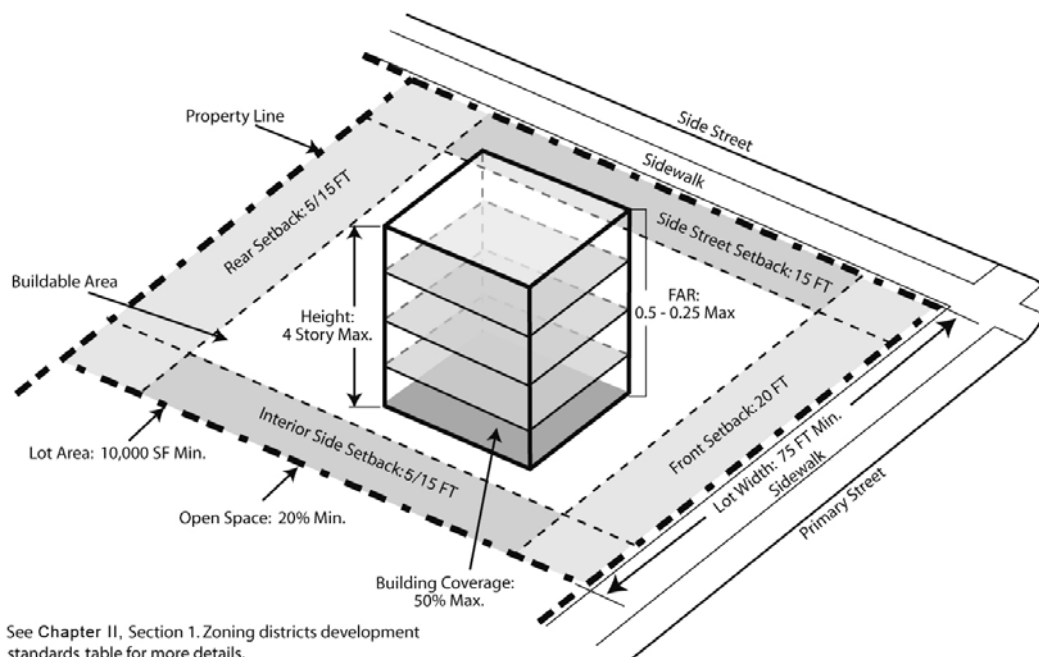
## MF-4 — Multi Family-4 Residential District



## ARTICLE II: OFFICE DISTRICTS

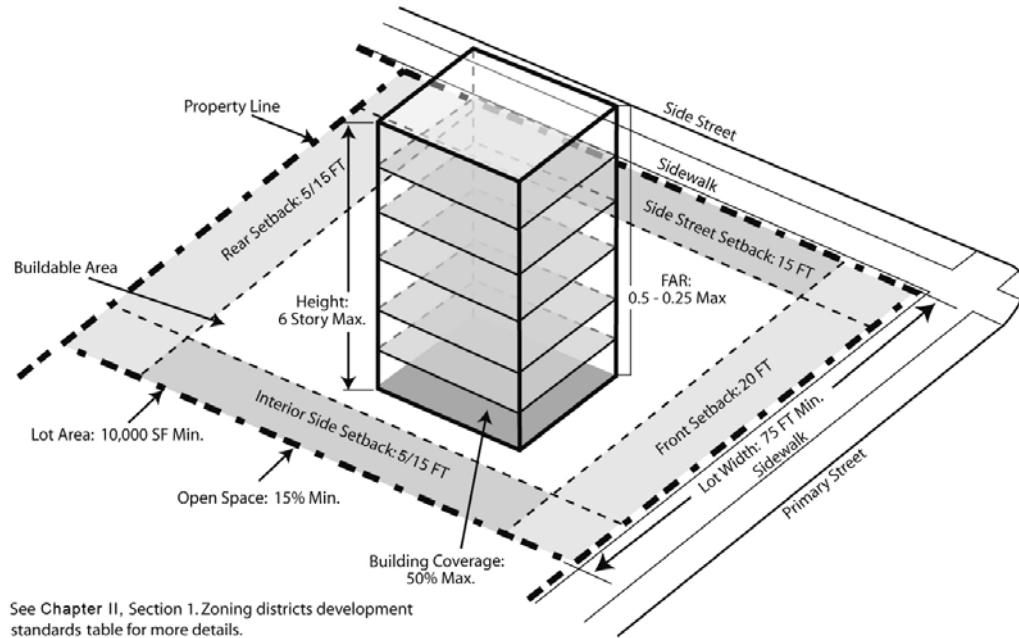
**Section 10. Office districts (O-1, O-2 and O-3).**

- (a) *Intent and Purpose of district:* The Office districts are established to provide for office use environments for low to high intensity office uses.
- (b) *Permitted Uses:* The following uses are permitted in all the three Office (O-1, O-2 and O-3) districts, while all other uses are conditional or prohibited:
- (1) Professional and Medical Offices (Refer to Chapter IV for a detailed list of uses)
  - (2) Art galleries, theaters and museums.
  - (3) Hotels & Motels with a maximum density of 75 units per acre
  - (4) Retail Services (Refer to Chapter IV for a detailed list of uses) with no more than 5% of the total floor area. If the property's Future Land Use Designation is Office and Residential, then 10% of the floor area may be used for Retail Services.
  - (5) Public schools
- (c) *Permitted uses with special development requirements:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development regulations for the following uses:
- (1) Hotels pursuant to Section (4) (m) in Chapter VI.
  - (2) Restaurants pursuant to Section 5. Alcoholic beverages. of Chapter VI
  - (3) Wine cafes pursuant to Section 5. Alcoholic beverages. of Chapter VI
  - (4) Bars pursuant to Section 5. Alcoholic beverages. of Chapter VI

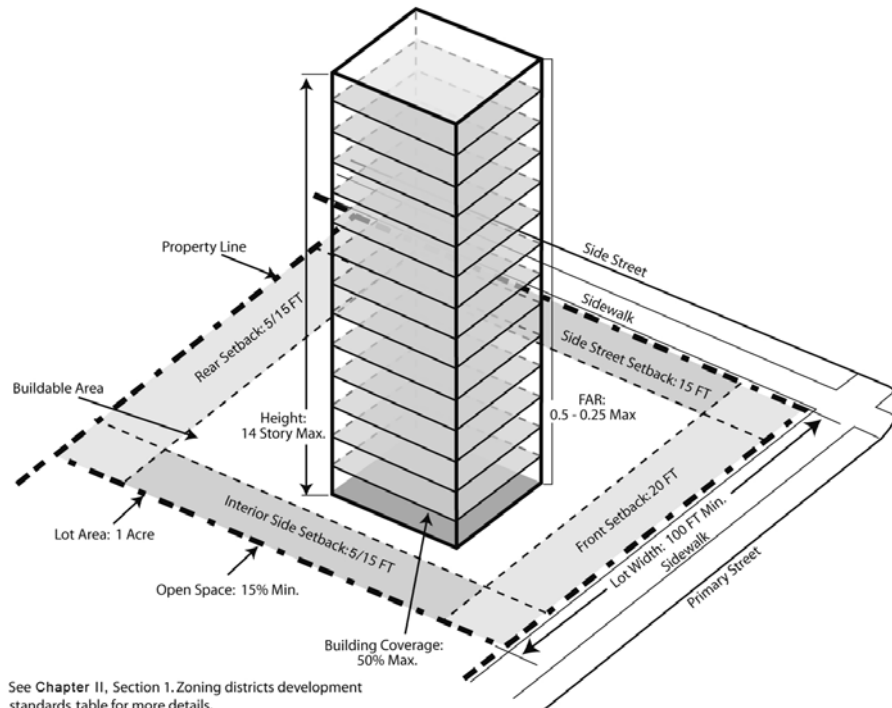
**O-1 — Office-1 District**

- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

## O-2 — Office-2 District



## O-3 — Office-3 District





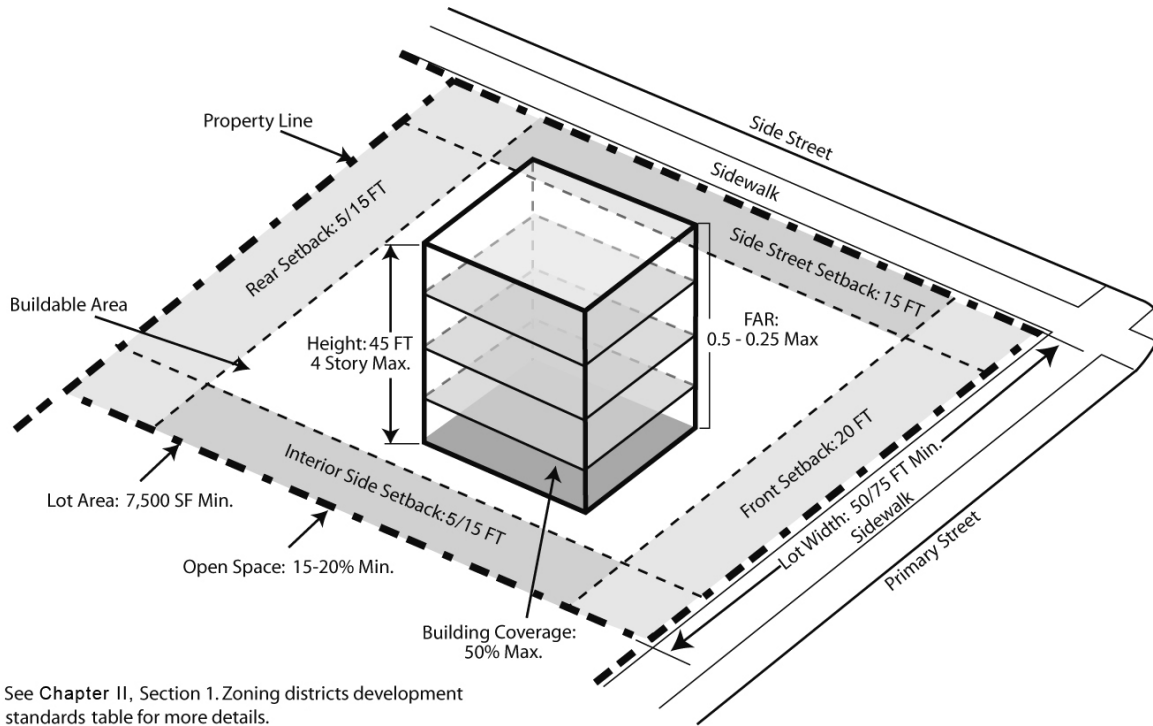
## ARTICLE III: COMMERCIAL DISTRICTS

**Section 11. Neighborhood commercial district**

- (a) *Intent and Purpose of district:* The Neighborhood Commercial District is established to provide for low to moderate intensity business uses in a neighborhood environment.
- (b) *Permitted Uses:* The following uses are permitted in the Neighborhood Commercial (NC) district, while all other uses are conditional or prohibited:
- (1) Retail services in the following categories (Refer to Chapter II. Use compatibility table for a detailed list of uses under these categories)
    - a. Banks
    - b. Tangible sales
    - c. Fitness/Sports
    - d. Animal service
    - e. Beauty and personal services
    - f. Other services that are similar to above uses and shall be approved by the Director of Planning & Zoning Department
  - (2) Restaurant/Cafeteria
  - (3) Professional offices (Refer to Chapter IV for a detailed list of uses)
  - (4) Low intense medical offices and clinics (Refer to Chapter II. Use compatibility table for detailed list of uses).
  - (5) Educational and training institutions
  - (6) Public schools
  - (7) Amusements
  - (8) Laundry pick up/drop off
  - (9) Religious facilities
- (c) *Permitted uses with special development requirements:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development regulations for the following uses:
- (1) Wine cafes pursuant to Section 5. Alcoholic beverages. of Chapter VI
  - (2) Wine cafes with retail sales pursuant to Section 5. Alcoholic beverages. of Chapter VI
  - (3) Billiards pursuant to Section 5. Alcoholic beverages. of Chapter VI
  - (4) Hotels and motels (mixed-use) pursuant to Section 4 (m) of Chapter VI.
  - (5) Hotels & Motels (stand alone) with a maximum density of 75 units per acre
- (d) *Special exception uses:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development regulations for the following uses:
- (1) Bars and Pubs pursuant to Section 5. Alcoholic beverages. of Chapter VI
- (e) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design

and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

# NC — Neighborhood Commercial District



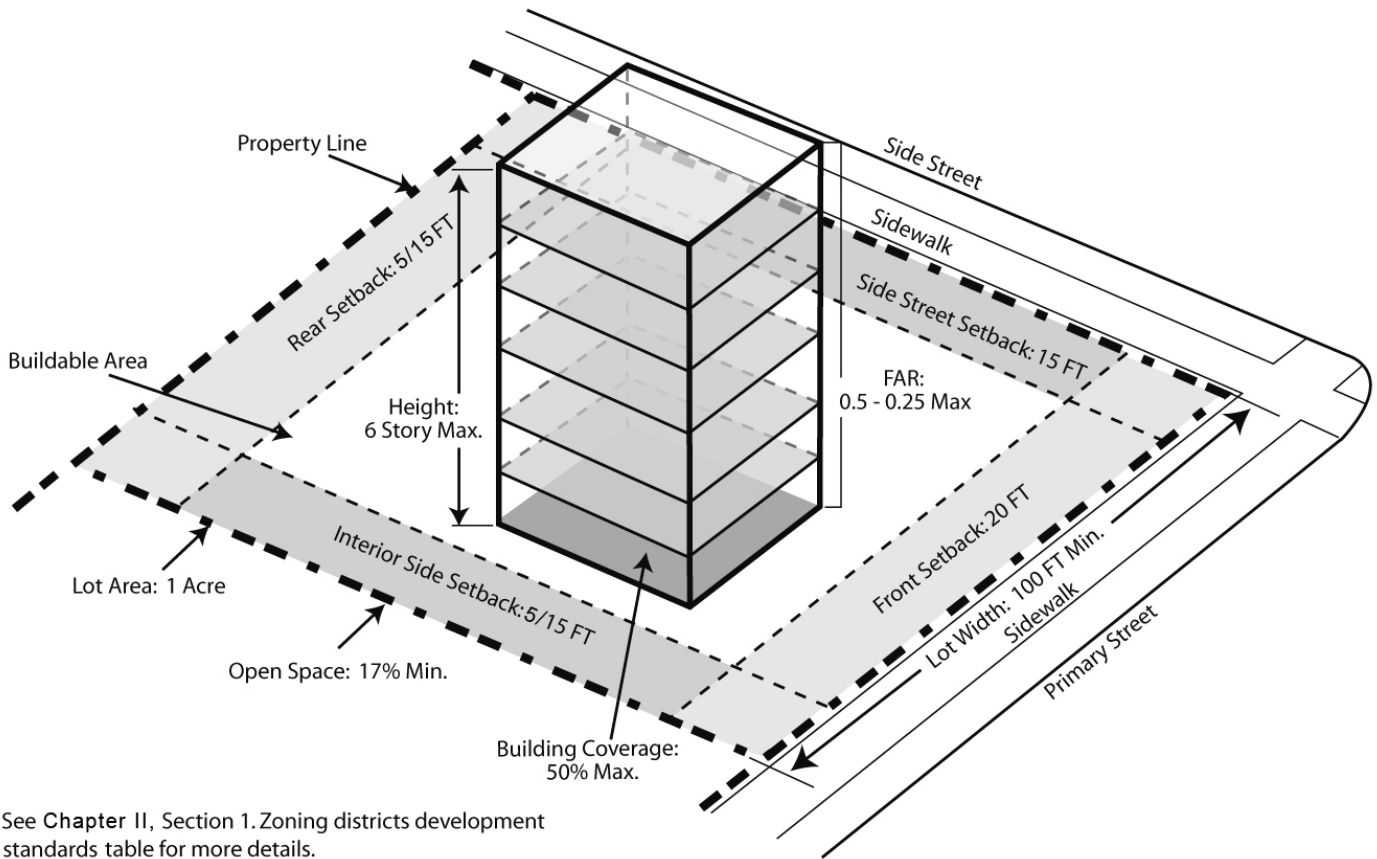
See Chapter II, Section 1. Zoning districts development standards table for more details.

**Section 12. Corridor commercial district**

- (a) *Intent and Purpose of district:* The Corridor Commercial District is established to provide for medium to high intensity business uses on major corridors and prime commercial areas.
- (b) *Permitted Uses:* The following uses are permitted in the Corridor Commercial (CC) district, while all other uses are conditional or prohibited:
- (1) Retail services in the following categories (Refer to Chapter II. Use compatibility table for a detailed list of uses under these categories)
    - a. Banks
    - b. Tangible sales
    - c. Fitness/Sports
    - d. Animal services
      - i. Pet shop
      - ii. Grooming
      - iii. Animal training
      - iv. Veterinarians
    - e. Firearms
    - f. Beauty and personal services
    - g. Religious facilities
    - h. Other services that are similar to above uses and shall be approved by the Director of Planning & Zoning Department
  - (2) Eating establishments
    - a. Restaurant/Cafeteria
    - b. Drive-in restaurants
    - c. Wine cafes
    - d. Wine cafes with retail sales
    - e. Billiards
    - f. Liquor sales with tasting
    - g. Bars and pubs
  - (3) Professional offices (Refer to Chapter II for a detailed list of uses)
  - (4) Medical offices and uses
  - (5) Regional Mall
  - (6) Educational and training institutions
  - (7) Public schools
  - (8) Admission facilities like auditoriums, theaters, museums and galleries (Refer to Chapter II for a detailed list of uses).
  - (9) Car wash places
  - (10) Amusements
- (c) *Permitted uses with special development requirements:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development regulations for the following uses:
- (1) Night clubs pursuant to Section 5. Alcoholic beverages. of Chapter VI
  - (2) Hotels and motels (mixed-use) pursuant to Section 4 (m) of Chapter VI
  - (3) Hotels & Motels (stand alone) with a maximum density of 75 units per acre
  - (4) Auto/truck/van sales pursuant to Section 4 (h) of Chapter VI

- (5) Mini-warehouses and self storage facilities pursuant to conditions mentioned in the definitions chapter
  - (6) Passenger service facilities
- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

## CC — Corridor Commercial District



## ARTICLE IV: MIXED USE DISTRICTS

**Section 13. Traditional neighborhood development (TND) district.**

- (a) *Intent and Purpose of district:* 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:
- (1) The neighborhood is spatially understood and limited in size.
  - (2) Residences, shops, workplaces, and civic buildings are interwoven within the neighborhood, all in close proximity.
  - (3) A hierarchy of streets serves equitably the needs of the pedestrian, the bicycle and the automobile.
  - (4) Carefully placed civic buildings, squares, and greens reinforce the identity of the neighborhood.
  - (5) Spatially defined squares, parks, and greens provide places for social activity and recreation.
  - (6) Civic buildings provide places of assembly for social, cultural and religious activities, becoming symbols of community identity through their architectural clarity.
  - (7) Private buildings form a disciplined edge, spatially delineating the public street space and the private block interior.
  - (8) 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 the land development code, the provisions of the TND shall apply.

- (b) *Design criteria:* 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 elsewhere in the land development code or Chapter 28 Subdivisions of the Code of Miami-Dade County. Terms requiring interpretation specific to this ordinance are as follows:
- (1) *Alley:* A vehicular passageway providing primary, 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.

- (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.
- (11) *Front porch*: A front porch is an unairconditioned roofed structure attached to the front of the unit. A front porch may consist of up to two (2) floors, with the second floor equal or lesser in size to the first. Each floor of a 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 a first floor front porch may encompass a ramp providing access for people with disabilities.
- (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 Miami-Dade County Department of Environmental Resources Management. The greenbelt area may be used for non-row crop farming, wetlands, water retention, animal 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) *Green*: A public open space located within the neighborhood proper and bounded by streets. Paved areas in greens shall not exceed twenty percent (20%) of the green area exclusive of dedicated rights-of-way. Greens shall have a length to width ratio no greater than four to one (4:1). A green may be enclosed with a wrought iron or electrostatic plated aluminum fence not exceeding five (5) feet in height.
- (15) *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.
- (16) *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 twenty-five percent (25%) of the gross square footage of the residential unit. Certificates of use and occupancy shall be reviewed annually.
- (17) *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.
- (18) *Limited office use*: The transaction of business or the supply of professional services, employing no more than eight (8) persons.
- (19) *Lodging use*: Buildings providing food service and bedrooms for letting.
- (20) *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.

- (21) *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.
- (22) *Neighborhood proper*: The built-up area planned for development within a TND, including blocks, streets, squares greens and parks, but excluding greenbelts or other open green periphery areas.
- (23) *Outbuilding*: An accessory use building or portion of a building, for residential, parking, or storage use only, of a maximum of twenty-four (24) feet in height and having a maximum building footprint of five hundred (500) gross square feet. No residential shall occupy first floor.
- (24) *Park*: An area of land designated for active or passive recreation.
- (25) *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.
- (26) *Plaza*: An open space area within a town center on which all shopfront lots front. Plazas shall include landscaping, permanent architectural features and/or water oriented features. Parking may be included, but shall be limited to seventy-five percent (75%) of the total area of the plaza.
- (27) *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, ramps, 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 roofed porch.
- (28) *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.
- (29) *Residential use*: The term residential is applied herein to any lot, plot, parcel, or piece of land or any building used for dwelling purposes.



- (30) *Setback*: An absolute distance between the building lot line and the outside of the footprint closest to said building lot line of the enclosed portion of the building. Front porches and ramps for people with disabilities are exempt from setback requirements.
- (31) *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.
- (32) *Square*: An outdoor public tract defined by streets on at least three (3) sides. Squares shall be at least seventy-five percent (75%) paved and surrounded by shopfront use lots or rowhouse use lots on at least sixty percent (60%) of its perimeter (perimeter being defined as the aggregate of the frontage lines of the surrounding lots). Squares shall have a length to width ratio no greater than three to one (3:1).
- (33) *Streetedge*: A masonry wall, wood fence, or electrostatic plated black aluminum or wrought iron fence, no less than fifty percent (50%) opaque, or a hedge on thirty-inch centers, between two and one-half (2 1/2) and four (4) feet in height, at time of planting positioned along the frontage line. Any wall, or fence built or hedge planted 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.
- (34) *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 percent (25%) and no more than fifty percent (50%) opaque, except for service yards which require no less than fifty percent (50%) opacity, built along the frontage line. Any openings shall be gated. The percent opacity shall be calculated including all openings.
- (35) *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.
- (36) *Street vista*: A view through or along a street centerline.
- (37) *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.
- (38) *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 percent (35%) 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.

A maximum of seventy-five percent (75%) 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. There shall be a direct street connection between the mandatory square or green and the town center plaza. A minimum of thirty-five percent (35%) 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 percent (10%) 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 uses provided in the shopfront use category, one (1) grocery and/or department store use, each not exceeding forty thousand (40,000) square feet of building area.

(39) *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.

(c) *Development parameters*. All applications for a TND shall comply with the following development parameters:

- (1) *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.
- (2) *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 for the City of Doral, as amended from time to time, including any density bonus as provided therein.
- (3) *General development criteria*.

- a. Land use. The entire land area of a TND shall be divided into a neighborhood proper and optional natural or greenbelt areas.
- b. *Land allocation.*
  - i. 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.
  - ii. 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.
  - iii. Land use categories described in Section 15(f) 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.
  - iv. Land use for corner lots which front on streets of dissimilar use shall be designated the more intensive use category.
- c. *Lots and buildings.*
  - i. All lots shall share a frontage line with a street, square or green.
  - ii. All buildings shall have their main entrance opening to a street or square (except outbuildings).
  - iii. All uses shall be conducted within completely enclosed buildings, unless otherwise specified herein.
  - iv. Stoops, and front porches may encroach up to ten (10) feet into the front setbacks.
- d. *Streets, alleys and pedestrian pathways*
  - i. Traffic control signing shall be established for each community to satisfy intersecting street geometrics and installed at entrances and other appropriate locations.
  - ii. Streets or alleys shall provide access to all tracts and building lots.
  - iii. 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.
  - iv. There shall be a continuous network of alleys to the rear of building lots within the TND except as may be provided herein.

- v. 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.
  - vi. All streets shall have a six-inch high curb except for streets in house use areas.
  - vii. A curb is required at all street intersections. There shall be curb cuts providing access for people with disabilities at all intersections and points of pedestrian crossing.
  - viii. Curb interruptions are permitted only for alleys, access for people with disabilities and other parking access points specified herein.
  - ix. A warranted traffic control device shall be placed at intervals no further than six hundred (600) feet on all streets internal to the TND.
  - x. All sidewalks shall have a continuous unobstructed clear area of a width no less than forty-two (42) inches. This area shall be unobstructed by utility poles, fire hydrants, benches or any other temporary or permanent structures. 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.
  - xi. Utilities shall run underground.
  - xii. Rights-of-way in a TND shall extend a minimum of eighteen (18) inches beyond the curbface/edge of the sidewalk, measured away from the right-of-way centerline.
  - xiii. Street furniture such as trash containers and bus benches shall be permanently secured to the sidewalk. One bench shall be provided along all edges of squares, greens and parks
  - xiv. 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.
- e. *Parking.*
- i. Parking lots shall be located at the rear or at the side of buildings, except as otherwise permitted in a plaza. Streetwalls or streetedge shall be built on the frontage line.
  - ii. Parking lots and parking garages shall not: (1) abut street intersections or civic use lots; (2) be adjacent to squares, parks, or greens; or (3) occupy lots which terminate a street vista, except as provided in a plaza.

- iii. Adjacent parking lots shall have vehicular connections, via an alley.
- iv. Except as otherwise provided by the ordinance, parking requirements for all uses shall be in accordance with Chapter IX of this Code. 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 percent (50%) 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.
- v. There shall be provided a minimum of one (1) parking space for people with disabilities 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.
- vi. If a combination of on-street parking places and parking lot spaces is used to meet the total number of parking spaces required by Chapter IX of this Code, then the number of parking spaces for people with disabilities provided in the lot shall be at least as many spaces as would be required to be provided if all of the required parking spaces were provided in the lot.
- vii. Parking requirements for on-site parking may, at the applicant's discretion, be reduced by twenty-five (25.0) percent, except in those instances where the use is exclusively residential or town center.
- viii. Shared parking shall be permitted if approved at public hearing, in accordance with Section 15 (b) (30) of this Code.
- ix. Parking for community related retail and service uses as listed below shall not require on-site parking provided that: (1) the total floor space for the individual uses does not exceed five hundred (500) square feet of gross floor area; (2) such uses be restricted to shopfront and rowhouse areas and (3) that such uses shall be restricted to the following:
  - a. Art galleries.
  - b. Bakery.
  - c. Barber/beauty parlor.
  - d. Bookstore.
  - e. Coffee house.
  - f. Confectionary, sale of cookies/ice cream.
  - g. Convenience grocery.
  - h. Dry cleaning (no cleaning on premises).

- i. Sale of newspapers, magazines.
    - j. Shoe repair (no sale of shoes).
  - f. *Landscape*. Landscaping shall be provided in accordance with Chapter VII of this Code.
- (d) *Ownership requirements*. An application for approval of a TND District shall meet the requirements of Chapter IV. Administration.
- (e) *Review procedure*. No TND may be established or amended in the City except as provided herein.

The TND review procedures are divided into two (2) steps: (1) preapplication conference and initial City Council review; and (2) City Council site plan review.

(1) Preapplication Conference and Initial Review.

- a. All applicants seeking approval of a TND must meet with Department of Planning & Zoning staff to discuss the proposed development prior to the filing of an application. It shall be the responsibility of the Department to coordinate with other affected departments 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 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. 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 of Planning and Zoning in accordance with the requirements of Chapter IV. Administration.
  - i. Required exhibits – Written documents. The following written documents shall be submitted to the Department for review prior to the public hearing:

- a. Recordable agreement guaranteeing the development in accordance with commitments made in the written and graphic documents listed below as approved by the city Council. A final executed agreement shall be submitted to the Department fifteen (15) days prior to the City Council review and action along an opinion of title covering the entire proposed TND area.
  - b. A development schedule indicating the approximate date(s) when constructing of the TND and phases thereof including the mix of residential and commercial will be initiated and completed .
  - c. Quantitative data in a table format indicating the intensity of the land uses proposed in the TND and the total maximum number of units.
- ii. 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:
- a. 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.
  - b. 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.
  - c. 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 , access for people with disabilities, and public facilities, as well as unique natural features of the landscape.
  - d. The proposed treatment of the perimeter of the TND including materials and techniques to be used to provide transition to other developments.
  - e. Master development plan , including but not limited to, proposed land use mix , density and overall and for individual development pods ,

general landscapes features and palette , internal vehicle, bicycle and pedestrian circulation, civic uses , park and recreation areas , and public open space.

- f. Environmental analysis including any wetlands, native uplands and endangered/threatened/special concern wildlife and/or plant species present on the site.
- g. Architectural renderings of typical buildings streetscapes and other key project elements.
- h. Analysis of roadway, water, sewer, drainage and parks level-of-service (LOS) impacts and improvements necessary to maintain City's LOS standards. Delineation of any right-of-way required to be dedicated for future road improvements.
- i. Analysis of school impacts and improvements proposed to address educational needs.
- j. 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 Section (15) (e) (1) b. i. a. and b., and Section 15 (e) (1) b. ii. d. shall not apply to application of the Director or Zoning Official.

- c. Upon the filing of a complete application, the Department shall schedule a public hearing before the City Council. At the public hearing, the applicant shall present the proposal. The City Council shall have the recommendations of the Department. The City Council shall consider the information presented by the applicant, the recommendations of the Department and viewpoints of the public expressed at the hearing. The City Council shall take formal action either approving the application as presented, approving it subject to certain specified modifications, and/or conditions , disapproving it, deferring the matter or a combination of the foregoing . Upon approval, plans, documents, recordable development agreements, and an opinion of title covering the entire application area shall be filed with the Department and recorded in the official records and shall thereby constitute the TND District.

## (2) Site Plan Review.



- a. Following final approval of the TND zoning district by the City Council, the following plans and documents shall be submitted for City Council site plan review and approval together with any other relevant information required by the Department.

The site plan(s) to be reviewed and approved by the City Council shall be drawn at a scale of no less than 1"= 100' and shall include the following information:

- i. All land use categories , blocks , squares and parks, greenbelts, green, civic and/or public/semi-public building footprints, parking, and landscaped open space . In addition the plan shall indicate existing and proposed circulation systems, including streets , alleys and major points of access.
- ii. Drawings of typical street sections at 1"= 20'.
- iii. Footprint and height of existing and proposed civic use buildings, fences and walls.
- iv. Building lots.
- v. Pedestrian, equestrian and vehicular circulation systems.
- vi. Drawings indicating the type of street furniture , signage , and street lights proposed for the TND.
- vii. Parking layouts and drives.
- viii. Landscaping and trees shall be provided in accordance with Chapter VII of this code.
- ix. Buildings 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 maximization of cross ventilation
- x. A calculation of maximum potential lot coverage for stormwater drainage engineering purposes.
- xi. Typical building elevations and floor plans,
- xii. A table shall be provided as part of the site plan in accordance with the following:
- xiii. Detailed project phasing plan.

TABLE INSET:

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
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

- b. Upon the filing of a complete site plan review application, the Department of Planning and Zoning shall schedule a public hearing before the City Council. At the public hearing, the applicant shall present the proposed plan. The City Council shall have the recommendations of the Department. The City Council shall consider the information presented by the applicant, the recommendations of the Department and viewpoints of the public expressed at the hearing. The City Council shall take formal action either approving the plan as presented, approving it subject to certain specifies modifications, and/or conditions, disapproving it, deferring the matter, or a combination of the foregoing.

(3) Modifications to approved Site Plans.

- a. Upon approval of a site plan , 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 , green and parking shall be required to be approved after City Council public hearing in accordance with the procedures contained in this subsection.
- b. Any minor revisions to an approved site plan may be approved administratively by the Director. The Director shall have the authority to determine whether any proposed modification to an approved plan is either minor or substantial. Applicant must submit any proposed modifications to the Director for said determination

(4) Platting and Permitting

- a. No tentative plat may be approved for a TND parcel until the City Council has reviewed and approved a site plan.
- b. Upon approval of a site plan by the City Council, the applicant may proceed to develop any portion of the TND as approved pursuant to the approved phasing plan. The Building Department shall issue building permits in accordance with all previously approved plans and documents and in accordance with applicable requirements of the Florida Building Code and

other applicable State, Miami-Dade County, and City requirements.

(f) *Land use categories.*

(1) Public and/or semi-public use

a. Land use.

- i. Land designated for public and/or semi-public use shall be tracts consisting of parks, squares, greens, greenbelts, and civic use lots and buildings.
- ii. The only buildings permitted in public and/or semi-public use tracts shall be civic use buildings.
- iii. A maximum of fifteen percent (15%) of a park, green or square may be used as a civic use lot.
- iv. Large area recreational uses such as golf courses and multiple game fields shall be located outside the neighborhood proper.

b. Land allocation.

- i. A minimum of five percent (5%) 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, squares or greens. Each neighborhood proper shall contain at least one (1) square or green, no less than forty-five thousand (45,000) square feet and no greater than ninety thousand (90,000) square feet. This mandatory square or green shall be within a six-hundred-foot radius of the geometric center of the neighborhood proper.
- ii. 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, square or green.
- iii. Squares, parks and waterfronts shall have at least fifty (50.0) percent of their perimeter abutting public or semi-public tracts or streets.

c. Lots and buildings.

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

d. Parking.

- i. 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 Chapter IX of this code.

(2) Civic use.

a. Land use.

- i. Land designated for civic use shall be lots containing community buildings, 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.
  - ii. 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 (15) (i).
- b. Land allocation.
- i. Civic use building lots shall constitute a minimum of two (2.0) percent of the gross area of the neighborhood proper.
  - ii. Civic use lots shall be located within or adjacent to a square, park, green or on a lot terminating a street vista.
  - iii. 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.
  - iv. The developer shall designate one (1) civic use lot, a minimum of once (1) acre in size, if requested by the City at the time of pre-application review.
- c. Lots and buildings.
- i. Buildings located on civic use lots shall not exceed forty (40) feet in height excluding spires, cupolas, monuments, flag poles, and chimneys.
- d. Parking.
- i. The number of required parking spaces for civic uses shall be in accordance with Chapter IX of this Code; 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.
  - ii. 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.
  - iii. When on-site parking is provided, no less than seventy-five percent (75%) of the off-street parking spaces shall be placed to the rear of the building. Access may be through the frontage.
- e. Signage.
- i. Two (2) wall signs shall be permitted for each structure not to exceed a combined total of eight (8) square feet.

- (3) Shop front use
- a. Land use.
    - i. Land designated for shopfront use shall be on lots containing buildings for residential use, including lodging, and commercial uses as provided below, and other similar uses as approved by the Director at the time of the TND approval, except those listed as prohibited uses in the design criteria. At least twenty-five percent (25%) of the gross square footage shall be restricted to residential use, including lodging and commercial uses as provided below. The following uses shall be permitted on shopfront use parcels. No building for a single use shall exceed four thousand (4,000) square feet of interior floor area.
      - a. Antique shops, architects, interior designers, offices.
      - b. Apparel stores.
      - c. Art goods stores, artist studios and photograph shops and galleries.
      - d. Banks, excluding drive-in teller service.
      - e. Beauty parlors.
      - f. Bakeries, retail only (baking permitted on premises).
      - g. Barber shops.
      - h. Bicycle sales, rentals and repairs (nonmotorized).
      - i. Book stores.
      - j. Confectionery, ice cream stores and dairy stores.
      - k. Conservatories and music and dance schools.
      - l. Drugstores.
      - m. Floral shops.
      - n. Galleries.
      - o. Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores.
      - p. Hardware stores.
      - q. Insurance and Bonds.
      - r. Jewelry stores.
      - s. Leather goods and luggage shops.
      - t. Liquor package store.
      - u. Medical equipment and supply stores.
      - v. Mail order offices, without storage of products sold.
      - w. Music, tape, CD and record stores.
      - x. Museum.
      - y. Newsstand.
      - z. Office.
      - aa. Office supply stores.
      - bb. Optician/Optomtrist.
      - cc. Paint and wallpaper stores.
      - dd. Post office.
      - ee. Pottery shops.

- ff. Pubs, bars, and mini-breweries.
  - gg. Real Estate.
  - hh. Restaurants and coffee houses including outdoor dining and including alcoholic beverage service. A minimum of forty-two (42) inches clearance shall be reserved along the outside edge of a sidewalk for pedestrian passage.
  - ii. Religious facilities.
  - jj. Schools.
  - kk. Shoe stores and shoe repair shops.
  - ll. Sporting goods.
  - mm. Tobacco shops.
  - nn. Travel Agencies.
  - oo. Variety stores.
- ii. Residential uses, except for entries and lobbies to residential uses, are not permitted on the ground floors of shopfront use buildings.
  - iii. An outbuilding is permitted on each lot.
- b. Land allocation.
- i. Shopfront use lots shall comprise a minimum of two percent (2%) and a maximum of twenty percent (20%) of the gross area of the neighborhood proper.
  - ii. A maximum of three (3) shopfront use lots may be consolidated for the purpose of constructing a single building. Adjacent buildings may share a lobby area and elevator cores
- c. Lots and buildings.
- i. Shopfront use lots shall have a maximum width of fifty (50) feet and a minimum width of sixteen (16) feet.
  - ii. Street-front entries shall be at grade to allow access for people with disabilities.
  - iii. Buildings on shopfront use lots shall have the facade, including colonnades if provided, built directly on the frontage line along at least seventy percent (70%) of its linear frontage. For lots at street intersections, the building shall be built directly on the side street frontage for at least fifty percent (50%) of its linear frontage.
  - iv. The unbuilt portion of the frontage line shall have a streetwall built directly upon it.
  - v. 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 perpetual four foot maintenance easement shall be provided on the lot adjacent to the shopfront property line. There shall be no required rear setback.
  - vi. Buildings on shopfront use lots shall cover no more than fifty percent (50%) of the net lot area. Outbuildings shall not count against lot coverage.

- vii. 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.
  - viii. 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.
  - ix. Colonnades, are required when shopfront use lots front on the mandatory square. Enclosed space shall be permitted directly above the sidewalk.
- d. Streets and alleys.
- i. Shopfront use lots shall front on streets of sixty (60) feet maximum width consisting of two (2) twelve-foot wide travel lanes, and an 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, green 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 the 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 shop fronts which may be occupied by furniture for restaurants. Shopfront use lots may also front on a square, park, or green.
  - ii. Posted vehicle speed for shopfront use streets shall not exceed twenty-five (25) miles per hour.
  - iii. 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.
  - iv. Signs in colonnades shall have a minimum clearance of eight (8) feet above the sidewalk.
  - v. Shop front use lots may have their rear or side 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. It must also be demonstrated that adequate provision is made for delivery trucks to service the shop front uses from the alley.
- e. Parking.
- i. 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.

- f. Signage.
  - i. 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.

(4) Rowhouse use

- a. Land use.
  - i. 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, and artisanal use. Where nonresidential uses are proposed, at least fifty percent (50%) 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.
  - ii. One hundred (100) percent of the building area above the ground floor shall be designated for residential use.
  - iii. An outbuilding is permitted on each lot.
- b. Land allocation.
  - i. Rowhouse use lots shall constitute a minimum of twenty percent (20%) and a maximum of fifty percent (50%) of the gross area of the neighborhood proper.
  - ii. Rowhouse use lots may be consolidated for the purpose of constructing a single building containing multifamily dwellings. Each group of such consolidated lots must feature a different façade treatment to avoid the appearance of a single monolithic building.
  - iii. A maximum of fifty (50.0) percent of all rowhouse use lots may be consolidated.
- c. Lots and buildings.
  - i. Rowhouse use lots shall have a maximum width of thirty-two (32) feet.
  - ii. 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.
  - iii. 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.
- iv. Buildings on rowhouse use lots shall be set back from eight (8) to fifteen (15) feet from the frontage line. Buildings at street intersections shall be set back eight (8) feet from the frontage line and six (6) feet from the side street line. Setback requirements shall apply to the enclosed portion of the buildings only.
  - v. 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.
  - vi. Outbuildings shall have no required set backs and may be attached to the main building by a loggia, covered walkway or other connecting structure.
  - vii. Setbacks on consolidated rowhouse use lots shall apply as in a single lot.
  - viii. Buildings on rowhouse use lots shall cover no more than sixty percent (60%) of the net lot area. Outbuildings shall not count against lot coverage.
  - ix. 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.
  - x. Buildings on rowhouse use lots shall have a minimum first floor front elevation eighteen (18) inches above finished sidewalk grade. This requirement shall not apply when rowhouse use lots have been consolidated for the purpose of constructing a single building for multifamily dwellings. Rear entrance(s) shall be accessible for people with disabilities by grading or ramping. Space shall be provided in the front yard area for possible construction of a ramp.
  - xi. A minimum of twenty percent (20%) of the net lot area shall be developed as private open space.
  - xii. Rowhouse use lots shall have a streetedge built along the unbuilt parts of the frontage line.
  - xiii. A minimum of twenty-five percent (25%) 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.
- d. Streets and alleys.
- i. 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. Rowhouse use lots may also front on squares or park tracts.

- ii. No parking shall be permitted in the front setback area.
- iii. Posted vehicle speed for rowhouse use streets shall not exceed twenty (20) miles per hour.
- iv. 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.
- v. Rowhouse use lots shall have their rear or side 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.

e. Parking.

- i. All off-street parking places shall be to the rear of the building. Access shall be through a vehicular alley only.
- ii. No parking shall be permitted in the front setback area.

f. Signage.

- i. 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.

(5) House use

a. Land use.

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

b. Land allocation.

- i. House use lots shall constitute a maximum of thirty percent (30%) of the gross area of the neighborhood proper.
- ii. A maximum of two (2) house use lots may be consolidated for the purpose of constructing a single residence.
- iii. A maximum of fifty (50.0) percent of all house use lots may be consolidated.

c. Lots and buildings.

- i. Houses on house use lots shall be raised a minimum of eighteen (18) inches from finished exterior sidewalk grade.

- ii. 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 line.
  - iii. House use 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.
  - iv. Setbacks on consolidated house use lots shall apply as on a single lot.
  - v. Buildings on house use lots shall be set back from the side lot lines equivalent (in total) to no less than twenty percent (20%) 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.
  - vi. Buildings on house use lots shall be set back no less than five (5) 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 a zero foot setback is permitted.
  - vii. Buildings on house use lots shall cover no more than forty percent (40%) of the building lot area. Outbuildings and front porches do not count in lot coverage.
  - viii. Buildings on house use lots shall not exceed twenty-four (24) feet in height (excluding chimneys).
  - ix. Buildings on house use lots shall have a streetedge built along the frontage line.
  - x. A minimum of twenty-five percent (25%) of the buildings on house use lots shall have front porches which may encroach into the front setback not closer than eight (8) feet from the inside edge of the sidewalk.
- d. Streets and alleys.
- i. 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.
  - ii. Posted vehicle speed for house use streets shall not exceed twenty (20) miles per hour.
  - iii. 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.
  - iv. House use lots may have their rear or side 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, lake or canal.

e. Parking.

- i. No parking shall be permitted in the front setback area of residential lots of less than fifty (50) foot frontage.
- ii. 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 through the frontage, garage or carports shall be located a minimum of twenty (20) feet behind the front building setback.

f. Signage.

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

(6) Workshop use

a. Land use.

- i. Land designated for workshop use shall be in land containing buildings for the following uses: No building for a single use shall exceed thirty thousand (30,000) square feet of interior floor area.
  - a. Artists studios and accessory gallery use.
  - b. Artisanal use.
  - c. Automobile and motorcycle body shops.
  - d. Automobile parking garages.
  - e. Automobile service and repairs.
  - f. Bait and tackle shops.
  - g. Bakeries (wholesale).
  - h. Banks excluding drive-in teller services.
  - i. Bottling of beverages.
  - j. Cabinet shops.
  - k. Cold storage warehouse.
  - l. Dance studios.
  - m. Dog and pet hospitals in air conditioned buildings.
  - n. Dry cleaning and dyeing establishments.
  - o. Engines, sales and services.
  - p. Gasoline service stations excluding markets.
  - q. Glass installation.
  - r. Health and exercise clubs.
  - s. Interior design shops.
  - t. Leather goods manufacturing, excluding tanning.
  - u. Locksmith shops, sharpening and grinding shops.
  - v. Lumber yards.

- w. Mail order offices and storage.
  - x. Medical equipment and supplies.
  - y. Office supply stores.
  - z. Office buildings.
  - aa. Post office substations and police substations.
  - bb. Photography labs.
  - cc. Pottery shops.
  - dd. Printing shops.
  - ee. Residential use shall be permitted on the second and/or third floor above workplace use. A second floor residential unit must provide access to people with disabilities.
  - ff. Restaurants excluding drive-in service.
  - gg. Secondhand stores and antique shops.
  - hh. Upholstery and furniture shops.
  - ii. Wholesale salesroom and storage rooms.
  - jj. Other similar uses as approved by the Director.
- b. Land allocation.
- i. Workshop use lots shall constitute a minimum of three percent (3%) and a maximum of seven percent (7%) of the gross area of the neighborhood proper.
  - ii. Workshop use lots shall not be within three hundred (300) feet of the geometric center of the neighborhood proper or the mandatory square or green. 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 CDMP including the Guidelines for Urban Form.
  - iii. All workshop use lots shall be contiguous and located within one (1) area with no intervening uses, provided however, in TNDs exceeding one hundred (100) acres in size, two (2) workshop use areas shall be permitted.
- c. Lots and buildings.
- i. 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.
  - ii. Street-front entries shall be at grade to allow access for people with disabilities.
  - iii. Buildings on workshop use lots shall cover no more than seventy percent (70%) of the net lot area.
  - iv. A minimum of fifteen percent (15%) of a block or grouping of workshops shall be developed as landscaped open space.

- v. Buildings on workshop use lots shall not exceed forty (40) feet in height.
  - vi. 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 in height.
  - vii. Workshop use lots shall have a maximum width of three hundred (300) feet.
- d. Streets and alleys.
- i. 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.
  - ii. Posted vehicle speed for workshop use streets shall not exceed twenty-five (25) miles per hour.
  - iii. 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.
  - iv. Workshop use lots shall have their rear or side 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, lake or canal.
- e. Parking.
- i. Off-street parking shall be placed to the side or the rear of the building.
- f. Signage.
- i. 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.
- (g) *Limitation on variances.* The following provisions of the TND ordinance shall not be varied:
- (1) Curb requirements.
  - (2) Front porch requirements.
  - (3) Location of on-site parking.
  - (4) Colonnades.
  - (5) Rowhouse and house use with first floor of eighteen (18) inches above finished grade.

- (6) Average block perimeter.
  - (7) Public/semi-public use and civic use land allocation requirements.
  - (8) Minimum land allocation requirements, except for workplace uses which may be reduced by fifty percent (50%).
  - (9) Street width requirements.
  - (10) Maximum and minimum setback requirements.
- (h) *Special exception to the use of alleys.* No alley shall be required for any location where one of the following conditions exist as demonstrated at public hearing;
- (1) Required parking is provided in the rear and due to design or intensity of such parking, alleys cannot provide safe or logical access to such parking, or
  - (2) Required parking is provided by on-street parking where permitted.
- (i) *Ownership and maintenance of common open space(s) and civic use buildings.* All land designated on approved plans as common open space, including squares, greens and parks, and all structures devoted to the common use of the inhabitants of a TND will be owned and/or maintained as follows:
- (1) Those projects developed under a condominium ownership shall be in accordance with applicable Florida law, or
  - (2) The common open space and civic uses shall be maintained under a special taxing improvement district as approved by the city council, or
  - (3) 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:
    - a. Approval for form and legal sufficiency as to compliance with the ordinance by the City Attorney's Office.
    - b. A homeowners' association shall be established before the units or individual building lots are sold.
    - c. 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.
    - 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.
- (j) *Conflicts with other Chapters.* In the event of express conflict with any provision of Chapter VII (Landscaping and Buffer) or any other provision of this code, the provisions of this Article shall prevail. The requirement of Section 15 (f) to provide a child care use in a TND zoning district shall not apply where the Director of Planning

and Zoning determines that the TND zoning district is encumbered in whole or in part by conflicting airport regulations and no suitable site within a TND zoning district exists for a child care facility outside the areas that are in conflict with the airport regulations.

#### **Section 14. Downtown mixed use district.**

- (a) *Intent and purpose of district.*
- (b) *Permitted Uses:* Downtown Mixed Use District is intended to permit a combination of uses within one development with proportionate use mix as required in the underlying Future Land Use Category. Such uses are permitted only if they are allowed by the City's Comprehensive Plan and further provided that the combination of uses shall be subject to strict site plan approval review for compatibility of uses. In no instance shall the following commercial uses be permitted in the Downtown Mixed Use District:
- (1) Big box retail stores
  - (2) Industrial uses
  - (3) Adult Entertainment Uses
  - (4) Boat Sales
  - (5) Fortune tellers, astrologers, and palm readers
  - (6) Funeral Homes
  - (7) Greenhouses and nurseries (wholesale)
  - (8) Laundry/dry cleaning plants
  - (9) Motor vehicle repair facilities
  - (10) Motor vehicle service centers
  - (11) Pawn shops
  - (12) Tattoo parlors
  - (13) Veterinary clinics
- (c) Development shall not exceed the maximum permitted gross density, intensity and open space requirements determined by the underlying land use as shown in the adopted Future Land Use Map. Gross acreage shall consist of the entire site including internal roads, internal water bodies, and environmentally protected areas.
- (d) All developments in the Downtown Mixed Use Zoning District shall develop as a Planned Unit Development (PUD) with the following standards.
- (1) *Minimum Site Area.* Ten acres (10) of contiguous land area for developments that have a maximum residential use component of 20% and a minimum office use component of 60%. Fifteen (15) acres of contiguous land area for all other mix of uses.
  - (2) *Perimeter Development Requirements.* Shall be in accordance with section 18 (c) (2) of Planned Unit Developments (PUD) Chapter V below.
  - (3) *Internal Development Requirements.* Shall be in accordance with section 18 (c) (3) in Planned Unit Developments (PUD) Chapter V below.



- (4) *Off-Street Parking.* Shall be in accordance with section 18 (c) (4) in Planned Unit Developments (PUD) Chapter V below.
- (5) *Landscaping and Buffering.* Shall be in accordance with section 18 (c) (5) in Planned Unit Developments (PUD) Chapter V below.
- (6) *Underground Utilities.* Shall be in accordance with section 18 (c) (6) in Planned Unit Developments (PUD) Chapter V below.
- (7) *Accessibility.* Shall be in accordance with section 18 (c) (7) in Planned Unit Developments (PUD) Chapter V below.
- (8) *Common Space Requirements.* Shall be in accordance with section 18 (c) (8) in Planned Unit Developments (PUD) Chapter V below.
- (9) *Prohibited Signs.* Shall be in accordance with section 18 (c) (9) in Planned Unit Developments (PUD) Chapter V below.
- (10) *Coordination with Miami-Dade Public Transit.* Shall be in accordance with section 18 (c) (10) in Planned Unit Developments (PUD) Chapter V below.
- (11) *Coordination with City of Doral Police Department.* Shall be in accordance with section 18 (c) (11) in Planned Unit Developments (PUD) Chapter V below.
- (12) *Council Input.* Shall be in accordance with section 18 (c) (12) in Planned Unit Developments (PUD) Chapter V below.
- (13) *Compliance with regulations in effect at the time of development.* Shall be in accordance with section 18 (c) (13) in Planned Unit Developments (PUD) Chapter V below.

#### **Section 15. Community mixed use district.**

- (a) *Intent and purpose of district.*
- (b) *Mixed Use Permitted:* Community Mixed Use District is intended to permit a combination of uses within one development with proportionate use mix as required in the underlying Future Land Use Category. Such uses are permitted only if they are allowed by the City's Comprehensive Plan and further provided that the combination of uses shall be subject to strict site plan approval review for compatibility of uses. In no instance shall the following commercial uses be permitted in the Community Mixed Use District:
  - (1) Industrial uses
  - (2) Adult Entertainment Uses
  - (3) Boat Sales
  - (4) Fortune tellers, astrologers, and palm readers
  - (5) Funeral Homes
  - (6) Greenhouses and nurseries (wholesale)
  - (7) Laundry/dry cleaning plants

- (8) Motor vehicle repair facilities
  - (9) Motor vehicle service centers
  - (10) Pawn shops
  - (11) Tattoo parlors
  - (12) Veterinary clinics
- (c) Development shall not exceed the maximum permitted gross density, intensity and open space requirements determined by the underlying land use as shown in the adopted Future Land Use Map. Gross acreage shall consist of the entire site including internal roads, internal water bodies, and environmentally protected areas.
- (d) All developments in the Community Mixed Use Zoning District shall develop as a Planned Unit Development (PUD) with the following standards.
- (1) *Minimum Site Area.* Fifteen (15) acres of contiguous land area.
  - (2) *Perimeter Development Requirements.* Shall be in accordance with section 18 (c) (2) of Planned Unit Developments (PUD) Chapter V below.
  - (3) *Internal Development Requirements.* Shall be in accordance with section 18 (c) (3) in Planned Unit Developments (PUD) Chapter V below.
  - (4) *Off-Street Parking.* Shall be in accordance with section 18 (c) (4) in Planned Unit Developments (PUD) Chapter V below.
  - (5) *Landscaping and Buffering.* Shall be in accordance with section 18 (c) (5) in Planned Unit Developments (PUD) Chapter V below.
  - (6) *Underground Utilities.* Shall be in accordance with section 18 (c) (6) in Planned Unit Developments (PUD) Chapter V below.
  - (7) *Accessibility.* Shall be in accordance with section 18 (c) (7) in Planned Unit Developments (PUD) Chapter V below.
  - (8) *Common Space Requirements.* Shall be in accordance with section 18 (c) (8) in Planned Unit Developments (PUD) Chapter V below.
  - (9) *Prohibited Signs.* Shall be in accordance with section 18 (c) (9) in Planned Unit Developments (PUD) Chapter V below.
  - (10) *Coordination with Miami-Dade Public Transit.* Shall be in accordance with section 18 (c) (10) in Planned Unit Developments (PUD) Chapter V below.
  - (11) *Coordination with City of Doral Police Department.* Shall be in accordance with section 18 (c) (11) in Planned Unit Developments (PUD) Chapter V below.
  - (12) *Council Input.* Shall be in accordance with section 18 (c) (12) in Planned Unit Developments (PUD) Chapter V below.

- (13) *Compliance with regulations in effect at the time of development.* Shall be in accordance with section 18 (c) (13) in Planned Unit Developments (PUD) Chapter V below.

### **Section 16. Planned unit developments (PUD).**

- (a) *Intent and purpose of district.* The purpose of this district is to promote the planned development of large projects, by allowing greater freedom of design, by improving the opportunity for flexibility, creativity and innovation in land development, by limiting the expenditure of public funds, and by achieving the intent of land use regulations. Specifically, this district shall:
- (1) Allow diversification of uses, structures, and open spaces when not in conflict with existing and permitted land uses on abutting properties.
  - (2) Reduce improvement costs through a more efficient use of land and a smaller network of utilities and street than is possible through the application of standards contained in conventional land development regulations.
  - (3) Conserve the natural amenities of the land by encouraging the preservation of environmentally significant, scenic and functional open space.
  - (4) Provide maximum opportunity for the application of innovative site planning concepts to the creation of aesthetically pleasing environments for living, shopping, and working on properties of adequate size, shape and locations.
  - (5) Insure that development will occur according to the limitations of land use, site design, population density, building coverage, improvement standards, and construction phasing as authorized through the approval of conceptual site development plan.
  - (6) Provide City Council a greater opportunity to be involved in the site development stages of development and to enforce the goals, objectives and policies of the Comprehensive Development Master Plan on site-specific projects.
  - (7) Provide for other limitations, restrictions and requirements as deemed necessary impacts
  - (8) To reduce the effects of hurricane damage and to provide for safer environments through strategic urban design.
- (b) *Permitted Uses and Density*
- (1) *Gross Density.* Planned Residential Projects shall not exceed the maximum permitted gross density determined by the underlying land uses as shown on the adopted Future Land Use Map. Gross acreage shall consist of the entire site including internal roads, internal water bodies, and environmentally projected areas.

- (2) *Commercial Projects.* Planned Commercial Projects shall not exceed the maximum floor area ratio and minimum open space requirement as determined by the underlying future land use as shown on the adopted Future Land Use Map.
- (3) *Planned Industrial Projects.* This category shall permit the following: warehouses; distribution center; manufacturing and assembly facilities; research and development facilities; automobile, shop, aviation and marine manufacturing and repair; and aviation and marine usage.
- (4) *Planned Special Projects.* This category shall permit the following: recreation, amusement, exhibition, and education centers; community facilities and utilities; and stadium and arenas for athletic events.
- (5) *Mixed Uses Permitted:* This Article is intended to permit within planned projects a combination of the uses permitted in the PUD District provided that such uses are permitted by the City's Comprehensive Plan and further provided that the combining of uses shall be subjected to strict site plan approval review for compatibility of uses. In no instance shall the following commercial uses be permitted in any mixed use PUD's :
  - a. Adult entertainment.
  - b. Boat sales.
  - c. Fortune tellers, astrologers, and palm readers.
  - d. Funeral homes.
  - e. Greenhouses and nurseries (wholesale).
  - f. Laundry/dry cleaning plants.
  - g. Motor vehicle repair facilities.
  - h. Motor vehicle service centers.
  - i. Pawn shops.
  - j. Veterinary clinics.

(c) *Permitted Uses and Density*

- (1) *Minimum Site Area.* Ten (10) acres of contiguous land area.
- (2) *Perimeter Development Requirement.* No housing type, use, setback, height, and coverage requirements are established. However, existing residential development along the perimeter of the planned unit development shall be protected by setbacks landscaped walls and other buffers to be established as part of the site development plan review.
- (3) *Internal Development Requirement.*
  - a. No minimum lot sizes shall be required.
  - b. No minimum distance between on-site structures shall be required.
  - c. No minimum yard setbacks shall be required.
- (4) *Off-Street Parking.* Because of the unique land uses and design characteristics of projects zoned PUD , the minimum parking space

requirement and design shall be determine on a case-by-case basis , however, parking facilities must adhere to the following guidelines:

- a. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets.
  - b. The interior of all parking lots shall be landscaped to provide shade and visual relief.
  - c. Parking lot layout shall take into consideration pedestrian circulation pedestrian crosswalks shall be provided where necessary and appropriate.
  - d. The proposed number of parking spaces must have sufficient reference material to support the proposition such as a parking impact analysis including public transit ridership statistics for the proposed project.
  - e. Bicycle parking spaces must be provided evenly throughout the site and meet minimum requirements pursuant to the City of Doral code.
  - f. *Landscaping and Buffering.* Landscaping shall meet all requirement of the City of Doral code. Modification the City of Doral code may be applied for under the PUD rezoning application and must obtain approval by the city council. These modifications must be explicitly expressed in the Master Development Agreement and Conceptual Site Plan.
- (5) *Landscaping and Buffering.* Landscaping shall meet all requirement of Chapter VII of the City of Doral code. Modification the City of Doral code may be applied for under the PUD rezoning application and must obtain approval by the city council. These modifications must be explicitly expressed in the Master Development Agreement and Conceptual Site Plan.
- (6) *Underground Utilities.* All on-site utilities shall be installed underground. Large transformers shall be placed on the ground within pad amounts, enclosures or vaults. The developer shall provide adequate landscaping to screen all above-ground facilities.
- (7) *Accessibility*
- a. Every residential unit or permitted use shall have direct access to a public street via private road, common easement or other area dedicated or reserved for public use.
  - b. To provide for interconnectivity between developments, the PUD must provide logical connections to surrounding properties. If the surrounding properties are vacant, then the project shall contain viable road and/or pedestrian stub-outs to the neighboring properties in anticipation of future developments. Roads within the Downtown Doral development that stub-out to the industrial properties to the north do not have to connect until those lands are redeveloped with compatible uses.
  - c. If the development abuts a city park and/or planned linear park, the PUD must provide for a viable and logical connection to such park.

- (8) *Common Open Space Requirements.* A minimum of five (5%) percent of the total project area shall be established and maintained as common open space or common facilities. All minimum open space requirements shall be in pursuant to underlying land use designation. No area shall be accepted as common open space unless it satisfies the following standards.
- a. Common open space shall be usable by all residents of the planned development.
  - b. Common open space shall be suitably improved for intended use. Such use may include aesthetic, amenity, buffering or recreational purposes, or the preservation of natural resources, natural features or listed species habitats.
  - c. Common open space set aside for the preservation of natural features or listed species habitats, or for buffering purposes shall remain undisturbed and be protected by conservation easements dedicated to the city.
  - d. The location, shape, size and character of common open space shall be depicted on the conceptual plan.
  - e. Common open space shall not be used for the construction of any structures other than recreational facilities and incidental maintenance buildings.
  - f. All designated common open spaces shall be preserved by one or more of the following methods:
    - a) Public dedication, subject to acceptance by the City Council.
    - b) Conveyance to a property owner & association or nonprofit corporation.
    - c) Retention of ownership, control and maintenance by the developer.
- (9) *Coordination with Miami-Dade Public Transit.* The applicant must coordinate with Miami-Dade Transit and provide the necessary infrastructure for future public transportations improvements and/or additional routes.
- (10) *Coordination with City of Doral police Department.* The applicant must coordinate with the City of Doral Police Department and implement crime prevention and enhanced safety within the project.
- (11) *Council Input.* The City Council shall reserve the right to make a final determination to approve and to modify the urban design guidelines, dimensional requirements, landscaping, landscape buffers, signage any other site designed feature applicable at the time of the PUD rezoning.
- (12) *Compliance with regulations in effect at the time of development.* Unless otherwise specifically described within the Master Development Agreement, final development plans and development permits for uses/structures within the PUD shall comply with regulations, ordinances and resolutions in effect at the time of plan approval or permit application. If there are no prevailing regulations, the City Manager or Designee shall reserve the right to make final

determination on any site design regulation. This provision shall be included in all master development agreement.

(d) Submittal Documents

- (1) *Conceptual Development Plan.* Upon application for rezoning to the PUD district, the applicant shall provide a master development plan (MDP). The agreement shall contain and/or address the following information, when applicable.
- a. A recent aerial photograph with project boundaries clearly marked.
  - b. A recent boundary survey with north with arrow and scale.
  - c. A full legal description of the property with attached copies of any instruments referred to such as deeds, plats, covenants or restrictions.
  - d. The names and addresses of the owners of the property to be rezoned and evidence of unified control of the property.
  - e. The names and addresses of all property owners within five hundred (500) feet of the proposed project boundaries.
  - f. The total area of the site in acres and square feet.
  - g. A map indicating the location, agreement and dimensions of the following existing features within or immediately adjacent to the property: Vegetation, land uses, buildings, structures, utilities, drainageways, easements, public street rights-of-way, railways, property lines and recorded plats, and docks, bulkheads and other water-related structures.
  - h. A statement as to how the proposed project conforms to the City's adopted comprehensive plan.
  - i. Plans showing the location, agreement and dimensions of all proposed land uses, including the number of floor per buildings; the height of all buildings above finished grade; building setbacks from perimeter boundaries and from public right-of way; a proposed traffic circulation plan showing the location and dimensions of all streets, driveways, walkways, bikeways, parking spaces, and loading areas; and all proposed common elements including utilities, open spaces and recreation areas.
  - j. A plan or statement showing the manner of improving common spaces, together with provisions, restrictions and conditions anticipated for the use, maintenance, and operation of such common elements.
  - k. A statement, in tabular form, of the anticipated gross residential density and net residential density, the total number of dwelling

units by type, size and number of bedrooms, and gross floor area devoted to business or other nonresidential uses. Gross density shall be computed as set forth in Section 3 (A) hereinabove for planned residential projects. Net density shall be based upon the number of residential units for the entire site excluding public and private roads, water bodies, and environmentally protected areas.

- I. A statement as to the percentage of the developed site to be covered with buildings, sidewalks, parking areas, roofed structures, and other impervious surfaces; percentage of the site to be covered with water bodies; percentage of the site to be landscaped; and percentage of the site to be left in a natural or undisturbed condition.
  - m. Proposals for providing stormwater drainage and on-site retention areas, including approximate size of retention areas, methods of pollutants removal, conceptual location of berms, swales, culverts and sewers, anticipated finished grades, and proposed slopes and grades adjacent to bodies of water.
  - n. Conceptual proposals for connection with existing potable water supply and waste water collection system.
  - o. A statement, when applicable, as to the sequence of construction by phases, the approximate completion date for each phase, and the estimated cost of all common or dedicated improvements within each phase.
  - p. One copy of the computer disks(s) depicting the proposed subdivision layout (if applicable), including the streets and lots, for projects prepared on an appropriate computer-aided drafting system.
  - q. An axonometric or isometric rendering of the project showing all roads, water features, landscaping, buildings and any other feature deemed pertinent by the department, land planning associate or city council.
  - r. A Traffic Impact Analysis or evidence that vehicular trips are vested.
  - s. Any other information deemed pertinent by the Planning and Zoning Director or City Council. The Planning and Zoning Director may waive any of the Conceptual Development Plan submittal items or portions of items upon a showing of good cause.
- (2) *Master Development Agreement.* Upon application for rezoning to the PUD districts, the applicant shall provide a master development agreement (MDA). The agreement shall contain and/or address the following information, when applicable.



- a. Permitted uses and special exceptions.
- b. Minimum dimensional requirements. Such requirement shall include lot area and width, setbacks, building height, minimum floor area, accessory structures and other dimensional information pertinent to the PUD.
- c. Landscaping, parking and signage requirements.
- d. Urban Design Guidelines. The applicant shall submit as a requirement of the Master Development Agreement, an Urban Vocabulary "Pattern Book" that illustrates the urban design and appearance of the project. Understanding that each PUD is unique, the depictions and elements of urban design for the "Pattern Book" will vary from one development to another. Prior to the submittal of the rezoning application, the applicant must submit to the Planning and Zoning Department, a table of contents and a detailed summary explaining what facets of urban design will be included in the "Pattern Book". Upon the Director's satisfaction with the summary and table of contents, the applicant may formally submit the pattern book. Due to the nature of the proposed development, the Planning and Zoning Director may waive any of the below mentioned items for the Pattern Book "The Pattern Book" shall include, but not limited to the following:
  - i. A statement of the general designs the project.
  - ii. Pedestrian and vehicular circulation.
  - iii. Streetscapes plans and controls (including sectionals).
  - iv. Detailed controls for the scale and proportion of the built form.
  - v. Detailed controls for the scale and design of the open space.
  - vi. Parking lot design and controls.
  - vii. Overall landscape controls.
  - viii. Architectural design guidelines.
- e. Project phasing.
- f. Homeowners/Condominium and/or Community Development District Association Document. An association or unified collection of individual associations shall be established to provide for maintenance of common area facilities and to enforce the specific restrictions established by the association.
- g. Maximum number of dwelling units and overall PUD density.
- h. Improvements to infrastructure which may be required in addition to those specified by this code or at an earlier time than would otherwise be determined by this code.
- i. A statement of the manner in which all city and county concurrency requirements are met.

- j. Statement that compliance with environmental preservation code may necessitate modification of the conceptual plan.
- k. Expiration date.
- l. Statement of ownership and legal description
- m. Any other information deemed pertinent by the Planning and Zoning Director or City Council. The Planning and Zoning Director may waive any of the Master Development Agreement submittal items or portions of items.

(3) *Progress Reports and failure to Begin Planned Unit Development.*

- a. The applicant or its successor in interest shall submit yearly progress reports to the Planning and Zoning Director.
- b. If no construction has been initiated or no use established in the planned unit development within eighteen (18) months from time of rezoning, in addition to any time during which rezoning was subject to appellate review, the applicant may bring the matter before the City Council, which may, after a public hearing extend time for (18) additional months. However, if the applicant does not apply for an extension of time, the City Manager shall bring the matter before City Council, which may, after public hearing declare that the approved CDP and MDA are of no force and effect.

(e) Application Procedures

- (1) *Procedures.* The following procedures, applications and exhibits shall be required when applying for rezoning to a planned unit development district.
  - a. *Preapplication conference:* Before submitting an application for rezoning to a planned unit development district, the applicant shall confer with the Director of Planning and Zoning to determine the feasibility for the proposed plan and its relationship to the city's adopted local government comprehensive plan.
  - b. *Professional service requirement:* Any plan or exhibit as part of an application for a planned unit development shall certify that the services of two or more of the following professionals were utilized in the design or planning process:
    - i. An urban planner who is a member of the American Institute of Certified Planners;
    - ii. A landscape architect registered by the State of Florida;
    - iii. An architect licensed by the State of Florida; and
    - iv. A professional civil engineer registered by the State of Florida.

- c. *Planning and Zoning Department.* Review information required for site development plan shall be submitted to the Planning and Zoning Department: All applications for rezoning to a planned unit development district shall include two main components: Six copies of the Conceptual Site Development Plan and Master Development Agreement.
  - d. *Development review committee (DRC).* All applications shall be reviewed by the DRC, and members' comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the DRC shall be transmitted in writing to the applicant no later than three working days after the meeting.
  - e. *Resubmittal of the revised conceptual plan and master development agreement.* Resubmittal of the conceptual plan and master development agreement reflecting revisions required by DRC comments shall be made within one week of the DRC meeting for expedited processing before the City Council. The revised plan and agreement may be resubmitted up to one week after a regularly scheduled DRC meeting for inclusion on the subsequent City Council agenda, however, no revised plan or agreement shall be submitted later than 60 days after the original DRC meeting review. The revised conceptual plan and master development agreement shall be reviewed by the appropriate DRC members, with findings reported by the department to the City Council for their consideration.
- (2) *Approval from other jurisdictions:* Prior to the application being scheduled for City Council, the applicant must submit the conceptual Site Plan and Master Development Agreement and obtain approval and/or a relevant statement from the Department of Environment Recourse Management (DERM), Miami-Dade Fire Rescue, Miami-Dade School Board (if residential), Miami-Dade Public Works, City of Doral Police, Miami-Dade Transit Authority and any other relevant agency as determined by the Planning and Zoning Director, Federal Emergency Management Association (FEMA), and the Corp of Engineers.
- (3) *City Council:* Upon receiving the recommendation of the Planning and Zoning Director, the City Council shall, at a regularly scheduled public meeting, review said recommendation and either approve, approve subject to conditions, or disapprove the application.
- a. In the event the rezoning is approved by the City Council, the Master Development Agreement and Conceptual Plan shall be certified by the City Clerk and said certified copy shall be field as a permanent record.
- (4) *Conformance to Approved Conceptual Development Plan and Master Development Agreement.*

- a. After rezoning to a Planned Unit Development District, the applicant shall submit for administrative site plan approval for the positions of the site that will be developed or the site in its entirety. No permits shall be issued and no development shall commence unless the site plan is in conformance with approved Conceptual Development Plan and Master Development Agreement unless a change or deviation is approved.
  - b. The Conceptual Development Plan may be used in lieu of site plan approval if the following conditions are met:
    - i. The property is equal or less than 20 acres in size.
    - ii. The property is not within the Downtown Mixed Use district as shown on the Future Land Use Map and;
    - iii. The project consists of any one phase of development where all proposed buildings and structures are under construction within 2 years of the approval date.
  - c. The Planning and Zoning Director may approve minor changes and deviations from the approved Conceptual Development Plan which are in compliance, with the provisions and intent of this ordinance, and which do not depart from the principal concept of the approved Conceptual Development Plan.
  - d. Should the Planning and Zoning Director determine that a requested change or deviation from the approved Conceptual Development Plan does not comply with the provisions and intent of this ordinance, or departs from the principles of the planned of such change or deviation.
  - e. The applicant shall submit a new Conceptual Development Plan depicts the revisions the existing plan and a new amended and restated Master Development Agreement.
  - f. Upon appeal for change or deviation from the approved plan, the City Council may take such action as they deem appropriate. This may include referring the requested change or deviation to the Local Planning Agency for study and recommendations, or requiring that a new development plan be filed.
- (5) *Execution of master development agreement.* The second reading of the ordinance for rezoning of any land to the PUD district shall not take place until the developer has provided an executed copy of the Master Development Agreement to the City Clerk. The document shall be a fully corrected copy which addresses all issues discussed prior to the scheduled second reading. The document shall also include reduced copies of the revised conceptual plan exhibits. If there are no additional requirements, corrections or conditions attached by the city council at the second reading, the executed document shall be signed by the city clerk and mayor and forwarded to the county clerk for recording. If there are additional requirements, corrections or conditions attached by the city council at the second reading, the applicant shall revise the

agreement and conceptual plan and return the documents to the city clerk within 30 days for execution and recording. The requirement to return the document within 30 days shall be specified by the city council as a condition for approval of the rezoning.

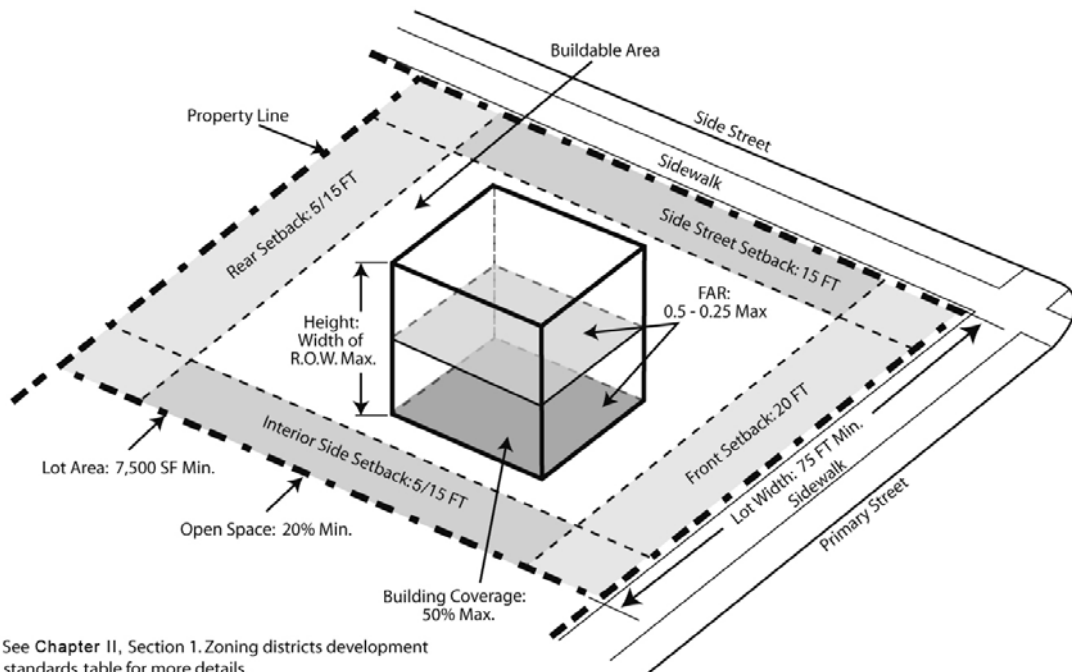
## ARTICLE VI: INDUSTRIAL DISTRICTS

**Section 17. Industrial commercial district (IC)**

- (a) *Intent and Purpose of district:* The intent and purpose of the Industrial Commercial District ("IC") is to provide for uses with commercial and industrial in nature and that are in close proximity to major roadways.
- (b) *Permitted Uses:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development requirements for these uses permitted in the Industrial Commercial "IC" district.
- (1) Residential uses as a watchman's or caretaker's quarters in connection with an existing industrial use located on the premises concerned.
  - (2) Professional Office
  - (3) Medical Office – see definitions
  - (4) Restaurants
  - (5) Hotels & Motels with a maximum density of 75 units per acre
  - (6) Retail and services – only 15 % of the entire development and could be independent from the principal use.
  - (7) Educational facilities
  - (8) Public schools
  - (9) Trade schools
  - (10) Religious facilities
  - (11) Day care facilities
  - (12) Warehouses
  - (13) Showrooms
  - (14) Manufacturing light (see Chapter III for definitions)
  - (15) Place of assembly (Banquet halls, private clubs, convention and Auditoriums)
  - (16) Recreation facilities
  - (17) Automotive rental
  - (18) Mini warehouse
  - (19) Motion picture production studios
  - (20) Parking lots
  - (21) Bars
  - (22) Night Clubs
  - (23) Wine Cafes
  - (24) Kennels
- (c) *Permitted Uses with special development requirements:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development regulations for these uses permitted in the Industrial Commercial "IC" district.
- (1) Auto dealerships and truck sales for new and/or used vehicles including ancillary uses such as auto and truck rentals, wholesale distribution and auto repair – only forty percent (40%) of total gross building area is allowed for repair/service bays.
  - (2) Auto repair, painting, top and body works pursuant to Section (4) (b) in Chapter VI.

- (3) Hotels and Motels pursuant to Section (4) (m) in Chapter VI.
  - (4) Manufacturing medium (see Chapter III for definitions) pursuant to Section (4) (n) of Chapter VI.
  - (5) Pharmaceutical storage pursuant to Section (4) (o) of Chapter VI.
  - (6) Salesrooms and showrooms pursuant to Section (4) (q) of Chapter VI.
  - (7) Telecommunications hubs pursuant to Section (4) (r) of Chapter VI.
  - (8) Warehouse, membership pursuant to Section (4) (s) of Chapter VI
- (d) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.
- (e) The operation of an equipment and appliance center for the testing, repairing, overhauling and reconditioning of any and all equipment, appliances, and machinery sold by the operator/occupant; provided such may be manufactured at the location of the operation and in connection therewith individual customers bringing equipment to the site for such repairing, overhauling or reconditioning, may purchase parts for such equipment, appliances, or machinery.
- (f) *Uses confined to building.* At all manufacturing establishments or rebuilding, storage or repair places permitted in an Industrial Commercial (IC) 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.

## IC — Industrial Commercial District



**Section 18. Industrial district (I)**

- (a) *Intent and Purpose of district:* The intent and purpose of the Industrial District ("I") is to allow for industrial uses in the City of Doral, which shall increase the economic activity as being in close proximity to Miami International Airport and to retain and continue allowing industrial uses in the city.
- (b) *Permitted Uses:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development requirements for these uses permitted in the Industrial "I" district.
- (1) Residential uses as a watchman's or caretaker's quarters in connection with an existing industrial use located on the premises concerned.
  - (2) Professional Office
  - (3) Medical Office – see definitions
  - (4) Restaurants
  - (5) Hotels & Motels with a maximum density of 75 units per acre
  - (6) Retail and services – permitted only as an ancillary use - only 15 % of the entire development in conjunction with principle uses.
  - (7) Educational facilities
  - (8) Public schools
  - (9) Trade schools
  - (10) Religious facilities
  - (11) Day care facilities
  - (12) Warehouses
  - (13) Showrooms
  - (14) Manufacturing light
  - (15) Place of assembly (Banquet halls, private clubs, convention and Auditoriums)
  - (16) Recreation facilities
  - (17) Automotive rental
  - (18) Mini warehouse
  - (19) Motion picture production studios
  - (20) Parking lots
  - (21) Kennels
- (c) *Permitted uses with special development requirements:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development regulations for these uses permitted in the Industrial "I" district.
- (1) Hotels and Motels pursuant to Section (4) (m) of Chapter VI.
  - (2) Bars pursuant to Section 5. Alcoholic beverages. of Chapter VI.
  - (3) Night Clubs pursuant to Section 5. Alcoholic beverages. of Chapter VI.
  - (4) Auto dealerships and truck sales pursuant to Section (4) (h) of Chapter VI.
  - (5) Auto repair, painting, top and body works pursuant to Section (4) (d) of Chapter VI.
  - (6) Manufacturing heavy pursuant to Section (4) (n) of Chapter VI.
  - (7) Manufacturing medium pursuant to Section (4) (n) of Chapter VI.

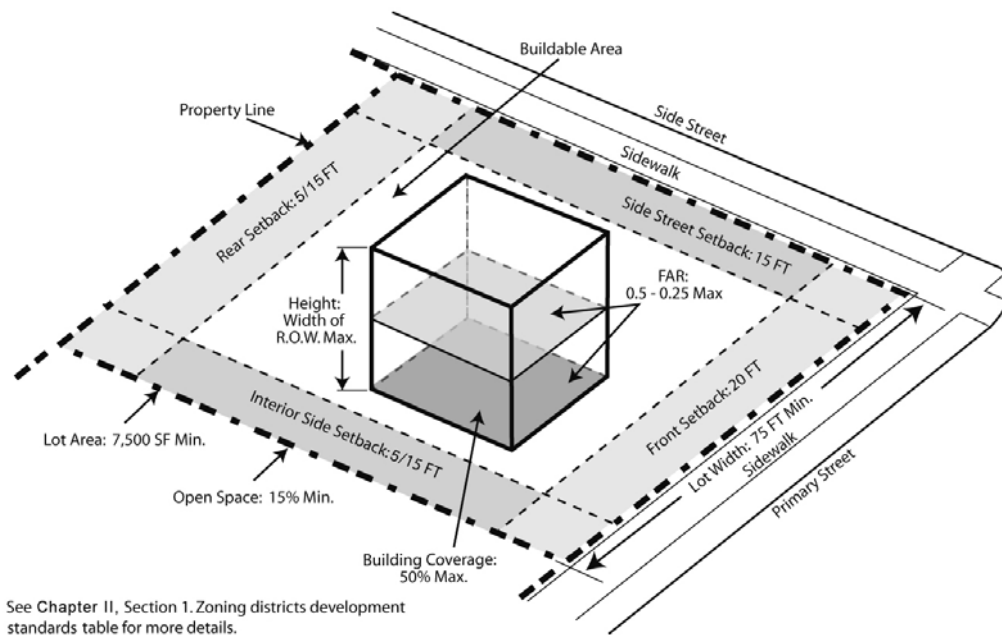


(d) *Special exception uses:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to *Section 16. Special development regulations for adult uses.* of Chapter VI for special development regulations for these uses permitted in the Industrial “I” district.

(1) Adult Uses

(e) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X Sign Regulations and Chapter XI Towers, Poles and Masts.

## I — Industrial District



### Section 19. Industrial- restrictive (I-R) district

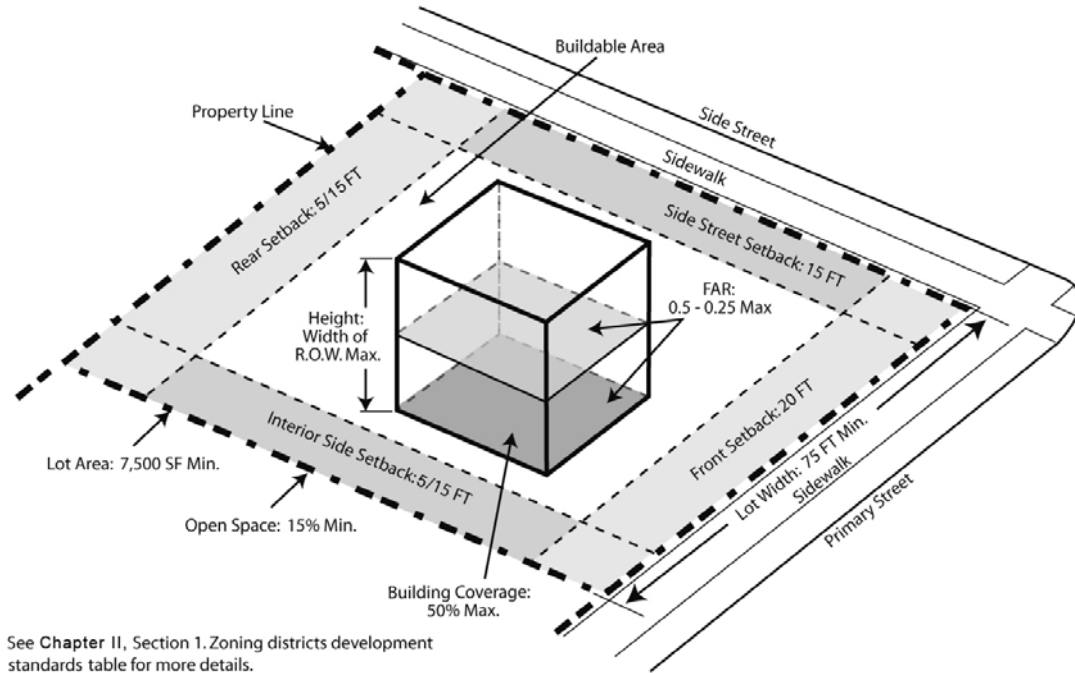
(a) *Intent and Purpose of district:* The intent and purpose of the Industrial-Restrictive District is to allow for industrial uses in the City of Doral with sensitivity to the wellfields located in the city and which shall increase the economic activity as being in close proximity to Miami International Airport.

(b) All regulations in (I-R) district shall be in accordance with Industrial zoning district with the following exceptions:

- (1) All developments shall comply with the wellfield protection regulations as per Division 2 of Chapter 24 of Miami Dade County Code of Ordinances.
- (2) Adult Uses are prohibited
- (3) Kennels are prohibited
- (4) Petroleum storage and other similar uses are prohibited

- (5) All uses that may potentially contaminate the ground and may pose threat to the wellfields are prohibited.

## I-R — Industrial-Restrictive District



### ARTICLE VII. INSTITUTIONAL, PARKS, RECREATION AND PUBLIC FACILITIES DISTRICT

#### Section 20. Institutional, public parks and facilities district.

- (a) *Intent and Purpose of district:* This district is intended to permit the location and growth of public and private educational, institutional, public and semi-public uses in areas appropriate for such uses. The district is intended to encourage the retention or adaptive reuse of larger public and institutional uses on sites identified for such uses in the adopted Comprehensive Plan. The regulations within this district are intended to achieve the following specific purposes:
- (1) Recognize the unique needs of institutional and public uses and their relationship with neighboring land uses;
  - (2) Minimize the potential for adverse impacts of institutional and public uses on adjacent land uses, including traffic congestion, adequate parking, and pedestrian linkages;
  - (3) Facilitate the creation of a convenient and harmonious development of buildings, parking, and open spaces for individual institutional and public uses; and
  - (4) Ensure the proper functioning of such institutional and public uses.

The following uses are allowed in the Institutional, Public Parks and Facilities District, while all other uses are conditional or prohibited:

(b) *Permitted Uses:*

- (1) Church or Place of Worship
- (2) Local, State and Federal Government offices and assembly rooms
- (3) Office for Non-profit and Not-for-profit Organizations
- (4) Post Office
- (5) Public Community Center and Senior Center
- (6) Public/Community Garden
- (7) Public Fire, Rescue or Police Station
- (8) Public Library
- (9) Museum and Art Gallery
- (10) Public Park, Playground and Playfields, unlighted
- (11) Public Schools, K-12
- (12) Public Utility, Minor
- (13) Indoor performing arts center or theater
- (14) Accessory uses and buildings as defined in Article 15, except as provided in Section

- (c) *Development Standards and additional regulations:* Refer to Chapter II for a detailed list of various types of uses and development standards. For additional regulations refer to Chapter VII. Landscaping and Buffer; Chapter VIII. Urban Design and Architectural Standards; Chapter IX. Roads and Vehicular Use Areas; Chapter X. Sign Regulations and Chapter XI. Towers, Poles and Masts.

**Section 21. Private parks and recreation district.**

- (a) *Intent and Purpose of district:* The intent and purpose of the Private Parks and Recreation District is to allow for private parks, open spaces and other recreational uses in the City of Doral.
- (b) *Permitted Uses:* Refer to Chapter II for a detailed list of various types of uses and development standards. Refer to Chapter VI for special development requirements for these uses permitted in the Industrial "I" district.
- (1) Private parks and recreational areas
  - (2) Public schools
  - (3) Cemeteries
  - (4) Golf courses
  - (5) Golf-oriented resorts
  - (6) Ancillary uses for golf courses such as clubhouses, pro shops, other recreational facilities, administrative facilities, maintenance facilities, meeting rooms, lounge, small gift shop, private restaurant (owner-operated) and ballrooms.
  - (7) Golf-oriented hospitality facilities reasonably related to the resort use such as health spas and hotel rooms.

**Section 22. General use (GU) district.**

- (a) *Standard for determining regulations to be applied.* If a neighborhood in the GU District is predominantly one (1) classification of usage, the Director shall be governed by the 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 within the GU District 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 Chapter IV of this Code. If no trend of development has been established in the GU neighborhood, minimum standards of the SF-2 District shall be applied. Properties under power lines are exempted from this regulation and shall be regulated as per Section 3. Regulations for uses under power lines. Public schools are also exempt from this regulation.
- (b) Group homes shall be permitted pursuant to provisions of Section 4 (I) of Chapter IV.
- (c) *New district classifications.* Subdivisions in GU Districts shall be governed by the provisions of Chapter XII. 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.

- (d) *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.

## CHAPTER VI. MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS

### Section 1. Accessory uses and structures.

- (a) *In general.* Specific accessory uses and structures shall comply with the following regulations.
- (b) *Principal use and/or principal structure required.* Accessory uses and structures shall:
- (1) Be customarily incidental to the principal use established on the same lot;
  - (2) Be subordinate to and serve such principal use;
  - (3) Be subordinate in area, extent and purpose to such principal use; and
  - (4) Contribute to the comfort, convenience or necessity of users of such principal use.

No accessory structure or use shall be permitted on any lot which does not have an established principal use conforming to the requirements of this code. No accessory structure shall be permitted on any lot which does not have a permitted principal structure.

- (c) *General provisions.*
- (1) Outdoor storage shall be prohibited, except as specifically permitted herein.
  - (2) Signs, fences, walls, parking and loading areas, and other such features which are typically located within required yard areas shall comply with the applicable provisions of this code for such uses and structures.
  - (3) Any specific accessory use or structure which is not addressed within this chapter shall not be located on any lot.
- (d) *Size limitations.* Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions:
- (1) The size of the accessory residential structure shall not cause the building coverage on the lot to exceed the maximum building coverage established for the zoning district;
  - (2) In the event that this code does not establish a maximum building coverage for a zoning district, the maximum building coverage shall be based on the most similar zoning district, as determined by the administrative official;
  - (3) The accessory residential structure shall not be located within any required yard, unless otherwise permitted by this chapter. Additionally, no accessory residential structure shall be permitted in the front yard, unless specifically permitted by this code;
  - (4) No accessory residential structure shall be used as a guest house, apartment, or other residential quarters, unless otherwise permitted by this code; and

- (5) No accessory residential structure shall be used in any manner for a home occupation, except for the storage of customary homeowner tools and equipment.
- (e) *Outside storage.* Outside storage of new and used equipment and materials shall be regulated as follows:
- (1) *Residential uses.*
- a. Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.
  - b. Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. This prohibition shall not apply to licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on-site.
- (2) *Office uses.* Outside storage of equipment or materials shall not be permitted for office uses.
- (3) *Commercial uses.* Outside storage of equipment and materials shall be permitted only when associated with a commercial use. Additional restrictions are specified below.
- a. Display of landscape or garden supplies, outdoor recreational equipment, and lawn equipment shall be located in designated areas approved for such display as part of a development plan.
  - b. Display of new and used motor vehicles, boats, recreational vehicles, mobile homes and other such vehicles shall be located in designated areas approved for such display as part of a development plan.
  - c. Storage of licensed and operable motor vehicles, boats, recreational vehicles, tractor trailers, storage trailers and other such vehicles shall be located in designated areas approved for such storage as part of a development plan and out of view from any abutting rights-of-way, private streets, waterways and residential uses. For sites without an approved development plan otherwise operating in compliance with this code, storage of such vehicles shall be located on a part of the site out of view from any abutting rights-of-way, private streets, waterways and residential uses.
  - d. Display setups of products customarily used out of doors such as pools, spas, lawn furniture, concrete fixtures and other similar items shall be limited to one of any one product or model.

- e. Outdoor display and/or storage may be permitted in conjunction with special sales events and other uses when permitted by special exception or approved as part of a development plan.
  - f. Licensed and inoperable motor vehicles awaiting repair may be stored within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than 28 consecutive days.
- (4) *Industrial uses.* Outside storage of equipment or materials shall be permitted for industrial uses, when in compliance with the following requirements.
- a. All storage areas shall be enclosed by an opaque wall, fence or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property.
  - b. All equipment or materials shall be secured, if necessary, to withstand winds.
  - c. Screening shall not be required around storage areas for operable motor vehicles and landscape materials.
  - d. No licensed and inoperable motor vehicles shall be stored for a period exceeding 28 consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.
  - e. *Atypical lots.* The atypical lot requirements are intended to preserve and protect views to significant natural and human-made features within the city. These features include, but are not limited to the bodies of water 100 feet or more in width, golf courses and subdivision dedicated common open spaces 100 feet or more in width. The atypical lot provisions are not intended to apply to subdivision common areas that are utility or gas easements, or that function as buffers between adjacent roadways or neighboring subdivisions.  
The administrative official shall have the authority to determine whether the atypical lot provisions are being applied as intended in situations where utility easements are greater than 100 feet in width, or in situations where the common area width varies. However, in these situations, if the administrative official determines the subject property shall be defined as the atypical lot, the atypical lot provisions shall be enforced, unless a formal variance is obtained in accordance with Chapter 4 of this code.



**Section 2. Special setbacks.**

(a) *In general.* This section provides for specific accessory structures and architectural appurtenances and features to be located within required building setback areas. Recorded easements and required landscaped buffers shall supersede the minimum dimensions permitted by this section.

(b) *Special setbacks.*

TABLE INSET:

<b>Structure or Building Feature</b>	<b>Special Setback</b>
Air conditioning unit	3.5 feet into yard (1)
Awning	3 feet into yard (1)
Balcony, open three sides	5 feet into yard (1)
Boat dock/boathouse	Refer to Section 12 in Chapter VI
Canopy, commercial (3):	
Bank drive-through	5 feet from side property line
Gasoline pump island	5 feet from side property line
Other	5 feet from side property line
Carport, residential (attached or freestanding) (3)	15 feet from rear property line 5 feet from side property line
Deck, wood (less than one foot above grade at property line) (2), (6)	2 feet from property line
Deck, wood (greater than one foot above grade at property line) (2), (3)	2 feet from property line, plus 2 feet for every 1 foot above grade
Driveways, Walkways, and/or any kind of impervious surface – except for town homes (see Section 6 of Chapter V for townhouses)	5 feet from property line
Driveway, residential :	
Expansion of existing drive with pervious and nonpermanent surface	4 feet from property line
Fuel storage tank (aboveground) (2), (7) (8):	
Non-residential zones	10 feet from property line
Gazebos	Permitted only in rear yards; 5 feet from rear and side property lines
Outdoor play equipment (7)	7.5 feet from rear property line
Overhang	3 feet into yard (1)
Patio, at grade (2)	2 feet from property line

Structure or Building Feature		Special Setback
Pool, swimming (2)		6 feet from property line (4)
Porch:		
	Entry (less than 12 square feet)	3 feet into front or rear yard
	Covered, open three sides	5 feet from rear property line
Screen room, terrace, residential (roof, open three sides or open two sides if dwelling is not parallel to rear lot line)		5 feet from rear property line
Screen room, residential enclosure – three (3) sides and roof is open. (2)		3 feet from property line
Storage building (2), (7):		
	Residential uses (120 square feet or less)	5 feet from property line
	Residential uses (121 to 250 square feet)	10 feet from property line
	Nonresidential uses (250 square feet or less)	10 feet from property line
Tennis court, residential (2)		10 feet from property line

**NOTES:**

- (1) In no case shall the special setback exceed 50 percent of the minimum yard dimension.
- (2) Location within required yards permitted in rear and side yards only.
- (3) Setback shall be measured from the leading vertical edge of the structure. Where the structure is movable, creating an adjustable vertical edge, the setback dimension shall be measured from the greatest possible vertical edge.
- (4) Structures elevated and attached to the top of aboveground pools shall be set back in accordance with the special setback provisions established for decks in this section.
- (5) Location within required yards permitted in rear yards only. Structures may be allowed in side yards provided they are screened from public view by an opaque fence.
- (6) Location within the side corner yard is allowed, provided that the deck is screened by an opaque fence.
- (7) Location within the required rear yard is prohibited on an atypical lot if structure is greater than four feet in height.
- (8) Shall be screened properly from the right-of-way.

**Section 3. Regulations for uses under power lines.**

- (a) Uses such as neighborhood nursery gardens, greenhouses and other similar uses are permitted under power lines and shall be subject to the following conditions:
  - (1) Minimum site area shall be 5 acres.
  - (2) Appropriate buffering shall be provided to screen from surrounding uses as per the following requirements:

- a. All such uses shall be screened by a continuous planting and/or three (3) foot high wall with a seven (7) foot landscaped strip incorporating said planting and/or wall on private property. Planting material at time of planting shall be either a minimum height of eighteen (18) inches with a maximum average spacing of thirty (30) inches on center, or a minimum height of thirty-six (36) inches with a maximum average spacing of forty-eight (48) inches on center.

#### Section 4. Special development regulations for certain uses.

(a) Ancillary uses to residential uses:

- (1) Following ancillary uses are permitted for residential uses and are subject to the conditions given below:

- a. Small doctors office
- b. Fitness center
- c. Private education
- d. Child care
- e. Dance/karate studios
- f. Therapy for elderly
- g. Assembly halls
- h. Art instruction
- i. Convenience stores
- j. Government uses
- k. All other related and/or similar uses

- (2) *Site Plan.* Applications for such uses shall contain documentation for a site plan review, including a site development plan showing all structures, roadways, pathwalks, parking areas, recreation areas, utility and exterior lighting installations, and landscaping on the site, all existing structures and uses within 200 feet of the site boundaries, and any other elements as may be deemed essential by the city.

- (3) *Site size.* A minimum site size of 60,000 square feet with a minimum lot width of 150 feet for stand alone structures.

- (4) *Lot, yard and bulk requirements.* The development should not exceed two (2) stories or 25 feet in height, maximum lot coverage of 30 percent, or violate the least restrictive yard regulations for the district in which it is located. However, the city may permit a variance of height for a spire or unusual roof structure form in excess of the height requirements for the district in which it is located.

- (b) Adult day care centers: Shall additionally be regulated by F.S. ch. 400, "Nursing Homes and Related Health Care Facilities", Part V, "Adult Day Care Centers" (§§ 400.55 -- 400.564).

- (c) Adult living facilities: Shall additionally be regulated by F.S. ch. 400, "Nursing Homes and Related Health Care Facilities", Part III, "Assisted Living Facilities" (§§ 400.401--400.454).

- (d) Auto painting, top, body work and service stations.
- (1) This use shall only be conducted in a completely enclosed structure aside from the normal ingress-egress accessibility.
  - (2) No vehicles for repair shall be parked along streets, in vacant lots, visitor parking areas or in driveways.
  - (3) A minimum of three parking spaces for visitors and employees shall be provided.
  - (4) Permits must be obtained, as applicable, from the (DERM) Department of Environmental Resource Management, Miami-Dade Fire-Rescue Department and City of Doral Building Department prior to a City of Doral Occupational License being issued or renewed.
  - (5) It shall be unlawful to deposit, store, keep or maintain junk or trash or junk yards, salvage facilities, or wrecking yards in any vacant lot or parcel, along streets, or in visitor parking areas or along driveways.
  - (6) All materials and products associated with this use shall be stored within the building, in a walled, completely enclosed area.
  - (7) Spray painting shall only be permitted within an enclosed building which is equipped with an approved spray booth.
  - (8) Automobile service stations shall be permitted only on major access roads, including major roadways (three or more lanes) and frontage roadways serving limited access expressways.
  - (9) 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.
  - (10) 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.
- (e) Automobile self-service gas stations are permitted pursuant to following conditions:
- (1) Proposed facility shall front on an arterial roadway.
  - (2) Compliance with City's fire prevention code is required.
  - (3) Attendant-control area to have clear visibility to all pumps. The use of attraction signs on the windows of said attendant-control area shall be prohibited.
  - (4) 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 be designed so as not to interfere with the gasoline dispensing operation.

- (5) 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.
- (f) Attendant or hand car wash (non-commercial vehicles only):
- (1) The facility must have a working oil/sand interceptor to which all drainage from the car wash must flow.
  - (2) The hours of operation may be no longer than the principal use.
  - (3) All unused supplies shall be screened from the public.
  - (4) The facility shall provide at least two waiting spaces per service position, separated from access drives and internal drive aisles. In addition, there shall be one parking space per attendant.
  - (5) The facility shall not exceed 600 square feet.
  - (6) The facility shall not exceed ten feet in height.
  - (7) The applicant must provide written consent from the property owner to the city.
- (g) Automatic wash :
- (1) The facility shall not be located closer than 50 feet to any residential zoning district.
  - (2) The facility shall be located on a public street and shall provide ingress and egress so as to minimize traffic congestion.
  - (3) The facility shall provide at least five off-street waiting spaces on the lot in the moving lane to the automatic car wash building entrance so as to prevent blocking any public streets.
  - (4) The facility shall be located either to the side or rear of the principal building.
  - (5) The maximum capacity shall be only one vehicle per wash cycle.
  - (6) The facility must have a working oil/sand interceptor to which all drainage from the car wash must flow.
  - (7) The hours of operation may be no longer than the principal use.
  - (8) Screening of vehicle opening. A wall, berm, or similar opaque visual buffer shall be provided for the facility opening when it is oriented toward the streetside of the lot.

- (h) Automobile and truck sales for new and/or used vehicles including as ancillary uses automobile and truck rentals, wholesale distribution and automobile repairs are subject to the following conditions:
- (1) No more than thirty-five (35) percent of the total gross building area is devoted to repair/service bays.
  - (2) 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.
  - (3) Such uses on sites of ten (10) acres or more shall be approved only after public hearing.
  - (4) Such uses shall be conducted on sites consisting of at least two (2) acres.
  - (5) Outdoor loudspeakers are prohibited.
  - (6) Outdoor lighting shall be designed to avoid spilling beyond the site boundaries.
  - (7) No vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).
- (i) Community residential home. A community residential facility as defined in *Chapter III. Definitions and Interpretations* shall be permitted in a dwelling unit upon establishing the following:
- (1) Total number of resident clients on the premises shall not exceed fourteen (14) in number unless approved through public hearing pursuant to Chapter IV. Administration.
  - (2) Operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services.
  - (3) Community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone.
    - a. The 1,200 feet distance requirement shall be measured from nearest portion of the proposed and existing structures.
  - (4) Sponsoring agency of the community residential home shall notify the Director in writing of its intention to establish said facility.
    - a. Above notice shall contain the address and legal description of the site and the number of resident clients.
    - b. Above notice shall also contain a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and licensing status of the proposed facility. Absence of this notification

and statement shall prohibit the use and occupancy of any structure for use as a community residential home.

- (5) Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.
- (j) Convenience retail facilities: Not more than one (1) food and drug convenience retail service facility of the Neighborhood Commercial type shall be permitted as an accessory use to an apartment use or apartment development, subject to following conditions:
- (1) Said facility not to exceed one thousand (1,000) square feet in a development having a minimum of three hundred (300) apartment units;
  - (2) Such services relate to the needs of the inhabitants of the proposed complex;
  - (3) Detached signs and signs visible from public roads are not to be used;
  - (4) Such services are designed as an integral part of the total design as determined by site plan review;
  - (5) Such services are located in the principal structure or in a community service center structure; and
  - (6) An additional one (1) square foot of retail area shall be permitted for each apartment unit above three hundred (300) units; provided, however, that the maximum square footage for such facilities shall not exceed three thousand (3,000) square feet.
- (k) Family day care and after-school care for children is permitted upon compliance with the following conditions:
- (1) Total number of children on the premises does not exceed five (5) in number, including in the count only preschool aged children of the resident family. Preschool age children shall consist of children five (5) years of age or younger.
  - (2) Age of the children, excluding those of the resident family, shall not exceed eleven (11) years of age.
  - (3) Applicant shall secure a license from the Florida Department of Health and Rehabilitative Service to operate a family day care home at the subject property.
  - (4) Where applicable, compliance with the requirements of this Code pertaining to educational and child care facilities.
  - (5) Upon compliance with all conditions enumerated, a certificate of use and occupancy is secured from the Department of Planning and Zoning.

- (6) The facility shall comply with the safety barrier requirements and restrictions enumerated in Article XA of Miami Dade County Section 33-151.18(j).
- (l) Group home shall be permitted in a dwelling unit provided:
- (1) The total number of resident clients on the premises does not exceed six (6) in number.
  - (2) 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 the Planning and Zoning Department of said licensure no later than the time of home occupancy.
  - (3) 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.
- (m) Hotel and motel use (mixed use, i.e., connected with, and attached to a structure containing another use permitted in the Neighborhood Commercial, Corridor Commercial, Industrial, Industrial Commercial and Office zoning districts); subject to the following conditions:
- (1) Maximum number of units shall not exceed 75 units per acre for 60% of the entire building area.
- (n) Manufacturing heavy and medium uses subject to the following conditions:
- (1) Such uses shall not be located within five hundred (500) feet of any residential zoning district except after approval after public hearing.
  - (2) Above mentioned 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 residential zoning district.
  - (3) Except for exterior uses, above mentioned distances shall be measured from the closest point of the subject use in the building to the residential zoning district.
  - (4) In connection with exterior uses, the distance of five hundred (500) feet shall be measured from the closest point of the industrial district to the residential zoning district.
  - (5) For purposes of establishing above distances, the applicant for such use shall furnish a certified survey from a registered surveyor, which shall indicate such distances.



- (6) In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern.
- (o) Pharmaceutical storage, subject to compliance with the following conditions:
- (1) A license from the State of Florida Department of Health and Rehabilitative Services (HRS) shall be secured.
  - (2) Facility shall be air conditioned to continuously control temperature and humidity as required by HRS for pharmaceutical products.
  - (3) Premises shall be secured with a security system as required by HRS for the storage of pharmaceutical products.
  - (4) A declaration of use shall be provided permitting for the purpose of the code enforcement officer to enter the premises to conduct inspection to assure compliance.
  - (5) A certificate of use and occupancy shall be secured from the Department only after compliance with the conditions enumerated above.
- (p) Religious assembly and/or praying places:
- (1) Applications for such uses shall contain documentation for a site plan review pursuant to Chapter III of this code.
  - (2) Site size. A minimum site size of 60,000 square feet with a minimum lot width of 150 feet for stand alone structures is required.
  - (3) Proposed development shall not exceed two (2) stories or 25 feet in height.
  - (4) Maximum lot coverage permitted shall be 30 percent.
  - (5) Least restrictive yard regulations for the district in which the proposed use shall be complied with.
  - (6) The city may permit a variance of height for a spire or unusual roof structure form in excess of the height requirements for the district in which it is located.
- (q) Salesrooms and showrooms:
- (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 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 Chapter IX.
  - (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.
- (r) Telecommunication hubs, subject to compliance with the following conditions:
- (1) At least eighty-five (85) percent of the gross floor area of a telecommunications hub building shall be designated for equipment or machinery.
  - (2) No more than fifteen (15) percent of the gross floor area shall be designated for employees and support personnel.
  - (3) A declaration of use form shall be submitted to the department Director.
  - (4) Above declaration shall confirm compliance with above conditions and shall include floor plan and site plan.
- (s) Warehouse membership, subject to the following minimum standards, unless otherwise approved by public hearing as a non-use variance:
- (1) The area shall contain no less than one hundred thousand (100,000) square feet of gross floor area;
  - (2) The 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; and
  - (3) Shall meet site plan review criteria set forth in Chapter III of this code.

**Section 5. Alcoholic beverages.**

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alcoholic beverages* means beverages containing alcohol of more than one-half of one percent by weight as provided in F.S. § 561.01.
- (2) *Intoxicating liquors* means as provided in F.S. § 561.01.
- (3) *Retail* means a sale to the ultimate consumer and not for purposes of resale.
- (4) *Wholesale* means a sale to a dealer, vendor or other person for the purpose of resale.

(b) *Classification of vendors and distributors.* For the purposes of the regulation of the businesses of the retail and wholesale sale and distribution of alcoholic beverages and intoxicating liquors within the city, such businesses are hereby classified as follows:

- (1) *Retail package beverage store.* Vendor of alcoholic beverages at retail in sealed containers for consumption off the premises only.
- (2) *Retail beverage store.* Vendor of alcoholic beverages at retail for consumption on the premises.
- (3) *Retail package liquor store.* Vendor of alcoholic beverages and intoxicating liquors at retail in sealed containers for consumption off the premises only.
- (4) *Retail liquor store.* Vendor of alcoholic beverages and intoxicating liquors at retail for consumption on the premises.
- (5) *Club vendor.* Charter or incorporated clubs or lodges, organized for lawful purposes and not for the purpose of evading beverage laws, vending alcoholic beverages and intoxicating liquors at retail to members and their guests only for consumption on the premises.
- (6) *Beverage distributor.* Distributor and vendor, at wholesale only, of alcoholic beverages in sealed containers.
- (7) *Liquor distributor.* Distributor and vendor, at wholesale only, of alcoholic beverages and intoxicating liquors in sealed containers.

(c) Administrative review by city manager with approval by city council is required for retail beverage and retail liquor store licenses issued to nonrestaurant facilities.

- (1) Retail beverage and retail liquor store licenses issued by the state as permitted by state law limiting the number of permitted licenses for the sale of alcoholic beverages and intoxicating liquors, may be issued by the city council, after administrative review by the city manager, for the following:

- a. Art galleries, including private art galleries, for the retail sale of art.
- b. Theaters.
- c. Museums.

- d. Other nonrestaurant facilities as determined on an individual basis by the city council. In approving such facilities, the city council may impose appropriate conditions and safeguards to protect the public health, safety and welfare.
- (2) In order for a nonrestaurant facility to qualify for a retail beverage or retail liquor store license under this section, the following minimum requirements shall be met in addition to other requirements set out elsewhere in this chapter:
- a. That the nonrestaurant facility shall have a valid certificate of use and occupational license.
  - b. The sale of alcoholic beverages and intoxicating liquors shall be only incidental to the primary function of the facility.
  - c. Permanent bars or counters with a surface area not exceeding 45 square feet shall be permitted.
  - d. Total receipts from the sale of alcoholic beverages and intoxicating liquors shall not exceed 25 percent of the total annual gross receipts of any nonrestaurant facility. It shall be the responsibility of the nonrestaurant facility to maintain records open for inspection by the city to demonstrate compliance with this requirement.
  - e. Nonrestaurant facilities holding a state retail beverage or retail liquor store license shall always be subject to inspection by the city manager or his designee for the purpose of determining that such nonrestaurant facilities are in compliance with the existing requirements.
- (d) *Retail stores in hotels; exterior entrance and advertising prohibited.* Retail beverage and retail liquor stores in hotels, licensed by the State pursuant to state law shall have no entrances or exits thereto except from within the hotel itself and not from the exterior of any such hotel or from any street. No signs advertising such retail beverage and/or retail liquor store, or the sale of alcoholic beverages or intoxicating liquors therein, shall be permitted upon the exterior, or to be visible from the exterior, of any such hotel. No such retail beverage and/or retail liquor store license shall ever be separable from the hotel license in conjunction with which it is issued.
- (e) *Package stores in wine cafes; exterior advertising prohibited.* Retail beverage and retail liquor stores in wine cafes licensed by the State pursuant to state law shall have no signs advertising such retail beverage and/or retail liquor store, or the sale of alcoholic beverages or intoxicating liquors therein, upon the exterior, or to be visible from the exterior of any such wine cafe. No such retail liquor store license shall ever be severable from the wine cafe license in conjunction with which it is issued.
- (f) *Possession of untaxed beverages.* It is unlawful for any person to own, possess, purchase, sell, serve, distribute or store any alcoholic beverages unless such person has fully complied with the pertinent provisions of the beverage law relating to the payment of excise taxes.

- (g) *Possession of beverages not permitted to be sold under license.* It is unlawful for a licensee under the beverage law or his agent to have in his possession, or permit anyone else to have in his possession at or in the place of business of such licensee, alcoholic beverages not authorized by law to be sold by such licensee.
- (h) *Storage on licensed premises.* It is unlawful for any vendor to store or keep any alcoholic beverages except for the personal consumption of the vendor, his family and guest in any building or room other than the building or room shown in the diagram accompanying his license application.
- (i) *Sale only on licensed premises.* Each application for the sale of alcoholic beverages shall describe the location of the place of business where such beverage may be sold. It is unlawful to sell, or permit the sale of or distribute such beverage except on the premises covered by the license as described in the application therefore.
- (j) *Compliance with state law.* All vendors and distributors classified in Section (2) shall comply with all provisions and regulations of the beverage laws of the state applicable to their particular businesses.
- (k) Restaurant serving liquor, beer and wine; bar/cocktail lounge; stores selling liquor, beer and wine and stores selling liquor, beer, wine and carry out wine tasting. Any other establishment that sell or serve liquor, beer and wine to customers.
- (1) *Distance from other establishments.* Unless approved as a special exception , 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, un abandoned, 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 the shortest roadway path from the nearest portion of the structure of the place of business.
- (2) *Distance from church or school.* Unless approved as a special exception, 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. Post secondary education facilities are exempt such as colleges, universities and trade schools. The twenty-five-hundred-foot distance requirement shall be measured and computed as follows:
- a. From a church, the distance shall be measured by following shortest roadway path from the front door of the proposed place of business to the nearest point of the church structure, and

- b. From a public school, the distance shall be measured by following shortest roadway path from the front door of the proposed place of business to the nearest point of the school grounds.

Use	Spacing from similar use*	Spacing from church or school*
Pubs & bars	1500'	2500'
Night clubs	1500'	2500'
Wine café	Beer and wine only, must have a minimum of 25 seats and maximum of 50 seats	0'
Wine café with retail	1500'	2500'
Restaurants – 30 to 50 seats	Beer and wine only (on premise, at tables only); 0' (If a bar or cocktail lounge is present, then spacing shall be like a pub or bar use.	0'
Restaurants – 51 –120 seats	Beer, wine & liquor (at tables only); 0' (If a bar or cocktail lounge is present, then spacing shall be like a pub or bar use)	0'
Restaurants – 120 seats or more	A cocktail lounge (maximum of 15% of area); 0'	0'
Bowling alley	1500'	2500'
Art galleries, stadiums	Maximum of 45 sq.ft of bar area	
Billiards	0' if no more than 45 sq.ft. of bar area and minimum of 10 pool tables	0'

\*In DMU and TND districts, the spacing between two alcoholic uses is 0' from similar uses and 500' from schools and churches.

(l) Hours of operation.

- (1) *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 on Sundays, and shall make no sale of alcoholic beverages during weekdays except between the hours of 8:00 a.m. and 10:00 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 the premises, shall

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

- (2) *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.
- (3) *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 f. below hereof.

"Premises", as used in this section, shall be confined to the bar and/or cocktail lounge located in the particular hotel or motel.

- (4) *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.
- (5) *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.

- (6) *Night clubs.* Upon written application to the Planning & Zoning department and upon paying 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, 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 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, 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 from 8:00 a.m. to 4:00 a.m., and sell alcoholic beverages for consumption on the premises from 8:00 a.m. to 3:50 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 3:50 a.m. of the following Monday;

- (7) *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.
- (8) *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.

- (9) *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 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.
- (10) *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.
- (11) Any adult entertainment club, which has a Certificate of Use 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 3:50 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 3:50 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 3:50 a.m. of the following Monday. It is specifically provided, however, that each and every adult entertainment club that may operate in the City in accordance with this section shall close its doors and have all its patrons off its premises by not later than 4:00 a.m. of each day.
- (m) Consumption in public places and certain private places not permitted.
- (1) It shall be unlawful for any person, without the consent of the city manager or his designee, to drink alcoholic beverages in any public place in the city. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any public place without the consent of the city manager or his designee.

Such consent shall be given by the city manager or his designee upon a showing that there is compliance with Special Events Chapter of this Code.

- (2) The term "public place," as used herein, shall mean streets, sidewalks except the approved outdoor dining areas, parkways, parks, playgrounds, ball fields, school buildings, school yards, city hall, libraries, stadiums and any other property owned or in the possession of the city or any other state, county or other governmental agency in which property is used or intended for use by city or government employees or by members of the general public.
- (3) It shall be unlawful for any person to consume any alcoholic beverage on private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises.
- (4) Nothing in this section prevents the possession or consumption of alcoholic beverages in compliance with F.S. § 316.1936.

#### **Section 6. Fences, walls, bus shelters and hedges.**

- (a) *Permits; conformance to requirements; erection on property lines.* Permits shall be required for all walls and fences, and except as may be approved as a result of public hearings, walls, fences, which obscure or obstruct vision, and hedges shall be restricted to the height, location and type as indicated hereinafter, and except when a higher wall, fence or hedge is required as a visual screening buffer at the rear of double frontage lots under Chapter 12 of this Code.
- (b) Except as hereinafter restricted, all walls, fences and hedges may be placed on the property lines. This section, however, shall not be construed to permit such walls, fences and hedges to extend beyond the official right-of-way lines or property lines. Notwithstanding anything in the code to the contrary, chain link fences in residential zoning districts shall be permitted only behind the front building line. It is provided, however, that the aforementioned restriction on chain link fences shall not apply in GU zoning districts trended agricultural. It is further provided that the aforementioned restriction shall not apply to chain link fences surrounding a residential community maintained by a condominium or homeowners association or by a special taxing district. Chain link fences shall be prohibited, unless fully screened from the right-of-way, for all properties used for commercial purposes except for industrial uses. For properties used for industrial purposes, no chain link fencing shall be visible from the rights-of-ways of section and/or half-section roadways. Chain link fences lawfully existing prior to the effective date of this ordinance which as a result of this ordinance become nonconforming shall be exempt from Nonconforming Section of this code.
- (c) *Exterior finish of walls.* Each side of a CBS wall shall be completely finished with stucco and paint. Each side of a decorative masonry wall shall be completely painted. If a wall is to be placed on a shared property line, consent for access must be obtained from the adjoining property owner(s) prior to finishing the opposite side of the wall. If such consent cannot be obtained, the property owner erecting the wall must present proof that a request for access approval was mailed to every adjacent

property owner, by certified mail, return receipt requested, to the mailing address(es) as listed in the most current Miami-Dade County tax roll, and the mailing was returned undeliverable or the adjacent property owner(s) failed to respond to the request within thirty (30) days after receipt. Upon such a showing, the property owner erecting the wall shall not be required to finish the opposite side of the wall.

- (d) *Height at intersection.* Fences, walls, bus shelters or hedges shall not exceed two and one-half (2.5) feet in height within the safe sight distance triangle, as defined below. The height of fences, walls, bus shelters and hedges shall not exceed two and one-half (2.5) feet in height within ten (10) feet of the edge of driveway leading to a public right-of-way.

The safe sight distance triangle area shall not contain obstructions to cross-visibility at a height of two and one-half (2.5) feet or more above pavement; potential obstructions include, but are not limited to, structures, grass, ground covers, shrubs, vines, hedges, trees, rocks, walls and fences. The following table represents minimum criteria for determining the required area of cross-visibility:

*Safe Sight Distance Triangle Table*

Functional Classification of Through Street	Required Visibility		Depth on Minor Street (ft.)**
	Left (ft.)*	Right (ft.)*	
Local	0	0	0
(50 foot or less right-of-way)	(triangle lies within public right-of-way)		
Collector	190	40	7
(60 foot--70 foot right-of-way)			
Arterial	260	40	7
(80 foot or over right-of-way)			

\*Visibility distances measured from center line of minor street, along right-of-way line of through street.

\*\*Depth visibility on minor street measured from right-of-way line of through street, along center line of minor street (public or private street).

Table interpretations and waivers of the above requirements shall be made in writing by the Director of the Public Works Department.

- (e) *Measuring height of wall, fence or hedge.* The height of a wall, hedge or fence shall be the vertical distance measured from the average elevation of the finished building

site to the top of the wall, hedge or fence. The average elevation shall be measured along both sides of the wall, hedge or fence line. Virgin land may not be increased or decreased to affect the permitted (or required) height of a wall, hedge or fence unless the entire building site is graded to even out the level of the site or to increase it to the required Miami-Dade County flood criteria elevation. Average elevation shall be determined by taking elevations along both sides of the wall, hedge or fence line, at five-foot intervals and totaling the same and then dividing the total by the number of stations at which the elevations were taken.

- (f) *Height between different districts.* Notwithstanding any provisions in this chapter to the contrary, where an residential district abuts another district, a fence, wall or hedge on the residential district property may be erected, or maintained on the common property line of the height permitted in the abutting district.
- (g) *Fences for tennis courts; fences and walls for other recreational uses.* Fences for tennis courts may be erected up to fourteen (14) feet in height if such fence conforms to accessory use setbacks. Fences and/or walls in connection with other permitted recreational uses, such as baseball backstops, handball courts, and the like, shall be permitted of a height necessary for the particular use if required accessory use setbacks are observed.
- (h) *Wire fences, barbed wire and electricity charged fences.* Wire fences shall be permitted in all districts except where otherwise prohibited by this chapter. Barbed wire fences and fences charged with electricity shall be permitted only in the AU Zoning District, except as may be approved after public hearing and except that barbed wire fences shall be permitted in the business and industrial districts where such barbed wire is placed on an angle extension of not more than sixteen (16) inches on top of walls or fences at least six (6) feet in height. This extension shall contain no more than three (3) strands of barbed wire and shall not extend over official rights-of-way or over property under different ownership.
- (i) *Heights in Residential Districts.* The height of any fence or wall shall not exceed six (6) feet.
- (j) *Height in GU District.* The height of any fence or wall shall not exceed six (6) feet when located within the required front or side street setback areas; the height of any hedge shall not exceed seven (7) feet when located within the required front or side street setback areas. At other points, 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.
- (k) *Height in business, office and industrial 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 or 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.

- (l) *Industrial Districts, fence in lieu of wall.* In Industrial 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.

**Section 7. Fences and safety barriers for swimming pools.**

- (a) *Required for final inspection of pool.* No final inspection and approval for a swimming pool shall be given by the Department, unless there has been erected a safety barrier in compliance with Florida Building Code.

**Section 8. Construction fence/safety barrier**

- (a) *Purpose.* The purpose of this regulation is to provide security and improve the aesthetic appearance of building sites that are under construction by requiring these sites to enclose the property with fence or wall.
- (b) *Temporary construction barrier required.* The provisions of this section shall apply to residential and nonresidential developments as follows:
- (1) "Construction site" shall mean any site, excluding a single residential lot and minor additions and alterations to existing nonresidential structures, upon which construction or demolition work is occurring, or upon which such work has commenced but has not been completed. The provisions of this section shall apply from the time raw building materials are placed on the site until the installation of all building fixtures is completed.
  - (2) All new construction sites shall be required to secure the property by placing a temporary barrier around perimeter of the subject property and shall implement those security measures reasonably necessary to control access to the site, and to deter vandalism, theft, and other crime by implementing the following provisions:
    - a. Access points: The number of access points onto the site shall be minimized and, where feasible, situated in locations that are highly visible from an adjacent street.
    - b. Temporary construction barrier that are visible from the right-of-way may be constructed with opaque screening and subject to the following design requirements:
      - i. If a chain linked fence is used it must incorporate a fabric vinyl mesh creating an opacity of a minimum of 80%.
      - ii. Barrier shall be between 6 to 12 feet in height.
      - iii. Fencing shall not contain barbed wire, razor wire, razor ribbon or similar features.
      - iv. Construction barriers shall be built and maintained in place in accordance with the building code for the entire duration of the construction activity or until the fence is approved to be removed by the City Manager or designee.
      - v. Sites that contain multiple buildings shall maintain the construction fence around the portion of the site and buildings under construction as determined by the City Manager or Designee.
      - vi. Vehicle and pedestrian access gates shall not be covered. Fencing shall not be covered for the first 20 feet in lineal length, or greater where necessary for sight distance control, on each side of a gate.
      - vii. All vehicle and pedestrian openings shall have gates secured after hours of operation by a padlock(s) designed to prohibit cutting of the shackle; and Coil chain

minimum 30 grade at least 3/8-inch thick or Cable at least 5/16-inch thick.

- (3) *Permits Required.* Prior to the installation of the construction barrier, the applicable building permits must be issued by the Building Department. In addition, a dimensioned site plan identifying the location of the fence must be submitted.

(c) *Exceptions.* The following activities are exempt from installing a construction barrier:

- (1) Exterior improvements that will be completed two weeks from the date of the permit issuance.
- (2) Emergency repairs necessary to protect the health, safety and welfare of the community.
- (3) Exterior improvements that will be completed two weeks from the date of the permit issuance.
- (4) Construction activities that occur within an existing, completely enclosed, opaque fence or wall that will not be disturbed due to the construction activity.
- (5) Landscape improvements.
- (6) Plant removal
- (7) Interior Building Construction Activities
- (8) Exterior Painting or cosmetic material finishing repairs.
- (9) Street and infrastructure improvements.
- (10) Any improvements that take place within the public Right-of-Way.

(d) *Signage placed on construction barrier.*

- (1) Signage identifying the nature of the property's current development, contractor's information, leasing information, corporate logos and renditions of the future development may be permitted on the construction barrier no greater than 10% of the total barrier area and subject to the following conditions:
  - a. Signs may extend to up to two (2) feet above then the height of the construction barrier.
  - b. Signs must be affixed in a way that they do not pose a safety concern to the public's health or welfare.
  - c. Off-site advertising is prohibited.
- (2) *Murals and other decorative elements.* In addition to the maximum permitted signage permitted on construction barrier, decorative murals that do not specifically advertise the development, may be placed on the construction fence no more than 15% of the total area of the construction barrier and subject to the following design requirements:
  - a. Letters, logos and numbers are prohibited.
  - b. May not contain any rendition of the proposed development or element of the proposed development.

- (3) *Permits Required.* Signage plans must be submitted and approved by the Planning and Zoning Department. The submittal package must include the following:
- a. Cover letter briefly describing the signage plan.
  - b. A dimensioned color elevation identifying the location and area (in square feet) of the proposed signage and mural.

(e) *Enforcement.*

- (1) Violations of any provision of this code will result in enforcement action being taken by the Code Compliance Department in accordance with the Code Compliance procedures and ordinance adopted by the Mayor and the City Council.
- (2) A sign must be clearly placed pursuant to Section 810.09 of the Florida Statutes which explicitly states the following: "THIS AREA IS A DESIGNATED construction SITE, and ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY"

### **Section 9. Golf course fences.**

(a) *Definitions.*

- (1) *Golf Course.* Any private or public golf facility which contains nine (9) or more holes of golf.
- (2) *Fence Height.* To be determined by taking measurements from grade to the top of the fence.

(b) *Golf Course Fences Design Standards.*

- (1) Golf Courses must be secured with a fence around the perimeter boundary of the course. The fence shall be required to be placed within five feet of said property line or on the property line. Opaque materials which screen the view from the public right-of-way should be discouraged. Fences must be approved by staff consistent with the City's architectural standards.
- (2) If landscaping will be placed on the exterior of the fence, the fence shall be setback a minimum two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a landscaped buffer which must be maintained in a good healthy condition by the property owner. The landscape buffer shall contain one (1) or more of the following planting materials:
  - a. *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and be placed a minimum 6 feet – 3 feet intervals.
  - b. *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted a minimum 6 feet- 3 feet intervals.
  - c. *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.



- d. Trees must comply with the requirements of Chapter 18a of the Miami-Dade County Code or the city's street tree master plan if applicable.
- (3) Any other type of fence or wall shall not be permitted within (5) feet of the property line. The height of the fence shall be 6 feet.
- (c) Maintenance Standards For Fences. All fences shall be well maintained and free of graffiti, signs, posters etc. If fences are damaged as a result of storms, hurricanes, vehicles accidents, etc, the fence shall be repaired within thirty (30) days from the date of the incident. Fences shall be free of rust, mildew and in good aesthetic condition. The owner shall be responsible for removing unauthorized signs, posters and graffiti.
  - (d) Enforcement.
    - (1) Violations of any provision of this code will result in enforcement action being taken by the Code Compliance Division in accordance with the Code Compliance procedures and ordinance adopted by the Mayor and City Council.
    - (2) All fences erected after enactment of this ordinance shall be constructed in a manner consistent with this section. Fences erected prior to enactment of this ordinance shall be replaced in a manner consistent with this section if more than 50% of the fence is damaged as a results of storms, hurricanes, vehicle accidents or any other means. If a fence erected prior to the enactment of this ordinance sustains less than 50% damage, it must be replaced; however it may be replaced in a manner consistent with the undamaged portion of the fence.

#### **Section 10. Residential docks.**

- (a) *Submission of plans.* An applicant for a permit to construct a dock shall submit plans and specifications to the city. Such plans shall include the relationship of such structure to the property and/or seawall line and the relationship to adjoining properties.
- (b) *Applicability to repairs and alterations.* No dock shall be repaired or altered except in conformance with the requirements of this subdivision, unless the dock is a nonconforming use, and in that case it shall be governed by the provisions of nonconforming section of this code, pertaining to nonconforming uses.
- (c) *Number and location; width; permitted structures.*
  - (1) All dock facilities shall be located in the center one-third of the property along the waterfront. One dock per single-family property is permitted. Two slips with or without boat lifts are allowed. The maximum allowable dock facility shall be within a 50-foot length from the seawall and 35-foot width envelope. The slips, boats, boat lift, dock, catwalks, lower landings, tie-poles and personal watercraft lift shall be kept within the envelope. The total amount of decking including dock and catwalks shall not be greater than 400 square feet for docks up to 35 feet from the seawall. For docks that exceed 35 feet and no greater than 50 feet in length, the total amount of decking including dock and catwalks

may be increased to 500 square feet. Any change requested to this section shall be handled as a special exception. No portion of the slips, boats, boat lift, dock, catwalks, lower landings, tie-poles and personal watercraft lift shall be any closer than 12 feet to the side property line as extended into the water unless the facility is a shared property line dock or a dock on an inverse curve lot.

- (2) Two property owners sharing a common side property line as extended into the water can choose to have a common dock in lieu of two individual private docks. Shared property line docks on a common property line shall be allowed and shall require an agreement between the property owners that includes a provision that the property owners shall be responsible for the removal of the dock should that agreement be terminated. The agreement shall be recorded with Miami Dade County, with a copy of the recorded agreement provided to the city. The shared property line dock facility shall conform to all the requirements of a single-family dock. Only one shared property line dock is allowed per lot. The slips, boats, boat lift, dock, catwalks, lower landings, platforms, tie-poles and personal watercraft lift shall be kept within the envelope.
  - (3) Inverse curve lots that have more than or equal to 24 feet of water frontage and less than 45 feet of water frontage shall be allowed to construct a dock facility with diminishing setbacks from the side property line as extended into the water. Side setbacks for inverse curve lots shall start at the ten feet from the property line as extended and encroach to within five feet of the property line as extended onto the water. The slips, boats, boat lift, dock, catwalks, lower landings, platforms, tie-poles and personal watercraft lift shall not encroach into the setbacks.
- (d) *Length.* The length of the proposed dock shall not extend more than 35 feet from the property line. A dock may extend beyond 35 feet only if necessary to reach 36 inches of water depth at a mean low water mark, but in no case shall the length exceed 50 feet beyond the property line, seawall or mean high-water mark, whichever is applicable. A sealed affidavit attesting to the water depth at mean low water mark shall be submitted at the time of permit application.
- (e) *Pilings.*
- (1) All dock pilings shall be of 28-day strength 3,500 psi test class IV concrete as specified by Florida Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition, or of southern pine piles conforming in physical quality to American Society for Testing and Materials Specification D 25-55, which have been treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate (CCA type A, B, or C) in accordance with American Wood Preservers Association Standard P-5, and which have a minimum butt size of nine inches in diameter and tip sizes of six inches in diameter. When southern pine piles treated with chromated copper arsenate, type A, B, or C, are used, analysis by assay extraction in accordance with American Wood Preservers Association Standard A-2 may be required to show a minimum retention and distribution of solid preservative of 2.5 p.c.f. in the zone zero inches to 1.5 inches from the surface and 1.5 p.c.f. in the zone 1.5 inches to 2.0 inches from the surface.

Concrete pilings shall have a cross section minimum of ten inches by ten inches and shall be reinforced with four five-eighths-inch-diameter steel rods, epoxy coated, running the entire length thereof, and tied or welded in the form of a three-inch to four-inch square cage embedded in the concrete not less than 2 1/2 inches from the outer face of the pile.

- (2) Mooring, tie-off and davit piles may be of CCA treated or 3,500 psi reinforced concrete as described above.
  - (3) All dock piles shall have a minimum penetration of six feet into the compacted bottom.
- (f) *Height.* A tie piling or dock support shall not project above the surface of the water or land higher than six feet above the adjoining seawall, bulkhead or retaining wall cap, or the crown of the nearest road, street or thoroughfare if there is no seawall, bulkhead or retaining wall. No part of the dock, except pilings, handrails or davits, shall be higher than the top of the adjoining seawall or the established grade of the seawall if none exists. Boat lifts shall be of the cradle type with pilings projecting no more than six feet above the seawall or overhead type with the pilings extending no more than seven feet above the seawall.
- (g) *Materials.*
- (1) All lumber material shall be pressure treated.
  - (2) All hardware shall be hot-dipped galvanized or better.
- (h) *Dock lighting.*
- (1) Dock light poles shall including the frame and light fixture not be greater than eight feet in height above the walking surface of the dock.
  - (2) Lighting on docks shall be fitted with opaque shields to prevent direct visibility of the lamp to person on and across canals.
  - (3) Lights shall be directed/deflected downward with no "hot spots" being seen from other properties.

#### **Section 11. Educational and child care facilities, nonpublic.**

Shall be regulated by the Miami-Dade County School Board and/or Miami-Dade County Chapter 33 XA "Educational and Child Care Facilities, Nonpublic."

#### **Section 12. Unity of title requirements for residential developments.**

- (a) In order to assure that proposed developments are developed in substantial compliance with proffered plans, or in compliance with plans approved by public hearing, the Director may, when he deems it necessary in order to preserve the integrity of a development, require a property owner to file a unity of title, or other

similar agreement or covenant, on a form approved for legal sufficiency by the County Attorney.

- (b) (1) Maintenance of common areas and facilities.
  - a. A homeowners' association, or similar association, shall be created for the entire development (total property) as a master association which shall provide for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase in regard to maintenance of buildings and other common areas so long as said associations, or the members thereof, are made members of the master association, or,
  - b. The property owner shall execute and record among the public records a covenant running with the land for the entire property providing for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase in regard to maintenance of buildings and other common areas.
- (2) Each phase of development, when standing independently or in conjunction with existing developed contiguous phases, shall meet all zoning requirements. This subsection shall not be subject to a request for a variance.
- (3) Recordable documents establishing reciprocal rights or cross-easements for satisfaction of zoning requirements (including water and sewer lines, common parking areas, streets, driveways, entrances and exits, etc.).
- (c) The recordation of separate mortgages on each phase subsequent to the recordation of a unity of title or other similar agreement or covenant shall not be deemed as a breach of the agreement, nor shall sales of individual units in the development.
- (d) The provisions of this section shall not render structures approved pursuant to these provisions as nonconforming in nature. Subsequent changes more restrictive in nature in the Code relating to the underlying zoning on the property shall render the uses nonconforming in nature.

### **Section 13. Street, parking and walk lighting.**

- (a) No glare to the abutting residential shall be allowed due to street, parking and walk lighting.
- (b) Photometric study shall consider proposed foliage for street, parking and walk lighting.
- (c) All agreements to power for both public and private street lights must be in place prior to final plat approval.

**Section 14. Prima facie evidence of illegal multiple use or illegal subdivision of a residence.**

- (a) It shall be presumed that a multi-family use has been established when one (1) or more of the following conditions are observed:
- (1) There are two (2) or more electrical, water gas or other types of utility meters, or mailboxes on the premises.
  - (2) There is evidence of a liquid propane (LP) gas tank installed in an unauthorized detached structure on the premises.
  - (3) There is more than one (1) cooking area in the primary structure.
  - (4) All living areas in the dwelling are not interconnected.
  - (5) Multiple paved numbered parking spaces.
  - (6) An unauthorized detached building with air conditioning, interior cooking areas or utility meters.
  - (7) There is more than one (1) different house address unit number posted on the premises.
  - (8) An advertisement indicating the availability of more than one (1) living unit on the premises.
  - (9) An unpermitted exterior door.
- (b) For duplex or triplex structures, the terms "structure" and "dwelling" as used herein shall apply as to each unit.
- (c) The presumption may be rebutted by the submission of a current floor plan prepared by an engineer or architect, surveying the residence and accessory structures and showing all rooms are interconnected as a single family dwelling accompanied by a notarized affidavit from the property owner attesting that the residence or accessory structure is being maintained for single family occupancy and/or substantiated by an interior inspection of the dwelling by a compliance officer. If the compliance officer is able to enter the interior of the property and verify its use as a single-family dwelling, the property owner is exempt from the above submission.
- (d) Nothing contained in this section shall prevent the enforcement actions authorized by the Code of City of Doral, Florida independent of this section.

**Section 15. 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 16. Special development regulations for adult uses.**

- (a) In the development and enforcement of this section 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 that are used frequently by minors such as schools, churches, parks, libraries, day care centers or nurseries.

- (b) The following additional uses shall be permitted in the Industrial district:
- (1) Adult bookstore;
  - (2) Adult theater;
  - (3) Adult entertainment club;
  - (4) Adult video store;
- (c) Unless approved as a special exception, none of the uses set forth in Section 21 (b) above shall be permitted as follows:
- a. Within one thousand (1,000) feet of a private school as defined in Section 13 of Chapter VI., public school, church, public park, public library, day care center or nursery for children;
  - b. Within one thousand two hundred (1,200) feet of any of the uses described in Section 21 (b) above ; and
  - c. Within seven hundred fifty (750) feet of any residential zoning district;

Spacing requirements above shall not apply where the adult entertainment use is separated from the uses set forth at Section (1) and (3) above by a county or state road of not less than six (6) lanes, or an expressway. All other distance and spacing requirements pursuant to the Code shall apply, as well as those spacing requirements imposed by State Statute, if such State spacing requirements are more restrictive than the regulations contained herein. Any application seeking a variance from State imposed spacing requirements shall be heard directly by the city council.

- (d) 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 Chapter VI Section 21 (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 Chapter VI Section 21 (b) use.

- (4) From residential zoning districts, 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 residential 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.
- (e) *Exemptions to spacing requirements.* 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.
- (f) *Legally existing nonconforming uses.* The following uses shall be deemed legally existing, whether or not such uses comply with the regulations enacted by this section, provided however, that nothing contained herein shall exempt such uses from complying with Section 17 of Chapter IV of this Code.
- (1) Any adult entertainment use for which a building permit has been issued to establish such use prior to January 1, 2002, provided the work authorized by the building permit is completed and a Certificate of Use and Occupancy ("CO") is issued within the time prescribed by applicable regulations; or
  - (2) Any adult entertainment use for which a CO has been issued prior to January 1, 2002, provided such CO is valid (not expired or revoked) as of January 1, 2002.

#### **Section 17. Easements not to be adversely affected by permits.**

- (a) Where real property is encumbered by one (1) or more easements for drainage purposes, canal maintenance, water, sewage and gas, telephone or power lines, fire lanes, or the like and the easement is of record, by deed, survey, plat, zoning map or otherwise, and is of notice to the Department, no permit shall be issued unless the applicant therefore secures from the easement owner a written statement that the

proposed use, building or structures, if installed in the proposed manner, will not interfere with the owner's reasonable use of the easement.

(b) The written statement required by Subsection (a) above shall be submitted to the Department as part of the application for the permit.

**Section 18. Penalty for violation of chapter.**

Any person who shall violate a provision of this chapter, or fails to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment. Violation of any provision of this code will result in enforcement action being taken by the Code Compliance Department in accordance with the Code Compliance procedures and ordinance adopted by the Mayor and City Council.

**Section 19. Consent agreements.**

The Director or his designee may, in the discretion of the Director or designee, terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Director or his designee and the persons who are the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by such persons. The consent agreement may in addition provide for the following: Mitigation of injuries accruing on account of the violation investigated or sued upon; compensatory damages; punitive damages; civil penalties; costs and expenses of enforcement; attorneys' fees; and remedial or corrective action. Except as expressly and specifically provided in the executed written consent agreement, an executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation or action by the Director or the County in enforcing any of the provisions of this chapter, nor shall the agreement constitute a waiver of or limitation upon the enforcement of any federal, State or local law or ordinance. Each violation of any of the terms of an executed written consent agreement shall constitute a separate violation under this chapter by the persons who executed the agreement and by their respective officers, directors, agents, servants, employees, attorneys, heirs, successors and assigns, and by any persons in active concert or participation with any of the foregoing persons and who have received actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter.



## CHAPTER VII. LANDSCAPING AND BUFFERS

### Section 1. Short title and applicability.

- (a) This chapter shall be known and may be cited as the "City of Doral Landscape Ordinance". However, most of the provisions and sections for this chapter are taken from Chapter 18A of Miami Dade County as of year 2007. Any references to landscape manual shall mean the landscape manual adopted by the Board of County Commissioners, Miami Dade County.
- (b) *Applicability.*
- (1) The provisions of this chapter shall be considered minimum standards and shall apply to all public and private development when a permit is required, except for the following:
    - (a) Existing attached and detached single family and duplex dwellings, including any future additions or expansions shall be exempt from the provisions of this chapter.
    - (b) *Bonafide agricultural activities.* Any property receiving an agricultural classification and assessment pursuant to Section 193.461 Florida Statutes, substantiated by a plan submitted indicating the area with the agricultural classification.
  - (2) Existing development shall only be required to comply with the street tree requirements of Section 6(C)(2) and parking lot buffers of Section 6(I) of this chapter. This requirement shall not apply to existing attached and detached single family and duplex dwellings pursuant to Section 1(B)(1)(a) above. Parking lot buffer will not be required if inadequate area exists which will cause the elimination of any required parking pursuant to City code. The provisions of this subsection shall only apply where a building permit is required for external alterations or where a paving permit is required for expansion of parking areas. Routine maintenance such as re-roofing and painting shall not be considered external alterations.
  - (3) In order to address safety concerns, Institutional uses, such as, but not limited to Military Bases, Schools, Hospitals and similar uses, may vary from this Chapter, except for minimum open space requirements, subject to approval by the Planning and Zoning Director.

### Section 2. Purpose and intent.

It is the intent of this chapter to establish minimum landscape standards for the City of Doral that enhance, improve and maintain the quality of the landscape, and to:

- (a) Promote xeriscape principles through the use of drought-tolerant landscape species, grouping of plant material by water requirements, the use of irrigation systems that conserve the use of potable and nonpotable water supplies and restrictions on the amount of lawn areas.

- (b) Use landscape material, specifically street trees, to visually define the hierarchy of roadways, and to provide shade and a visual edge along roadways.
- (c) Prevent the destruction of the community's existing tree canopy and promote its expansion.
- (d) Promote the use of trees and shrubs for energy conservation by encouraging cooling through the provision of shade and the channeling of breezes, thereby helping to offset global warming and local heat island effects through the added absorption of carbon dioxide and reduction of heat islands.
- (e) Contribute to the processes of air movement, air purification, oxygen regeneration, ground water recharge, and stormwater runoff retention, while aiding in the abatement of noise, glare, heat, air pollution and dust generated by major roadways and intense use areas.
- (f) Improve the aesthetic appearance of commercial, industrial and residential development through the use of plant material, thereby protecting and increasing property values within the community, and protecting designated historic landscapes.
- (g) Reduce the negative impacts of exotic pest plant species and prohibit the use of noxious exotic plants which invade native plant communities.
- (h) Promote the use of trees to protect and buffer the effects of high winds on structures.
- (i) Promote the concept of planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalk and power services interruptions.

### Section 3. Definitions.

The definitions contained in Chapter III, shall apply to this chapter except as otherwise changed herein:

- (a) **Accessways:** The maximum width of an accessway through the perimeter landscaped strip to an off-street parking or other vehicular use area shall be determined according to the Public Works Manual. No more than one (1) two-way accessway shall be permitted or any street frontage up to one hundred (100) lineal feet or no more than two (2) one-way accessways shall be permitted for any street frontage up to one hundred (100) lineal feet, such standards to be applicable to any property under one (1) ownership. Where such ownership involves over one hundred (100) feet of street frontage, one (1) additional two-way or two (2) additional one-way drives may be permitted for each additional one hundred (100) feet of frontage or major fraction thereof. The balance of such street frontage not involved with access ways shall be landscaped in accordance with the provisions of this chapter.

- (b) *Automatic irrigation system*: An irrigation system with a programmable controller or timing mechanism.
- (c) *Bonafide agricultural activities*: Land used for the growing of food crops, nurseries for the growing of landscape material, the raising of livestock, horse farms, and other good faith agricultural uses, except any portion of the property not eligible for agricultural exemption.
- (d) *Buffer, perimeter landscape*: An area of land which is set aside along the perimeter of a parcel of land in which landscaping is required to provide an aesthetic transition between different land uses and to eliminate or reduce the adverse environmental impact, and incompatible land use impacts.
- (e) *Caliper*: For trees under four (4) inches in diameter, the trunk diameter measured at a height of six (6) inches above natural grade. For trees four (4) inches and greater in diameter, the trunk diameter measured at twelve (12) inches above natural grade.
- (f) *Clearance pruning*: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.
- (g) *Colonnade*: A roof or building structure, extending over the sidewalk, open to the street and sidewalk, except for supporting columns or piers.
- (h) *Common open space*: Area required as open space under Chapter 33 or municipal codes for various zoning districts.
- (i) *Controlled plant species*: Those plant species listed in the Landscape Manual which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design.
- (j) *Diameter at breast height (DBH)*: Diameter of a tree's trunk measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.
- (k) *Differential operation schedule*: A method of scheduling an irrigation system to apply different quantities of water, and/or apply water at different frequencies as appropriate, for different hydrozones.
- (l) *Dissimilar land uses*: Proximate or directly associated land uses which are contradictory, incongruous, or discordant such as higher intensity residential, commercial or industrial uses located adjacent to lower intensity uses.
- (m) *Drip line*: An imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground.

- (n) *Duplex dwelling*: 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-family dwelling.
- (o) *Existing development*: Existing development shall mean a site with structures that were legally approved through the issuance of a certificate of use and occupancy or a certificate of completion as of the effective date of this chapter.
- (p) *Energy conservation zone*: A zone located no more than twenty-two (22) feet from a structure in a one hundred eighty (180) degree band from due east of the northeast point of the structure, to due south, to due west of the northwest point of the structure.
- (q) *Facultative*: Plants with a similar likelihood of occurring in both wetlands and uplands, which are not recognized indicators of either wetland or upland conditions.
- (r) *Forbs*: Herbaceous plants other than grasses.
- (s) *Geologic feature*: A natural rock or mineral formation.
- (t) *Gray water*: That portion of domestic sewage emanating from residential showers, residential bathroom washbasins, or residential clothes washing machines.
- (u) *Ground cover*: A dense, extensive growth of low-growing plants, other than turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.
- (v) *Hatrack*: To flat-cut the top of a tree, severing the leader or leaders, or the removal of any branch three (3) inches or greater in diameter at any point other than the branch collar.
- (w) *Hazard pruning*: The removal of dead, diseased, decayed, or obviously weak branches two (2) inches in diameter or greater.
- (x) *Heat island*: An unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.
- (y) *Hedge*: A landscape barrier consisting of a continuous, dense planting of shrubs, not necessarily of the same species.
- (z) *Herbaceous plant*: A plant having little or no woody tissue.
- (aa) *Hydromulch*: A sprayed application of seed, mulch and water.
- (bb) *Hydrozone*: A zone in which plant material with similar water needs are grouped together.
- (cc) *Included bark*: Bark that is pushed inside a developing crotch, causing a weakened structure.

- (dd) *Irrigation detail*: A graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.
- (ee) *Irrigation plan*: A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this chapter.
- (ff) *Irrigation system*: A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.
- (gg) *Landscape feature*: Trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo and other similar elements.
- (hh) *Landscape material*: Plants such as grass, ground cover, forbs, shrubs, vines, hedges, trees and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.
- (ii) *Landscape plan*: A plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape legend, landscape features, planting specifications, and details, and all other relevant information in compliance with this chapter.
- (jj) *Lawn area*: An area planted with lawn grasses.
- (kk) *Manual irrigation system*: An irrigation system in which control valves and switches are manually operated rather than operated by automatic controls.
- (ll) *Mixed use*: A mixture of land uses such as provided in Traditional Neighborhood Development (TND), Downtown Mixed Use and Community Mixed Use.
- (mm) *Moisture and rain sensor switches*: Devices which have the ability to switch off an automatic irrigation controller after receiving a predetermined amount of rainfall or moisture content in the soil.
- (nn) *Mulch*: Non-living organic materials customarily used in landscape design to retard erosion, weed infestation, and retain moisture and for use in planting areas.
- (oo) *Multifamily residential development*: Any residential development other than attached or detached single family or duplex.
- (pp) *Multiple single family developments*: Attached and detached single family developments that are planned as a total project and not as a single family unit on a single lot.
- (qq) *Native habitat*: An area enhanced or landscaped with an appropriate mix of native tree, shrub and groundcover species that resembles a native plant

community or natural forest community in structure and composition or is naturally occurring.

- (rr) *Native plant species*: Plant species with a geographic distribution indigenous to all or part of City of Doral. Plants which are described as being native to Miami-Dade County in botanical manuals such as, but not limited to, "A Flora of Tropical Florida" by Long and Lakela and "The Biology of Trees Native to Tropical Florida" by P. B. Tomlinson, are native plant species within the meaning of this definition. Plant species which have been introduced into City of Doral by man are not native plant species.
- (ss) *Native plant community*: A natural association of plants dominated by one (1) or more prominent native plant species, or a characteristic physical attribute.
- (tt) *Natural forest community*: All assemblages of vegetation designated as Natural Forest Communities on the Miami-Dade County Natural Forest Community Maps and approved by the Board of County Commissioners, pursuant to Resolution No. R-1764-84 and further defined in Section 24-3 of the Miami-Dade County Code.
- (uu) *Net lot area*: For the purpose of this chapter, net lot area shall be the area within lot boundaries of all lands comprising the site. Net lot area shall not include any portion of the abutting dedicated streets, alleys, waterways, canals, lakes or any other such dedications.
- (vv) *One family dwelling*: 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 designated for the use of one (1) family only.
- (ww) *Overhead irrigation system*: A high pressure, high volume irrigation system.
- (XX) *Planting detail*: A graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.
- (YY) *Prohibited plant species*: Those plant species listed in the Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.
- (ZZ) *Shrub*: A self-supporting woody perennial plant normally growing to a height of twenty-four (24) inches or greater, characterized by multiple stems and branches continuous from the base.
- (AAA) *Site plan*: A comprehensive plan drawn to scale indicating appropriate site elevations, roadways, and location of all relevant site improvements including structures, parking, other paved areas, ingress and egress drives, landscaped open space and signage.

(BBB) *Specimen tree*: A tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:

- (1) All trees listed in Section 24-60(4)(f) of Miami Dade County Code of Ordinances.
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;
- (3) Non-native species of the genus *Ficus*, and
- (4) All multitrunk trees in the palm family, except *Accelorrhaphe wrightii* which have a minimum overall height of fifteen (15) feet.

(CCC) *Spray head*: An irrigation device which applies water to the soil or plant surface by fixed spray or mist nozzles.

(DDD) *Stabilized lawn area*: An area of ground underlain with structural support in the form of grass pavers or stabilized soil prepared to withstand the load of intended vehicular use, such as automobiles, fire trucks and garbage trucks.

(EEE) *Stormwater retention/detention area*: An area designed, built and used for temporary storage of stormwater. For purposes of this chapter, these areas are intended to be permanently exempt from wetland regulations.

(FFF) *Tree abuse*. Tree abuse shall include:

- (1) Damage inflicted upon any part of a tree, including the root system, by machinery, construction equipment, cambium layer penetration, storage of materials, soil compaction, excavation, chemical application or spillage, or change to the natural grade.
- (2) Hatracking.
- (3) Girdling or bark removal of more than one-third (1/3) of the tree diameter.
- (4) Tears and splitting of limb ends or peeling and stripping of bark resulting from improper pruning techniques not in accordance with the current ANSI A300 Standards.

(GGG) *Tree canopy cover*: The aerial extent of the branches and foliage of a tree.

(HHH) *Temporary irrigation systems*: A system including surface distribution elements (hose, pipe, etc.) which may be easily removed when landscape is established.

(III) *Understory*: The complex of woody, fibrous, and herbaceous plant species that are typically associated with a natural forest community, native plant community, or native habitat.

(JJJ) *Vegetation required to be preserved by law*: Portions of a site, including but not limited to specimen trees, natural forest communities and native vegetation which are clearly delineated on site plans, plats, or recorded restrictions, or in some other legally binding manner that are to be protected from any tree or understory removal or effective destruction and maintained without any development.

(KKK) *Vegetation survey*: A drawing provided at the same scale as the landscape plan which includes relevant information as required by this chapter.

(LLL) *Vehicular use area*: A hard surface area designed or used for off-street parking and/or an area used for loading, circulation, access, storage, including fire trucks, garbage trucks, or display of motor vehicles.

(MMM) *Vine*: A plant with a flexible stem which normally requires support to reach mature form.

#### Section 4. Plans required.

- (a) *General*. Landscape plan(s) shall be approved by the City of Doral, Community Development Department, and where required pursuant to Section 4. (D) of this Chapter, an irrigation plan shall be approved by the Building Department, prior to the issuance of any building permit or paving for new parking areas or expansion of existing parking areas.
- (b) *Landscape plans*.
  - (1) *Owner - builder single family or duplex dwelling*: Landscape plan(s) submitted for new one (1) family or duplex dwellings may be in the form of a plot plan or drawing prepared by the owner or the owner's representative, provided however, developments, requiring site plan approval pursuant to administrative site plan review or public hearing by Chapter IV shall meet the requirements of Section 4.(B) (2) of this Chapter below and Chapter 481, Florida Statutes.
  - (2) *All other development*: The landscape plan for development other than provided for in subsection (1) above, shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare landscape plans or drawings. Preliminary landscape plans shall be provided as part of the submission for site plan approval and shall:
    - (a) Be drawn to scale and include property boundaries, north arrow, graphic scale, and date.
    - (b) Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.
    - (c) Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.
    - (d) Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Director of Community Development.
    - (e) Identify all landscape features and non-living landscape materials.
    - (f) Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.
    - (g) Illustrate geologic, historic and archeological features to be preserved.
    - (h) Depict stormwater retention/detention areas and areas excluded from maximum permitted lawn area.



- (i) Document zoning district, net lot area, required open space, and maximum permitted lawn area.
- (j) Show building coverage and the location and dimension of greenbelt and water areas proposed for business and industrial zones, if required by this Land Development Code.
- (k) Complete "Preparer's Certification of Landscape Compliance."

Final landscape plans submitted for permit shall include all of the above, as well as the following:

- (a) A fully completed, permanently affixed "Landscape Legend" as prescribed by the Director of Community Development Department.
  - (b) Critical layout dimensions for trees, plant beds and landscape features.
  - (c) Method(s) to protect and relocate trees and native plant communities during construction.
  - (d) Planting details and specifications.
  - (e) Irrigation plans, as required by the zoning district.
  - (f) Irrigation details and specifications, as required above.
  - (g) Notarized "Preparer's Certification of Landscape Compliance" at time of final inspection."
- (c) *Vegetation survey.* A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall be accompanied by an aerial photograph which outlines the subject site without obscuring its features. Within municipalities, surveys shall be verified by the department(s) or board(s) as deemed appropriate by the municipality. The vegetation survey shall provide the following information:
- (1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1 1/2) DBH or eight-foot height, including those which are proposed to be removed, relocated or preserved on site in accordance with the requirements of this Code and Section 24-60 of the Code of Miami-Dade County.
  - (2) The boundaries of any native habitat, native plant community, native plant species, and/or Natural Forest Community and associated understory that exists on site, as determined by the Department of Environmental Resources Management.
  - (3) A table showing the following information:
    - (a) The scientific and common name of each tree, each of which shall be numbered.
    - (b) The diameter at breast height (DBH) of each tree, or if a multiple trunk tree, the sum DBH for all trunks.
    - (c) An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.
- (d) *Irrigation plans.* An irrigation plan shall be submitted if a sprinkler system is required by this code, or where an irrigation system is to be provided regardless of code requirements. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.

- (1) For a new one-family or duplex dwelling the irrigation plan may be indicated on a plot plan or a separate drawing prepared by the owner or the owner's agent indicating area(s) to be irrigated, location and specifications of lines and heads and pump specifications.
- (2) All other development other than those provided in a subsection (1) above shall:
  - (a) Be drawn on a base plan at the same scale as landscape plan(s).
  - (b) Delineate landscape areas, major landscape features, and hydrozones.
  - (c) Delineate existing and proposed structures, parking areas or other vehicular use areas, access aisles, sidewalks, driveways, the location of utilities and easements, and similar features,
  - (d) Include water source, design operating pressure and flow rate per zone, total volume required for typical depths of application, and application rate.
  - (e) Include locations of pipes, controllers, valves, sprinklers, back flow prevention devices and electrical supply.
  - (f) Irrigation details.

#### **Section 5. Tree removal and preservation.**

Tree removal permits or natural forest community vegetation removal permits are required prior to the removal of trees, specimen trees, or any vegetation in a natural forest community, respectively, pursuant to Section 24-60 of the Code of Miami-Dade County. The Miami-Dade County Department of Environmental Resources Management is responsible for administering and enforcing these provisions.

#### **Section 6. Minimum standards.**

The following standards shall be considered minimum requirements unless otherwise indicated:

- (a) *Lawn area (turf).*
  - (1) Grass areas shall be planted in species well adopted to localized growing conditions in the City of Doral. Grass areas may be sodded, plugged, sprigged, hydromulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, overseeding shall be sown for immediate effect and protection until coverage is otherwise achieved.
  - (2) Exclusions from maximum permitted lawn areas:
    - (a) Stabilized grassed area used for parking;
    - (b) Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas;
    - (c) Grassed areas in the right-of-way;
    - (d) Stormwater retention/detention areas planted in grasses which are very drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.
  - (3) Maximum permitted lawn area for all residential and mixed uses in the unincorporated area is referenced in Table A.

- (4) Maximum permitted lawn area for all office, commercial, and industrial uses is as referenced in Table A. Very drought tolerant grasses and low growing native plants, including grasses and forbs, as referenced in the Landscape Manual, may be used as groundcover beyond the maximum permitted grass area specified in Table A.
  - (5) The maximum amount of lawn area for residential and mixed uses shall be limited to a maximum of sixty (60) percent of the landscaped open space required in the individual zoning districts. In those residential and mixed use zoning districts where landscaped open space is not specified, lawn areas shall be restricted to a maximum of fifty (50) percent of the net lot area. Lawn areas in commercial, office and industrial zones shall be limited to a maximum of twenty (20) percent of the openspace required by the individual municipalities. In those commercial, office and industrial zones, where landscaped open space is not specified, lawn area shall be restricted to a maximum of twenty (20) percent of the net lot area less the area covered by buildings. Very drought tolerant grasses and low growing native plant species, including grasses and forbs, as referenced in the Landscape Manual, may be used as groundcover beyond the maximum permitted grass area.
- (b) *Irrigation.*
- (1) All newly-planted and relocated plant material shall be watered by temporary or permanent irrigation systems until such time as they are established.
  - (2) Irrigation shall be prohibited within native plant communities and natural forest communities, except for temporary systems needed to establish newly planted material. Temporary irrigation systems shall be disconnected immediately after establishment of plant communities.
  - (3) Irrigation systems shall be designed to conserve water by allowing differential operation schedules based on hydrozone.
  - (4) Irrigation systems shall be designed, operated, and maintained to not overthrow or overflow on to impervious surfaces.
  - (5) Low trajectory spray heads, and/or low volume water distributing or application devices, shall be used. Overhead irrigation systems shall only be permitted in bonafide agricultural activity areas.
  - (6) Gray water shall be used where approved systems are available.
  - (7) During dry periods, irrigation application rates of between one (1) and one and one-half (1 1/2) inches per week are recommended for turf areas.
  - (8) A moisture or rain sensor device shall be required on all irrigation systems equipped with automatic controls.
  - (9) Irrigation systems shall be timed to operate only during hours and on days permitted under Chapter 32 of Miami Dade County Code.
  - (10) If an irrigation system is not provided, a hose bib shall be provided within seventy-five (75) feet of any landscape area.
- (c) *Trees.*
- (1) *Tree size from the time of planting.* All trees, except street trees and trees located beneath power lines, shall be a minimum of ten (12) feet high and have a minimum caliper of two and a half (2 1/2) inches at time of planting.

- (2) *Street tree size from the time of planting and spacing.* Street trees shall be of a species typically grown in Miami-Dade County which normally mature to a height of at least twenty (20) feet. Street trees shall have a clear trunk of four (4) feet, an overall height of fourteen (14) feet and a minimum caliper of two and a half (2 1/2) inches at time of planting, and shall be provided along all roadways at a maximum average spacing of thirty-five (35) feet on center, except as otherwise provided in this chapter. Street trees are not required when a colonnade open to the public is located within four (4) feet of the edge of the roadway. The thirty-five (35) foot average spacing requirement for multiple single family units such as zero-lot-line and townhouse shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Public Works Department or the appropriate authority within the municipality. Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk.
- (3) *Power lines.* Where the height and location of overhead powerlines requires the planting of low growing trees, street trees shall have a minimum height of eight (8) feet, a minimum caliper of one and one-half (1 1/2) inches at time of planting, and shall meet the following requirements:
- (a) Single trunk trees clear of lateral branches to four (4) feet and/or multi trunk trees or tree/shrubs, as referenced in the Landscape Manual, cleared of foliage to a height of four (4) feet.
  - (b) A maximum average spacing of twenty-five (25) feet on center.
  - (c) Maturing to a height and spread not encroaching within five (5) feet of overhead power distribution lines.
  - (d) Under high voltage (50kV and above) transmission lines installed independent of underbuilt distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the current ANSI (American National Standards Institute) Z133.1 Standards, as referenced in the Landscape Manual.
- (4) *Palms.* Palms which meet all of the following requirements shall count as a required street tree on the basis of one (1) palm per tree.
- (a) Minimum canopy of fifteen (15) feet at maturity.
  - (b) Provided at an average maximum spacing of twenty-five (25) feet on center.
  - (c) Fourteen-foot minimum overall height or minimum caliper of four (4) inches at time of planting.
- It is provided however that queen palms (*Syagrus romanzoffiana*) shall not be allowed as street trees.
- (5) *Minimum number of trees.* Within the City of Doral, the minimum number of required trees, in addition to street trees, is referenced in Table A.



TABLE INSET:

<b>TABLE A (See Note below regarding street trees)</b>				
<i>LAND USE OR ZONING DISTRICT</i>	<i>NUMBER OF TREES REQUIRED</i>		<i>MAXIMUM LAWN AREA</i>	
	Per Acre of Net Lot Area	Per Lot	Percent of Net Lot Area	Percent of Required Open Space
<b>RESIDENTIAL</b>				
SF-1	-	9	60%	-
SF-2	-	6	50%	-
SF-3	-	5	45%	-
SF-4	-	4	40%	-
SF-5	-	3	35%	-
MF-1	28	-	-	60%
MF-2	28	-	-	60%
MF-3	28	-	-	60%
MF-4	28	-	-	40%
<b>OFFICE</b>				
O-1, O-2 & O-3	28	-	-	30%
<b>COMMERCIAL</b>				
NC	22	-	-	20%
CC	22	-	-	20%
<b>INDUSTRIAL</b>				
IC	15	-	-	20%
I	15	-	-	20%
I-R	15	-	-	20%
<b>MISCELLANEOUS ZONING DISTRICTS AND LAND USES</b>				
Planned Developments	Shall be determined pursuant to the approved conceptual master plan.			
Private Educational Facilities	28	-	-	40%
TND	28	-	-	40%
GU Interim*	9	-	60%	-

All Other Zoning Districts	28	-	60%	-
* Use dependent on character of neighborhood				
** Unusual uses must comply with the requirements of underlying zoning district.				
In addition to the number of trees indicated in Table A. additional trees (street trees) may be required as provided in Section 6. (C) of this Chapter.				

- (6) Grassed areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating tree requirements.
- (7) Trees shall be planted to provide shade to residential structures of a height of thirty-five (35) feet or less. At least two (2) required lot trees shall be positioned in the energy conservation zone as defined herein. All exterior air conditioning units, except for air conditioning units placed on the roof, shall be shaded by trees and/or shrubs as referenced in the Landscape Manual.
- (8) Palms of a ten-foot minimum overall height or minimum caliper of three (3) inches at time of planting shall count as a required tree on the basis of two (2) palms-per tree, except as provided herein for palms used as of street trees. No more than thirty (30) percent of the minimum tree requirements may be met by palms.
- (9) Existing trees required by law to be preserved on site and that meet the requirements of Section 6. (C) of this Chapter, may be counted toward fulfilling the minimum tree requirements.
- (10) Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.
- (11) Thirty (30) percent of the required trees and/or palms shall be native species.
- (12) No more than 15% of the required tree planting requirement, pursuant to this chapter, can be the following trees and palms which do not fair well in extreme wind conditions such as hurricanes and tropical storms:
  - (a) Australian Pine
  - (b) Avocado
  - (c) Banyan/Ficus
  - (d) Black Olive
  - (e) Camphor Tree
  - (f) Carolina Laurelcherry
  - (g) Carrotwood
  - (h) Chinaberry
  - (i) Chinese Elm
  - (j) Chinese Tallow (Popcorn) Tree
  - (k) Citrus Trees

- (l) Ear Leaf Acacia
- (m) Eucalyptus
- (n) Golden Rain Tree
- (o) Hong Kong Orchid Tree
- (p) Laurel Oak
- (q) Norfolk Pine
- (r) Queen Palm
- (s) Royal Poinciana
- (t) Sand Pine
- (u) Schefflera
- (v) Sea Hibiscus
- (w) Seaside Mahoe
- (x) Shooting Star (Clerodendron)
- (y) Silk Floss Tree
- (z) Silk Oak
- (aa) Sweetgum
- (bb) Tabebuia (Pink)
- (cc) Washingtonia Palm
- (dd) Water Oak

- (13) In order to prevent adverse environmental impacts to existing native plant communities, only existing Sabal Palmettos (Cabbage Palms) shall be used to satisfy minimum tree and native plant requirements, except that Cabbage Palms which are rescued from government approved donor sites, transplanted within the site, or commercially grown from seed shall be counted towards the minimum tree and native plant requirements.
- (14) When trees are planted within the right-of-way, the owners of land adjacent to the areas where street trees are planted must maintain those areas including the trees, plants and sod, using pruning methods specified in this Code. A covenant executed by those owners is required, or a special taxing district must be created to maintain these areas. Where the State, County or municipality determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, they may require that said trees and landscape material be placed on private property.
- (15) Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.

(d) *Shrubs.*

- (1) All shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Shrubs shall be provided at ratio of ten (10) per required tree. Thirty (30) percent of the shrubs shall be native species.
- (2) When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of thirty (30) inches on center or if planted at a minimum height of thirty-six (36) inches, shall have a maximum average



spacing of forty-eight (48) inches on center and shall be maintained so as to form a continuous, unbroken and solid visual screen within one (1) year after time of planting. Shrubs used as a buffer, visual screen, or hedge need not be of the same species.

- (e) *Vines.* Vines shall be a minimum of twelve (12) inches in length immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. Planting of perimeter walls with vines is recommended as a deterrent to painting of graffiti.
- (f) *Ground covers.* Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.
- (g) *Mulch.*
  - (1) Weed-free mulch shall be applied and maintained in a minimum three (3) inch layer under and around all trees and shrubs, and in a minimum two (2) inch layer under and around all ground cover.
  - (2) The use of mulch shall be restricted to planting areas.
  - (3) Cypress mulch shall not be used because its harvest degrades cypress wetlands.
- (h) *Buffers between dissimilar land uses.* Landscape buffers between dissimilar uses shall be established and maintained in accordance with this section.
  - (1) *In general.* One or more of the following provisions may be applicable to a specific use. In such case, the most stringent requirement shall apply.
  - (2) *Bufferyards.* Landscaped bufferyards shall be developed between differing land uses based on this section. These requirements shall be deemed the minimum necessary to achieve compatibility between land uses. Bufferyards shall be developed by the more intense use based on existing contiguous uses, zoning, or land use plan designation, whichever is most intense.
    - a. *Bufferyard requirements.* Bufferyard requirements shall be determined by subtracting the land use intensity factor of the less intense use from that of the more intense use. The various land uses and corresponding intensity factors are shown in the following table. Once the applicable bufferyard calculations have been completed, the resulting number indicates the appropriate bufferyard design type, as shown by the table in paragraph (b)(2) below. Bufferyard requirements shall prevail even if the setback requirements for a building and/or structure are lesser as per the requirements of the zoning district.

TABLE INSET:

Land Use	Intensity Factor
Agriculture: pasture/forestry	0
Agriculture: field/nurseries	4
Agriculture: processing/hatcheries	10
Residential: less than 2 units/acre	1
Residential: 2 - 4 units/acre	2
Residential: 4 - 8 units/acre	3
Residential: 8 - 16 units/acre	4
Residential: greater than 16 units/acre	5
Office: less than .50 ISR <sup>1</sup>	4
Office: .50 - .65 ISR	5
Office: .66 ISR or greater	6
General Commercial: less than .50 ISR	5
General Commercial: .50 - .65 ISR	6
General Commercial: .66 - .80 ISR	7
Highway Commercial/Warehouse: .50 - .65 ISR	7
Highway Commercial/Warehouse: .66 - .80 ISR	8
Highway Commercial/Warehouse: .81 ISR or greater	9
Industrial: Less than .65 ISR	8
Industrial: .65 ISR or greater	9
Industrial: all outside storage	9
Industrial: all outside processes	10

<sup>1</sup> "ISR" refers to Impervious Surface Ratio, or the ratio of impervious (building and paved) surface to total surface area. ISR measurement shall not include landscape buffers along rights-of-way as described in subsection (d) of this section.

- b. *Bufferyard design types.* Bufferyard design types shall be based on the table below, and shall comply with the following additional requirements:
  - i. The number of specified plantings shall be applied for every 100 linear feet of the bufferyard.

TABLE INSET:

Bufferyard Design Type	Width (Feet)	Shade Trees	Understory Trees	Shrubs
1	5	2	2	20
2	10	3	3	30
3	20	4	4	40
4	30	5	6	50
5	40	7	8	60
6	50	8	10	70
7	60	9	12	80
8	70	10	14	90
9	80	10	16	100

- c. *Suggested list of plantings:* Landscape materials used in the required bufferyard plantings is suggested from the given list below:

i. Shade Trees:

- a. Black Olive
- b. Bulnesia
- c. Gumbo Limbo
- d. Flame of the Forest
- e. Bridalveil
- f. Ylang Ylang
- g. Coral Cassia
- h. Apple Blossom Shower
- i. Ceylon senna
- j. Satin Leaf
- k. Pitch Apple
- l. Pigeon Plum
- m. Seagrape
- n. Colville's Glory
- o. Green Buttonwood
- p. Royal Poinciana
- q. Willow Busic
- r. Blolly
- s. Tulipwood
- t. Dahoon Holly
- u. Jacaranda
- v. Queen's Crape Myrtle
- w. Lancepod
- x. Wild Tamarind
- y. Lancewood
- z. Copperpod

- aa. Jamaica Dogwood
- bb. Weeping Podocarpus
- cc. Yew Podocarpus
- dd. Nagi Podocarpus
- ee. West Indian Cherry
- ff. Live Oak
- gg. Paradise Tree
- hh. Mahogany
- ii. Pond Cypress
- jj. Bald Cypress

ii. Understory Trees:

- a. Sweet Acasia
- b. Torchwood
- c. Annatto
- d. Pride of Barbados
- e. Spicewood
- f. Jamaica Caper
- g. White Geiger
- h. Florida Privet
- i. Firebush
- j. Hibiscus "standards"
- k. Henna
- l. Blackbead
- m. Long-Stalked Stopper
- n. Southern Elderberry
- o. Desert Senna
- p. Tetrazygia
- q. Saffron Plum
- r. Locustberry
- s. Weeping Bottlebrush
- t. Limber Caper
- u. Glaucus Cassia
- v. Cocoplum
- w. Various citrus, except grapefruit
- x. Silver Buttonwood
- y. Loquat
- z. Black Torch
- aa. Coral Bean
- bb. White Stopper
- cc. Redberry Stopper
- dd. Spanish Stopper
- ee. Red Stopper
- ff. Lignum Stopper
- gg. Crape Myrtle
- hh. Wild Dilly
- ii. Jaboticaba
- jj. Wax Myrtle
- kk. Twinberry
- ll. Myrsine

- mm. Bitterbush
- nn. Frangipani
- oo. Myrtle Oak
- pp. Winged Sumac
- qq. Yellow Elder

iii. Shrubs:

- a. Croton
- b. Pineland Privet
- c. Peregrina
- d. Maidenbush
- e. Tarflower
- f. American Beautyberry
- g. Staggerbush
- h. Shiny Lyonia
- i. Wax Myrtle
- j. a Palafoxia
- k. Chapman's Oak
- l. Sand Live Oak
- m. Myrtle Oak
- n. Tallowwood; Hog Plum
- o. Cocoplum
- p. Gallberry
- q. Myrsine
- r. Privet Cassia
- s. Soft-leaf Wild Coffee
- t. Rouge Plant
- u. a Leather Fern
- v. Swamp Hibiscus
- w. St. Andrew's Cross

(2) *Optional bufferyard reduction.* The required bufferyard design type may be reduced by one or more levels of intensity as set forth below.

- (a) With the installation of a six-foot high opaque fence or wall, the bufferyard design type may be reduced by one level. Such a reduction shall be permitted when the intensity factor difference is five or greater, and in situations where no fence or wall would otherwise be required by this code.
- (b) Where two differing land uses are located opposite each other across a right-of-way, the bufferyard design type shall be further reduced as follows:

TABLE INSET:

Right-of-way Width	Reduction of Intensity
60 feet or less	1
61 feet to 100 feet	2
101 feet to 150 feet	3
151 feet or more	4

(c) If a water body of 100' or more width exist between two differing land uses then buffer yard may be reduced by an intensity of "1".

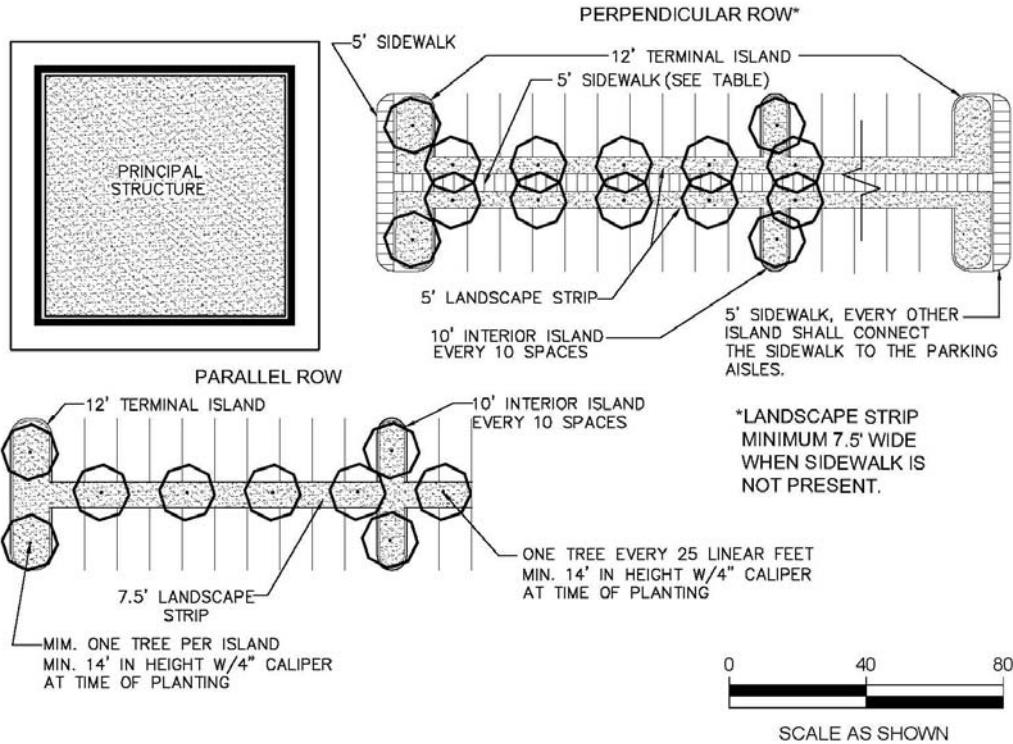
(3) *Provision of bufferyard.*

(a) If a less intense land use is being newly developed abutting an existing higher intense use, then the less intense use shall be required to provide the prescribed bufferyard between the two properties unless an agreement between the two owners exist to mutually and/or collectively provide the prescribed bufferyard in their respective properties.

(i) *Parking lot buffers.* All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3) foot high wall with a seven (7) foot landscaped strip incorporating said planting and/or wall on private property. Planting material at time of planting shall be either a minimum height of eighteen (18) inches with a maximum average spacing of thirty (30) inches on center, or a minimum height of thirty-six (36) inches with a maximum average spacing of forty-eight (48) inches on center.

(j) *Landscaped areas in parking lots.* Ten (10) square feet of landscaped area per parking space shall be provided within a parking lot. In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree per eighty (80) square feet of landscaped area, exclusive of parking lot buffers. Planting areas for each tree shall have a minimum width of five (5) feet, exclusive of the curb dimension, and shall be planted or covered with other landscape materials. This requirement is in addition to any applicable required open space elsewhere in the code. Following regulations shall also apply:

- (1) Landscape islands shall be placed at a minimum interval of 10 parking spaces with a minimum width of 10'.
- (2) Landscape islands that terminate a row of parking spaces shall be a minimum of 12' in width.
- (3) Landscape islands that terminate a row of parking spaces shall be a minimum of 12' in width.



- (4) A landscape strip shall be placed between parallel rows of parking stalls. If the row is,
- i. Parallel to the principal structure, then the minimum width of the landscape strip shall be 7.5 feet.
  - ii. Perpendicular to the principal structure, then a 5' wide walkway shall be placed between rows with a minimum width of 5' foot landscape strip on both sides of the walkway between 1 parallel row of parking spaces. Aforementioned pedestrian walkway connections shall be provided as per the following table based on the respective number of parallel rows of parking spaces:

**Table**

No. of parallel rows* of parking spaces	No. of pedestrian walkways to be provided
5	1
6 to 10	2
11 to 15	3
16 to 20	4
21 to 25	5
26 or more	1 every 6 parallel rows

\*a parallels row consists of two rows of parking stalls

Alternate (every other) landscape islands placed at a minimum interval of 10 parking spaces are required to provide a walkway connecting to the main walkway provided between the two landscape strips as required above.

- iii. Perpendicular to the principal structure and rows that are excluded to include a walkway between the rows, then the minimum width of the landscape strip shall be 7.5 feet.
  
- (5) Each island shall have a minimum of one tree minimum 14' feet in height with a 4" caliper at the time of planting.
- (6) Landscaping between rows shall have one tree for every 25 lineal feet. (we may define type of tree) minimum 14' feet in height with a 4" caliper at the time of planting.
- (7) Buildings shall be connected to the parking lot area and public sideways with an internal system of walkways.
- (8) Where the walkway traverses a drive aisle, pavers, stamped asphalt or a similar material shall be used.
- (9) Full curb shall surround the landscape island.
  
- (k) *Plant quality.*
  - (1) Plants installed pursuant to this Code shall conform to, or exceed, the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants, Part I and II," prepared by the State of Florida Department of Agriculture and Consumer Services.
  - (2) Trees installed pursuant to this Code shall have one (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.
  
- (l) *Stormwater retention/detention areas.*
  - (1) Stormwater retention/detention areas shall be designed to maximize the perimeter dimension, where feasible.
  - (2) Stormwater retention/detention areas shall be planted throughout with native herbaceous facultative plants, with the following exceptions:
    - (a) In areas that are designated and actively used for play and/or picnic areas, overflow parking, or sports shall be planted with grasses which are very drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.
    - (b) In areas where the minimum required stormwater retention capacity would be adversely affected.
  - (3) The minimum required number of native herbaceous facultative plants shall be one (1) plant per square foot of retention/ detention area, including the slope. Minimum required herbaceous plant container size shall be one and one-half (1 1/2) inches, commonly, referred to as a liner. Sprigging, seeding, plugging, hydro-mulching or sodding with native herbaceous facultative plants grown from local seed sources may be used in lieu of



liners. Herbaceous plants shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

- (4) Native facultative trees or shrubs may be used in lieu of native herbaceous facultative plants, provided that the minimum required stormwater retention capacity is not adversely affected.
- (m) *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:
- (1) *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:
    - (a) *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.
    - (b) *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.
    - (c) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
  - (2) *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.

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- (n) *Private parks for residential uses:* All residential developments shall provide a park as per the following table. Provided park space shall be counted towards the minimum open space requirements as per the provisions of the respective zoning districts:

Size of the property (acres)	Minimum size of the public or private park ratio to be provided by the residential developments as per the respective densities and nature. Open space requirements are be credited toward park space						
	(single-family)	Townhome (up to 10 units per acre)	Multifamily Up to 13 units per acre	Multifamily Up to 19 units per acre	Multifamily Up to 25 units per Acre	Community Mixed Use Up to 25 units per acre	Downtown Mixed Use Up to 35 Units per acre
80+	0.02 (per acre)	0.04	0.05	0.06	0.04	0.06	0.06
60-79	0.01	0.05	0.06	0.07	0.05	0.05	0.05
40-59	0.01	0.06	0.08	0.08	0.06	0.04	0.04
20-39	0	0.07	0.09	0.09	0.07	0.03	0.03
10-19	0	0.08	0.10	0.10	0.08	0	0
5-9	0	0.06	0.06	0.04	0	0	0
0-5	0	0	0	0	0	0	0

**Section 7. Landscape plan review criteria.**

Landscape plans shall be reviewed by the Department of Planning and Zoning, and where existing trees or natural forest communities are involved, the Miami Dade County Department of Environmental Resources Management shall review. Landscape plans shall be reviewed in accordance with the following goals and objectives and the guidelines and illustrations provided in the Landscape Manual:

- (a) Landscape design shall enhance architectural features, relate structure design to the site, visually screen dissimilar uses and unsightly views, reduce noise impacts from major roadways and incompatible uses, strengthen important vistas and reinforce neighboring site design and architecture.
- (b) Existing specimen trees, native vegetation (including canopy, understory, and ground cover) and Natural Forest Communities shall be preserved to the maximum extent possible and all requirements of Section 24-50 in Chapter 24 of Miami Dade County.
- (c) In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall

be grouped in hydrozones. Adequate growth area, based on natural mature shape and size shall be provided for all plant materials.

- (d) The plan shall include the use of native plant species in order to re-establish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.
- (e) Trees and shrubs shall be planted in the energy conservation zone where feasible, in order to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.
- (f) Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.
- (g) Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.
- (h) Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks in accordance with Section 6. Fences, walls, bus shelters and hedges. in Chapter VI of this Code.
- (i) Historic landscapes and landscape features designated by local, State or federal governments shall be preserved.

#### **Section 8. Preparer's certification of landscape compliance.**

- (a) A preparer's Certification of Landscape Compliance bearing the original letterhead of the designing firm and licensing number shall be submitted to and approved by the Community Development Department prior to issuance of any final Certificate of Use and Occupancy or Certificate of Completion. The preparer's Certification of Landscape Compliance shall contain a statement, signed and sealed by the landscape architect or by person(s) authorized to prepare plans by Chapter 481, Florida Statutes, who prepared the approved plans, that the landscape and irrigation plans have been implemented and that all requirements of this chapter have been met. Any changes or substitutions to the approved plan shall be approved by the original designing firm prior to the implementation of said changes and substitutions. All changes or substitutions to the approved plan shall be noted on all copies. Changes and substitutions of plant material shall be of similar quality, quantity and size, as originally approved and shall be in compliance with the intent and requirements of this chapter.
- (b) For a new single family, duplex residence on its own lot or applicable existing development, the owner or owner's agent may certify in writing that landscape and irrigation have been installed according to approved plan(s).

- (c) Community Development Department shall have the right to inspect all projects for compliance prior to issuance of a Certificate of Use and Occupancy or Certificate of Completion.
- (d) Municipalities are not required to establish a Preparer's Certification of Landscape Compliance procedure.

### **Section 9. Landscape Manual.**

Landscape Manual adopted by Board of County Commissioners of the Miami Dade County which is available to the public. Said manual provides an illustrative interpretation of the standards provided herein and suggested guides for landscaping in accordance with the above standards.

### **Section 10. Landscape maintenance.**

- (a) An owner is responsible to ensure that landscaping required to be planted pursuant to this chapter, or the ordinances which were in effect prior to the effective date of this chapter, is: (1) installed in compliance with the Landscape requirements; (2) maintained as to present a healthy, vigorous, and neat appearance free from refuse and debris; and (3) sufficiently fertilized and watered to maintain the plant material in a healthy condition.
- (b) If any tree or plant dies which is being used to satisfy current landscape code requirements, such tree or plant shall be replaced with the same landscape material or an approved substitute.
- (c) Trees shall be pruned in the following manner:
  - (1) All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
  - (2) Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.
  - (3) Cutting of lateral branches that results in the removal of more than one-third ( 1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
  - (4) Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds ( 2/3) of the tree.
  - (5) No more than one-third ( 1/3) of a tree's living canopy shall be removed within a one (1) year period.
  - (6) Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

### **Section 11. Prohibitions.**

- (a) *Prohibited plant species.* Prohibited species shall not be planted and shall be removed from any site which is subject to the requirements of this chapter.
- (b) *Controlled plant species.* Controlled species shall not be planted within five hundred (500) feet of a Natural Forest Community or native habitats as defined herein.

- (c) *West Indian Mahogany.* West Indian Mahogany, *Swietenia mahagoni*, shall not be planted within five hundred (500) feet of a rockland hammock or pine rockland.
- (d) *Tree abuse.* Tree abuse is prohibited. Abused trees shall not be counted toward fulfilling the minimum tree requirements.

### Section 12. Enforcement.

- (a) Except during Emergency Phase II and Phase III water restriction periods imposed by the South Florida Water Management District (the "District") as set forth below, the Community Development Department shall withhold approval of a final building inspection prior to the issuance of a Final Certificate of Use and Occupancy or Certificate of Completion until a Preparer's Certification of Landscape Compliance has been submitted and approved.

During Emergency Phase II and Phase III water restriction periods imposed by the District, and subject to written consent by contract purchasers of individual houses or units, the Department is hereby authorized to issue Certificates of Completion and Certificates of Use and Occupancy for residential uses only, without the installation of the plant and tree components of the required landscaping, including right-of-way and street trees, and without the required watering of such landscaping, as needed. However, the landscaping requirements for grass and irrigation must be complied with as set forth in this Chapter. The Landscape Architect on the project shall provide to the Department a good faith written estimate of the installed cost of the required landscaping not being provided on the property because of the restrictions. In order to assure the Department that the required landscaping shall be planted within ninety (90) days after the Emergency Phase II or Phase III Water Restrictions are ended by the District, a Performance and Payment Bond in an amount equal to one hundred and ten (110) percent of the estimated cost of such landscaping shall be provided by the Contractor or owner-builder to the Department prior to the issuance of any Certificate of Completion or Certificate of Use and Occupancy. For the purposes of this subsection, the term contractor is defined as any person, firm, joint venture or corporation indicated on the official permit records of the Building Division as the primary contractor and/or primary landscaping contractor for the project. An owner/builder is additionally considered to be a contractor. Additionally, the contract purchaser for any individual house or unit must covenant in writing that after the Emergency Phase II and Phase III Water Restrictions are ended by the District, that such contract purchaser (who may then be an owner) will not interfere with or refuse to allow the installation of the required landscaping.

- (b) The Planning and Zoning Department shall have the right to inspect the lands affected by this Code.
- (c) Failure to install or maintain landscaping according to the terms of this chapter shall constitute a violation of this Code. Also, failure to plant, preserve, or maintain each individual tree shall be considered to be a separate violation of this Code. Each day in which either landscaping or individual trees are not installed or maintained according to the terms of this chapter shall constitute a continuing and separate violation of this Code. Further, failure by the current

owner or the Contractor to provide the required landscaping and watering of such landscaping within ninety (90) days after the South Florida Water Management District ends the emergency Phase II and Phase III water restrictions shall constitute a violation of this Code.

**Section 13. Conflicts with other ordinances or regulations.**

If this chapter conflicts with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

## CHAPTER VIII. URBAN DESIGN AND ARCHITECTURAL STANDARDS

### Section 1. Architecture Style.

All new buildings must incorporate a recognized architecture style. A recognized architectural style shall be one which is recognized by design professionals as having basis in classical, historical or academic architectural design philosophies. The following shall not be considered recognized architectural styles:

- (a) Corporate signature or commercial prototype architecture, unless such is consistent with other requirements of this chapter.
- (b) Any architecture having a historical reference which is so unique and different from current design philosophy that such reference is inconsistent and incompatible with surrounding structures. Examples of such include igloos, tepees, medieval castles, caves and the like.
- (c) Any kitsch architecture which does not resemble a typical structure, but resembles an exaggerated plant, animal, fish, edible food or other such item such as giant oranges, ice cream cones, dinosaurs and the like.

### Section 2. Ancillary Design regulations

- (a) Mechanical equipment shall be screened with either landscaping or wall. All wall mounted mechanical equipment must be painted to match the building and shall be placed on the side and/or rear of the building. Any mechanical equipment on the rooftop shall be screened from the right-of-way using architectural features such as parapets etc. Townhomes shall meet the provisions given below.
- (b) All mechanical equipment for townhomes, surface and wall mounted, shall be placed on the side of the building which shall be screened with either landscaping or wall.
- (c) All downspouts shall be architecturally compatible with the building.
- (d) Dumpster enclosures shall be architecturally compatible with the principal building, and must include an opaque gate.
- (e) As required in section 4. of Chapter XI, all electrical installations between the FPL transformer and the service side of the metering device shall be installed underground. No overhead installation of electrical services shall be allowed in any district. Existing services/meter undergoing replacement or repairs shall comply with this requirement.
- (f) As required in section 6 of Chapter XI, the installation of centralized distribution is required for video and internet satellites, terrestrial antenna, cable TV provider, and wireless signal in new residential and commercial developments, as well as in restoration work comprising of more than 50% of the building value.

**Section 3. Compliance with Doral Boulevard Study**

- (a) All developments fronting Doral Boulevard shall comply with the urban design, architectural design and landscape regulations recommended in "Doral Boulevard Study".

**Section 4. Building Architecture Regulations**

- (a) To prevent long stretches of repetitive and undifferentiated wall planes, a building shall be designed in a manner that reduces its apparent bulk by visually dividing the façade into smaller segments that create a complementary pattern or rhythm and divide large buildings into smaller identifiable pieces. Building proportions with strong vertical emphasis that exaggerates building height are to be avoided.

- (1) At least two of the following methods shall be used on all facades of a building:

- i. A minimum step back (recess) or projection of the façade three feet or more for at least twenty-five percent (25%) of the façade area.
- ii. Architectural design elements, such as porches, canopies, towers, dormers, bay windows, balconies, and distinctive entry features that provide depth to the façade by breaking up a minimum of twenty five percent of the façade area.
- iii. Variation of roof and/or roof wall height to visually break up at least twenty-five (25%) percent of the façade, such as by use of multiple roof, roof pitches, dormers, and/or parapet heights.
- iv. Horizontal and/or vertical variation in texture, or materials and architectural detailing with elements, such as cornices, friezes, reliefs, dentils, architraves, pediments, pilasters, frest, quoins, corbels, to distinguish floors and adjoining units or to signify various elements of the building.

(b) *Façade Treatments:*

- (1) Building facades facing major roadways and pedestrian corridors shall incorporate appropriate architectural features to enhance the aesthetic environment.
- (2) These features must conform to the chosen style of the building, and must include cornice detailing, ornamentation, moldings, changes in materials and textures, color variations, and other architectural sculpting that enhances the ground level and adds interest and appeal to the building's exterior.
- (3) Architectural detailing is highly desired and recommended.

(c) *Façade Materials:*

- (1) Building facades shall incorporate architectural features that enhance the aesthetic quality of the built environment.
- (2) Materials used shall complement the architectural style of the building.



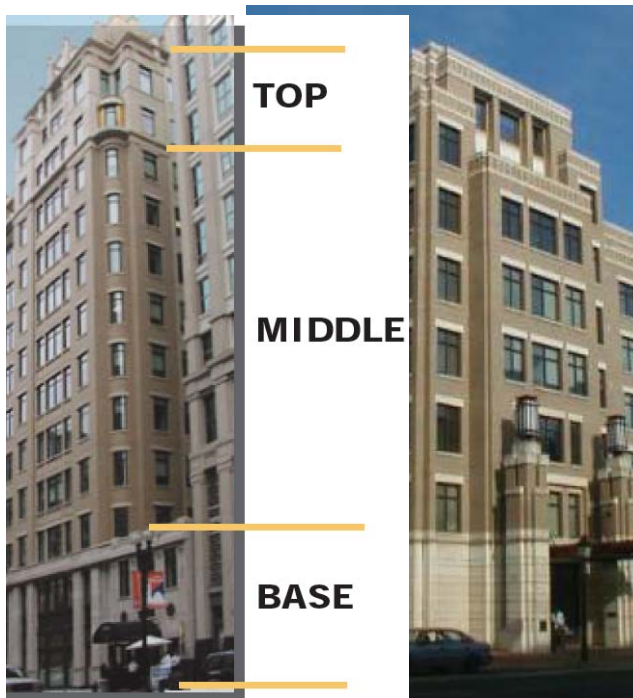
- (3) City highly encourages façade materials that vary in texture and type to accentuate entrances, exits, windows, corners, level changes, and other architectural features.

(d) *Building Entrance and Parking:*

- (1) Building entrances or entry features shall be easily identified/visible from the major street and proportionate to the scale of the building design through the use of building elements such as:
  - i. Recessed or projected entryways, canopies, porches, or porticos.
  - ii. Varying rooflines
  - iii. Changes in material and/or color.
- (2) Building entrances shall provide a pedestrian connection (sidewalk, paved crosswalks) to the adjoining public sidewalk or street and the private parking area.
- (3) All buildings shall be oriented and/or designed in such a way that rear yard of the building shall not face the public local and quarter-section line roadways.

- (e) Windows and doors shall be defined with decorative details such as frames, sills, lintels, shutters, planters, relief trims, or moldings. Trim or molding shall be at least four inches of nominal width to qualify as a special element.

(f) *Building Envelope:*



All buildings above 5 stories shall be visually organized with three basic elements the “base” the “middle”, and the “top”. The “base” is generally two to five stories high and is scaled and detailed for appreciation by the pedestrian. The “base” includes the building entries, retail facades and show windows, awnings and porte-cocheres designed together to anchor the building to the ground. The “middle” of the building contains the building’s primary uses and generally visually repeats an architectural theme or rhythmic pattern(s). The “top” terminates the building at the sky with an architectural cornice or special building elements.

Figure. VIII-2 - Building envelope for buildings taller than 5 stories.

- (g) *Prohibited Features:* Horizontal uninterrupted or continuous banding of windows and/or a regular horizontal expression of floor slabs should be avoided.



Figure. VIII-1 – Prohibited Features

### Section 5. Tile district overlay architecture regulations

- (a) *Purpose:* The purpose of the tile overlay district is to achieve and maintain a unified and pleasing aesthetic/visual quality of built environment and to create an unique identity to the well known businesses in the area.
- (b) *Boundary:* This section is applicable for all developments in the tile district, which is an area bound by NW 82<sup>nd</sup> Avenue, NW 36<sup>th</sup> Street, Palmetto Expressway, NW 25<sup>th</sup> Street, NW 29<sup>th</sup> Street, NW 87<sup>th</sup> Avenue, NW 25<sup>th</sup> Street and NW 97<sup>th</sup> Avenue.
- (c) *Applicability:* Whenever the requirements of the tile district overlay impose a more or less restrictive standard than the provisions of any other statute or covenant, the requirements of the tile district shall govern.
- (d) *Building Architectural Regulations:*
- (1) To accent the character of tile district, for every 50 linear feet of walls visible from roadways or parking areas, changes in building material/color or varying edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings, landscaping or storefront shall be incorporated.
  - (2) No detached ground signs other than monument signs are permitted in tile district. Following design elements shall be incorporated:
    - a. Twenty five (25%) of the sign area shall include any kind of tile to signify the business in the area.
    - b. No use of florescent colors shall be permitted.
    - c. Sign design shall unify with building architectural elements and material.
- (e) All on site service areas, loading zones and outdoor storage areas, waste storage, disposal facilities, and similar activities shall be, wherever practical, located in an area not visible from a public street or open space. If this is not practical, then such areas must be screened from public view. Acceptable forms of screening include a masonry or wood enclosure compatible with the building design.

- (f) Provisions shall be made on each lot or parcel for any necessary vehicle loading. No on-street loading maneuvering shall be permitted.

## CHAPTER IX. ROADS AND VEHICULAR USE AREAS

### Section 1. Purpose and intent.

To ensure effective, efficient and safe design of vehicular use facilities, the following chapter specifies criteria for all development as stated herein. This chapter is intended to serve the following purposes:

- (a) Maintain functional roadway capacity and travel speeds by requiring traffic analyses for new development to determine the need for transportation improvements.
- (b) Promote safe and well-designed traffic patterns and enhance functional roadway capacity by maintaining standards for access control.
- (c) Provide adequate parking and loading spaces for specific uses within the city.
- (d) Establish standards for bicycle parking for specific uses within the city.
- (e) Establish positive design standards for the layout and construction of vehicular use areas which promote safe and logical traffic patterns.
- (f) Provide required stacking area for drive-through facilities.
- (g) Provide for construction of sidewalks and bikeways to maintain safe bicycle and pedestrian movements, and to encourage use of alternative transportation.
- (h) Establish ultimate right-of-way widths for roadways within the city network.

### Section 2. General provisions.

- (a) *Traffic analysis required.* New development proposed within the city shall be required to provide a traffic analysis in accordance with the requirements established for concurrency review of this code.
- (b) *Transportation improvements required.*
  - (1) *Turning lanes.*
    - a. Left turn lanes. A left turn lane with a minimum of 150 feet of storage and 100 feet of transition shall be provided at each access point with an average daily trip end [volume] of 1,000 vehicles or more, and/or an average peak hour inbound left turn volume of 25 vehicles or more. Increased storage and transition lengths may be required by the city to provide for all deceleration outside the through lane.
    - b. Right turn deceleration lanes. A right turn deceleration lane with a minimum of 150 feet of storage and 100 feet of transition shall be

required at each access point when the speed limit equals or exceeds 35 miles per hour or if the development will generate 100 or more right turn movements during the peak hour. Increased storage and transition lengths may be required by the city to provide for all deceleration outside the through lane.

- (2) *Intersection improvements.* At any intersection which abuts the development, the following improvements shall be provided:
  - a. A right turn lane shall be provided if the speed limit of the street equals or exceeds 35 miles per hour and if the development will generate 100 or more right turns during the peak hour.
  - b. A left turn lane shall be provided if the speed limit of the street equals or exceeds 35 miles per hour and if the development will generate 25 or more left turns during the peak hour, provided sufficient right of way is available or can be acquired without significantly altering the alignment of the roadway.
  
- (3) *Access drive.* The design of access drives shall be in accordance with the following provisions:
  - a. *Minor driveway entrance.* This driveway type shall be provided for a maximum daily trip end volume of 500 vehicles and/or a maximum average peak hour volume of 50 vehicles. The minimum distance from the street right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 35 feet, measured perpendicular from the street. The city may require a turn lane of twelve 12 feet in width, with minimum 150 feet of storage and 100 feet of transition, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.
  
  - b. *Intermediate driveway entrance.* This driveway type shall be provided for a maximum average daily trip end volume of 1,500 vehicles and/or a maximum average peak hour volume of 150 vehicles. The minimum distance from the street right-of-way line at any ingress or egress intermediate driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 60 feet, measured perpendicular from the street. A minimum turn lane 12 feet wide, with minimum 150 feet of storage and 100 feet of transition shall be provided, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.
  
  - c. *Major driveway entrance.* This driveway type shall be provided for a maximum average daily trip end volume of 5,000 vehicles and/or maximum average peak hour volume of 500 vehicles. The minimum distance from the street right-of-way line at any ingress or egress major driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 100 feet, measured perpendicular from the street. A minimum turn lane 12 feet wide, with minimum 200 feet of storage and 100 feet of transition

shall be provided, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.

- d. Major driveway signalized. Any major drive requiring a traffic signal shall conform to those warrants specified in the Manual of Uniform Traffic Control Devices (MUTCD) in addition to the following minimum requirements:
  1. The installation of any traffic signal shall be subject to the approval of the appropriate jurisdiction responsible for the roadway upon which the signal is to be installed.
  2. A continuous right turn lane shall be provided at all driveway locations where posted speeds are 35 miles per hour or greater and the total driveway volume of the development meets or exceeds 20 percent of the one-way directional flow on the street from which the driveway is provided access.
- (4) *Traffic control signs.* Traffic control signs shall be provided on-site and off-site in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
- (5) *Pavement markings.* Pavement markings shall be provided in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
- (6) *Bus stops.* New commercial developments exceeding 50,000 square feet in gross floor area and all new residential developments of more than 200 dwelling units shall provide on-site space for bus stops if located on an existing or proposed bus route. Such bus stops shall be separate and adjacent to travel lanes.
- (c) *Classification of streets.* For purposes of this code, streets shall be classified as they are identified for future functional classification in the comprehensive plan.

### Section 3. Access control.

- (a) *In general.* The following regulations are designed to promote the safety of vehicular and pedestrian traffic, minimize traffic congestion, promote roadside aesthetics and enhance the functional capacity of roads and highways in the City of Doral. These regulations shall be in addition to those imposed by the Florida Department of Transportation and the Miami Dade County on roads under their jurisdiction[s].

Where recorded cross-access easements exist, all properties with cross-access shall be considered as one parcel under the provisions of this section. Further, where two or more of these regulations conflict, the more stringent requirement shall apply.

- (b) *Number of entrances.* All parcels shall be allowed one access point, consisting of one two-way driveway or a pair of one-way driveways, except for those properties restricted by subdivision plats or otherwise stated herein. The minimum frontage to allow two access points shall be as follows:

TABLE INSET:

Driveway Classification**	Section Line Rd	Half Section Line Rd	Quarter Section Line Rd	Local
Residential A	*	*	100'	75'
Residential B	*	200'	150'	125'
Light commercial	500'	400'	300'	200'
Heavy commercial	500'	450'	350'	300'

\*Undesirable uses on roads of this classification and generally not permitted.

\*\* Driveway Classification

*Residential A driveway.* An accessway serving a single-family detached, single-family attached or multifamily building of four units or less.

*Residential B driveway.* An accessway serving a multifamily development of five to 25 units.

*Light commercial driveway.* An accessway serving office and nonresidential uses of 80,000 square feet or less, and multifamily development of more than 25 units.

*Heavy commercial driveway.* An accessway serving office and nonresidential uses of more than 80,000 square feet, warehouse and industrial uses, and other uses with heavy truck traffic.

A third access point may be allowed for properties with at least two times the frontage cited above.

- (c) *Distance between access points and intersections.* Access points upstream from intersections of higher or similar classification to the accessed road should be located as far as feasible from the intersection to provide for stacking and protection of left turn movements. Minimum distance from the intersecting right-of-way line to nearest edge of driveway shall be as follows:

TABLE INSET:

	Section Line Rd	Half Section Line Rd	Quarter Section Line Rd	Local
Residential A	*	*	45'	30'
Residential B	*	60'	60'	45'
Light commercial	150'	120'	90'	60'
Heavy commercial	200'	150'	105'	60'

\*Undesirable uses on roads of this classification and generally not permitted.

- (d) *Distance between two-way access points on one parcel.* The minimum distance between two two-way access point centerlines on one parcel shall be as follows:

TABLE INSET:

	Section Line Rd	Half Section Line Rd	Quarter Section Line Rd	Local
Residential A	*	*	80'	50'
Residential B	*	140'	120'	75'
Light commercial	350'	280'	210'	140'
Heavy commercial	350'	315'	245'	140'

\* Undesirable uses on roads of this classification and generally not permitted.

- (e) *Distance between access point and property line.* The minimum distance between the nearest edge of an access drive and any property line without a cross-access easement shall be as follows:

TABLE INSET:

	Section Line Rd	Half Section Line Rd	Quarter Section Line Rd	Local
Residential A	*	*	7.5'	5'
Residential B	*	10'	10'	7.5'
Light commercial	25'	20'	15'	10'
Heavy commercial	25'	22.5'	17.5'	10'

\* Undesirable uses on roads of this classification and generally not permitted.

- (f) *Width and radii of access drives.* Width of two-way driveway access and radii shall be within the dimensions specified below. Actual width and radii shall be based on a) classification of the roadway, b) number of entrances to the parcel, and c) expected traffic demand, including truck usage.

TABLE INSET:

	Width		Radius	
	Minimum	Maximum	Minimum	Maximum
Residential A	18'	24'	5'	10'
Residential B	20'	24'	10'	20'
Light commercial	24'	30'	20'	35'
Heavy commercial	24'	35'	25'	40'



Where one-way turning motions are dictated, reverse radii with a 2.5-foot radius bullnose shall be provided.

(g) *Single-family and duplex drives.*

(1) *Dimensions.* The following dimensions shall apply to drives within the front yard setback of all single-family and duplex dwellings.

TABLE INSET:

	Width		Minimum Lot Frontage
	Minimum	Maximum*	
Standard drive	10'	20'	N/A
Circular drive	10'	12'	75'
Standard drive with circular drive	10'	20'**	75'

\*Driveways in excess of the maximum width may be approved by the administrative official when such driveway width is proportional to the size of the residence, the number of garage parking spaces, and the size of the lot. To mitigate the impact of a driveway in excess of the above stated maximum width, the administrative official may require alternative paving surfaces, landscaping, screening, or other devices necessary to achieve the intent of this chapter.

\*\*Maximum width shall only be permitted for the portion of the circular drive which diverges to create a standard drive.

Residential Driveway Dimensions

(2) *Maximum coverage.* Driveway and parking coverage within the front yard area shall not exceed 60 percent. Both pervious and impervious surfaces shall be considered in calculating whether the foregoing standard has been exceeded.

(3) *Visual screening.* Any parking or driveway area which is not perpendicular to the right-of-way and located within the building setback shall be screened from view with a minimum of 3-foot high hedge or berm. This requirement shall not apply to second drives for corner lots.

(h) *Limited use service drives.* The provisions of this chapter shall not generally apply to limited use service drives. Dimensions regarding this type of drive shall be determined based on the specific traffic safety considerations of the location and proposed use of the drive.

(i) *Existing curb cuts.* New development and renovation/rehabilitation of existing sites shall be required to remove all abandoned existing curb cuts adjacent to the site. Such removal shall include repair of the curb, sidewalk and landscaped area as necessary.

(j) *Variations.* Where the department concurs that unique traffic engineering considerations exist on a specific site, variations from this chapter may be authorized through the development plan approval process, or at the time of

building permit application for one-family and two-family residences. However, if the department objects to a proposed variance from this chapter, a formal variance shall be requested in accordance with provisions for such in this code.

#### Section 4. Parking.

(a) *General Provisions.*

(1) *Off-street parking required.* Off-street parking facilities shall be provided for all development within the city pursuant to the requirements of this code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

(2) *Computation.*

- a. Number of spaces. When the number of off-street spaces required by this code results in a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.
- b. Places of public assembly.
  1. Benches. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each 18 inches of the seating facilities shall be counted as one seat.
  2. Fixed seats and assembly areas. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
  3. Square feet. Unless otherwise stated herein, square feet shall be defined as gross floor area. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

(b) *Required off-street parking spaces.*

(1) *Minimum requirements.* The matrix below specifies the required minimum number of off-street motor vehicle and bicycle parking spaces, the percentage of motor vehicle spaces that must be allotted for compact vehicles, and in the notes, any special requirements that may apply.

(2) *Uses not listed.* The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the city based upon information provided by the applicant. Applicable information shall include requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this code.

(3) *Multiple uses.* Where a combination of uses is proposed for development, parking shall be provided for each of the uses as prescribed by the matrix, unless reduction is granted pursuant to [subsection] (d)(3) of this section.

(4) 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 South Florida Building Code.

(5) *Matrix.*

TABLE INSET:

Use	Minimum Off-Street Parking Requirement	Required Bicycle Spaces
Single-family detached	1, 2 and 3 bedrooms: 2 spaces/unit (a), (b); 4+ bedrooms: 3 spaces/unit (a), (b)  (a) If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking shall be required. The visitor parking shall be located 100 feet from the unit's street frontage.  (b) Resident parking spaces may be tandem.	0
Multifamily:		
Resident parking (c)	1 and 2 bedrooms: 2 spaces/unit; 3 or more bedrooms: 3 spaces/unit	.10 per required parking space
Visitor parking	.25 spaces/unit	

TABLE INSET:

Use	Minimum Off-Street Parking Requirement	Required Bicycle Spaces
Hotels, rooming houses	One (1) space/first forty (40) individual guest rooms or suites; one (1) additional space/ two (2) guest rooms thereafter; one (1) parking space/four (4) employees; public meeting rooms and restaurants shall provide additional parking as per respective uses in this matrix.	0
Motels, tourist courts and transient accommodations	One (1) space/sleeping rooms or bedroom.	0
Churches	One (1) space/fifty (50) square feet of the seating area in the main auditorium (sanctuary), including adjacent area that may used as part of the auditorium.	.10 per required parking space

Use	Minimum Off-Street Parking Requirement	Required Bicycle Spaces
Hospitals	One (1) parking space/first three hundred (300) beds and one additional space for every two (2) additional beds thereafter; one (1) space/three (3) employees and resident staff members.	.10 per required parking space
Sanitariums, convalescent homes, homes for the aged and similar institutions	One (1) space/two (2) beds for patients and one (1) space/two (2) employees.	.10 per required parking space
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	One (1) space/two hundred and fifty (250) sq.ft. feet of the gross floor area or fraction thereof.	.10 per required parking space
For the above mentioned retail uses within enclosed malls in excess of three hundred thousand (300,000) sq.ft.	One (1) space/three hundred and fifty (350) sq.ft of the gross floor area or fraction thereof, excluding theaters, restaurants, and food courts that shall provide parking spaces as per the respective uses in this matrix.	.10 per required parking space
Auto dealership showrooms		0
Garage and gas station bay areas and similar uses	Three (3) parking spaces/first twenty-five hundred (2,500) sq.ft. of floor area or fraction thereof; one (1) parking space/each additional five hundred (500) square feet of gross floor area or fraction thereof; and Three (3) parking spaces/five thousand (5,000) sq.ft of open lot area or fraction thereof. Parking spaces for office and retail parts areas shall be provided as per the respective uses in this matrix.	0
Furniture showrooms	<p>1) Three (3) spaces/first twenty-five hundred (2,500) sq.ft. of floor area or fraction thereof; one (1) space /additional five hundred (500) sq.ft. of gross floor area or fraction thereof.</p> <p>2) If located in a business district; the development shall illustrate future parking spaces based on a calculation of one (1)</p>	0

Use	Minimum Off-Street Parking Requirement	Required Bicycle Spaces
	space for two hundred fifty (250) sq.ft. of gross floor area or fraction thereof, which shall be provided if the furniture use is discontinued. The lot area reserved for future parking spaces shall remain unencumbered with any structures and shall be landscaped. This area shall not be credited towards the minimum required open space.	
Home improvement centers, including all storage/sales areas.	One (1) space/two hundred fifty (250) sq.ft. of gross floor area or fraction thereof.	0
Plant nurseries	Eight (8) spaces/first acre or fraction thereof; one (1) additional space/(2) acres thereafter up to 10 acre; one (1) additional space/ five (5) acres or portion thereof thereafter.	0
Packing plants	One (1) space per 1,000 sq.ft. of gross floor area or fraction thereof.	0
Open lot commercial uses such as, but not limited to, used care lots, storage yards and recreational vehicle sales lots	Five (5) spaces for first five thousand (5,000) sq.ft. of net lot area or fraction thereof; and one (1) space/additional five hundred (500) sq.ft. of net lot area so used. Space shall be reserved for customer and employee parking only and shall be labeled as such.	0
Self service gas station/mini marts	One (1) space/two hundred fifty (250) sq.ft. of gross floor area or fraction thereof, with a minimum of three (3) spaces designed not to interfere with the dispensing operation.	0
Wholesale showrooms in the industrial districts	One (1) space/six hundred (600) sq.ft. of showroom area or fraction thereof.	0
Any other commercial uses not identified above	Three (3) spaces for the twenty-five hundred (2,500) square feet of gross floor area or fraction thereof and one (1) space/additional five hundred (500) sq.t. of gross floor area or fraction thereof.	.10 per required parking space
Restaurants, lounges, nightclubs, or similar places dispensing food, drink or refreshments.	One (1) space/45 sq.ft. of patron area. 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.	.10 per required parking space
Art galleries, amusement	One (1) space/two hundred fifty (250) sq.ft.	.20 per

<b>Use</b>	<b>Minimum Off-Street Parking Requirement</b>	<b>Required Bicycle Spaces</b>
centers, cultural centers, libraries and museums	of gross floor area or fraction thereof.	required parking space
Banquet halls, bingo halls, convention hall and private clubs	One (1) space/100 sq.ft. of patron area or fraction thereof.	.10 per required parking space
Bowling alleys, skating rinks, and indoor gun ranges	One (1) space/250 sq.ft. of gross floor area or fraction thereof. Office, retails and restaurant areas in conjunction herewith shall have parking provided as otherwise contained in this matrix.	.10 per required parking space
Dance, karate and aerobic schools and health/exercise studios	One (1) space/one hundred (100) sq.ft. of classroom area or fraction thereof. Office, retails and restaurant areas in conjunction herewith shall have parking provided as otherwise contained in this matrix.	.10 per required parking space
Golf courses	Three (3) parking spaces per hole plus three (3) additional parking spaces. Office, retail and restaurant areas in conjunction herewith shall have parking provided as otherwise contained in this matrix.	.10 per required parking space
Stadiums and basketball gymnasiums	One (1) space/ four (4) seats	.10 per required parking space
Commercial tennis and racquetball clubs	Four (4) spaces/court. Office, retails and restaurant areas in conjunction herewith shall have parking provided as otherwise contained in this matrix.	.10 per required parking space
Theaters, including movie theaters, and general auditoriums	One (1) space/one hundred (100) sq.ft. of auditorium seating area or fraction thereof.	.10 per required parking space
Open lot recreation use	Shall be determined by the director on a basis of one (1) space/four (4) persons.	.10 per required parking space
Day nurseries, kindergarten, and elementary schools	Total parking spaces shall equal the combined total of personnel and transportation vehicles.	.10 per required parking space

Use	Minimum Off-Street Parking Requirement	Required Bicycle Spaces
Junior high schools	Total parking spaces shall equal one and one-quarter (1 ¼) times the combined total of personnel and transportation vehicles.	.10 per required parking space
High schools, trade schools and colleges	<p>One (1) parking space per two hundred (200) square feet of classroom area, including laboratories, libraries and administrative areas.</p> <p>Housing facilities on campus must provide two(2) spaces/three (3) sleeping rooms.</p> <p>One (1) space/four (4) employees, excluding teachers.</p> <p>Other uses such as office, retail, auditorium, restaurant etc. in conjunction herewith shall have parking provided as otherwise contained in this matrix.</p>	.10 per required parking space
Office, professional building or similar uses	One (1) space/ three hundred (300) square feet of gross floor area or fraction thereof.	.10 per required parking space
Warehouses	<p>One (1) space/one thousand (1,000) sq.ft. of gross warehouse floor area up to ten thousand (10,000) sq.ft.; one (1) space/two thousand (2,000) sq.ft. of gross warehouse floor area thereafter.</p> <p>Regardless of use mix, a minimum of two (2) parking spaces/each bay.</p> <p>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.</p> <p>The formula requiring the greatest number of parking spaces shall be applied in determining the number of spaces to be determined.</p>	0
Open lot or walled-in uses such as salvage yards, batching plants, precast or prestressed concrete products	Greater number of the following two options: Two (2) spaces/five thousand (5,000) square feet of lot area or one (1) space/two (2) employees.	0

Use	Minimum Off-Street Parking Requirement	Required Bicycle Spaces
or other similar uses.	Such parking spaces shall be located no farther than one thousand five hundred (1,500) feet from the subject industrial site. Such non-contiguous property to be used for parking shall be located in business and industrial zoning districts.	
Telecommunication hub	<p>One (1) parking space/two thousand (2,000) sq.ft. of gross floor area.</p> <p>Office uses provided in conjunction with industrial uses shall have parking spaces provided for such areas as otherwise contained in this article.</p> <p>Subsequent change in use from a telecommunication hub to a permitted alternative use shall conform to the parking standards otherwise contained in this article. A variance to reduce the number of required parking spaces shall not be granted solely on the basis of a proposed change use from an existing telecommunications hub. To an alternative use.</p>	0
Self-service storage facilities	<p>One (1) space/five thousand (5,000) sq.ft. of building area for the first twenty thousand (20,000) square feet of building; one (1) space/ten thousand (10,000) sq.ft. of building area thereafter.</p> <p>One (1) space for managers apartment where provided. One (1) space/four hundred (400) sq.ft. of gross office area or fraction thereof.</p> <p>A minimum of five (5) spaces shall be provided for any self service storage facilities.</p>	0
Housing for low and/or moderate income for older persons and/or persons with disabilities		.10 per required parking space



(c) *Special parking spaces.*

- (1) *Parking for handicapped persons.* Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of the applicable Florida Statutes, or succeeding provisions.

Parking spaces required for the handicapped may be counted as parking spaces in determining compliance with this chapter. All spaces for the handicapped shall be paved.

(2) *Bicycle parking.*

- a. Bicycle racks or other acceptable bicycle parking devices shall:
1. Be designed to allow each bicycle to be supported by its frame.
  2. Be designed to allow the frame and wheels of each bicycle to be secured against theft.
  3. Be designed to avoid damage to the bicycles.
  4. Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.
  5. Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.
  6. Be located to prevent damage to bicycles by cars.
  7. Be consistent with the surroundings in color and design and be incorporated wherever possible into building or street furniture design.
  8. Be located in convenient, highly-visible, active, well-lighted areas.
  9. Be located so as not to interfere with pedestrian movements.
  10. Be located as near the principal entrance of the building as practicable.
  11. Provide safe access from the spaces to the right-of-way or bikeway.

(d) *Adjustments to requirements.*

- (1) *Reduction for mixed or joint use of parking spaces.* The city may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use may be approved if the following conditions are met:

- a. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
- b. The developer submits a legal agreement approved by the city attorney guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this code.

- c. The structures and facilities provided for one or both of the uses are specialized to the degree that no change in use resulting in greater parking demand could take place without expensive reconstruction necessitating a development permit and development plan review.
  - d. If the properties are under separate ownership and control, a written easement and agreement shall be recorded at the applicant's expense, specifying the conditions of such joint use. This agreement shall be approved by the city attorney.
- (2) *Reduction to achieve compliance with other code requirements for existing developments.* The city may authorize a reduction in the total number of required parking spaces for existing developments when such reduction is proposed in conjunction with renovation, redevelopment or reuse of the site as part of the development plan approval process. In reviewing the reduction, the city shall consider the extent of the reduction, the degree to which the site is brought into compliance with current code requirements as a result of the reduction, the historical parking utilization of the subject property, the impact such reduction may have on adjoining properties and parking facilities, and any other concern which may be deemed significant by the administrative official.

**Section 5. Loading.**

- (a) *In general.* Spaces to accommodate off-street loading of business vehicles shall be provided as required below.
- (b) *Required loading spaces.*

TABLE INSET:

Use	Square Footage of Floor Area	Number of Spaces
Auditoriums, gymnasiums, stadiums, theaters and other buildings for public assembly	10,000--50,000	1
	50,001--100,000	2
	Over 100,000	3
Convenience stores and restaurants	0 to total floor area	1
Hotels, motels, and other similar uses	30,000--60,000	1
	Each additional 30,000 or fraction thereof	1
Industrial, manufacturing and warehouse uses	3,000--15,000	1
	15,001--30,000	2
	Each additional 15,000 or fraction thereof	1
Multifamily uses	50,000 in one building, for each building	1

Offices and financial institutions	10,000--30,000 30,001--60,000 Each additional 30,000 or fraction thereof	1 2 1
Retail commercial, service and commercial entertainment uses	5,000--10,000 10,001--30,000 Each additional 20,000 or fraction thereof	1 2 1
Schools, hospitals, nursing homes and other similar institutional uses	10,000--50,000 Each additional 50,000 or fraction thereof	1 1

**Section 6. Design standards for off-street parking and loading areas.**

(a) *Location.*

- (1) Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.
- (2) The city may approve a special exception for off-site parking facilities as part of the parking required by this code if:
  - a. The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
    1. Be designed to allow each bicycle to be supported by its frame.
    2. Be designed to allow the frame and wheels of each bicycle to be secured against theft.
    3. Proximity of the off-site spaces to the use that they will serve.
    4. Ease of pedestrian access to the off-site parking spaces.
    5. Whether off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
  - b. The location of off-site parking spaces will not create unreasonable:
    1. Hazards to pedestrians.
    2. Hazards to vehicular traffic.
    3. Traffic congestion.
    4. Interference with access to other parking spaces in the vicinity.
    5. Detriment to any nearby use.
  - c. The developer supplies a written agreement or attaches off-site parking by deed to the parcel to which such parking is designed to serve, approved in form by the city attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
- (3) All parking spaces required by this code for residential uses should be located no further than the following distances from the units they serve:

- a. Resident parking: 200 feet.
- b. Visitor parking: 250 feet.

Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

(b) *Size.*

(1) *Parking spaces.*

- a. A standard parking space shall be 9 feet wide and 19 feet long.
- b. A standard parking space located in a structured parking facility shall be 8 1/2 feet wide and 18 feet long for structured parking.
- c. Parallel parking spaces shall be a minimum of ten feet wide and 22 feet long.
- d. A tandem parking space is a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space. Tandem parking spaces shall be a minimum of ten feet wide and 20 feet long, and may only be used for residential uses in accordance with requirements of this chapter.
- e. A standard motorcycle parking space shall be 4 1/4 feet long.
- f. Spaces for handicapped parking shall be the size specified by the applicable Florida Statutes.

- (2) *Loading spaces.* The standard off-street loading space shall be 12 feet wide, 25 feet long, provide vertical clearance of 15 feet, and provide adequate area for maneuvering, ingress and egress. The city may require the length of one or more of the loading spaces to be increased up to 55 feet if full-length tractor-trailers are anticipated to be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

(c) *Layout.*

(1) *General requirements.*

- a. Pedestrian and bicyclist circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
- b. Parking and loading areas, aisles, pedestrian walks, bikeways, landscaping, and open space shall be designed as integral parts of an

overall development plan and shall be properly related to existing and proposed buildings.

- c. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
  - d. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
  - e. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family, two-family residence or townhouse shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the city based on the size and accessibility of the driveway. Attached garages for two-family and townhouses, and attached and detached garages, shall not be counted as a parking space when calculating the amount of required parking spaces.
  - f. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
  - g. Parking spaces for all uses, except single-family and two-family residences and townhouse units with attached garages, shall be designed to permit entry and exit without moving any other motor vehicle.
  - h. No parking space shall be located so as to block access by emergency vehicles.
  - i. No designated off-street parking or loading space or drive shall be located within ten feet of any multifamily structure or within three feet of any other building or structure which such vehicular facility is intended to serve.
  - j. Dead-end aisles with adjoining parking spaces shall have an extension of the aisle a minimum of five feet beyond the last space to provide for vehicular maneuvering.
- (2) *Dimensions.* The following table and illustration prescribe the required minimum dimensions of all parking spaces.

Minimum Dimensions for Parking Spaces

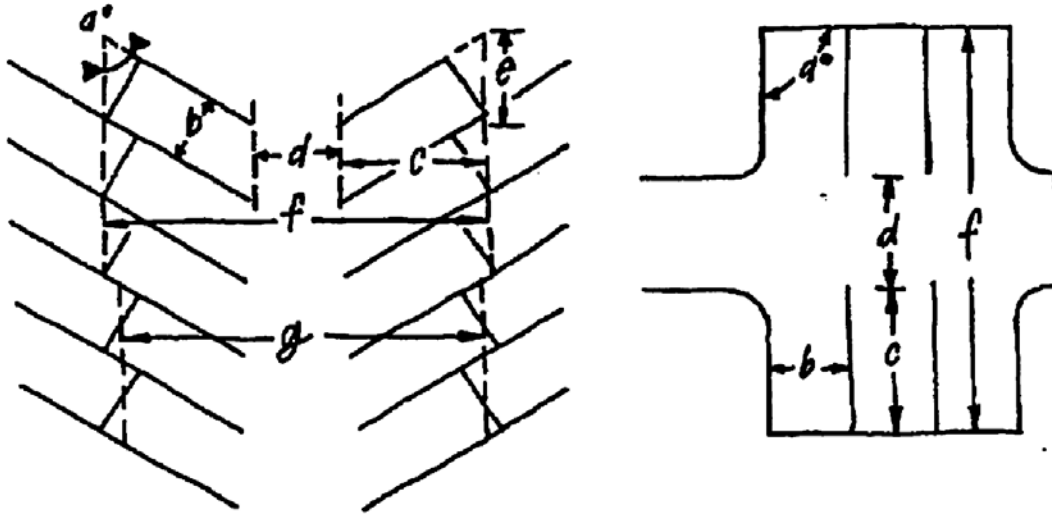


TABLE FOR PARKING LOT DIMENSIONS

TABLE INSET:

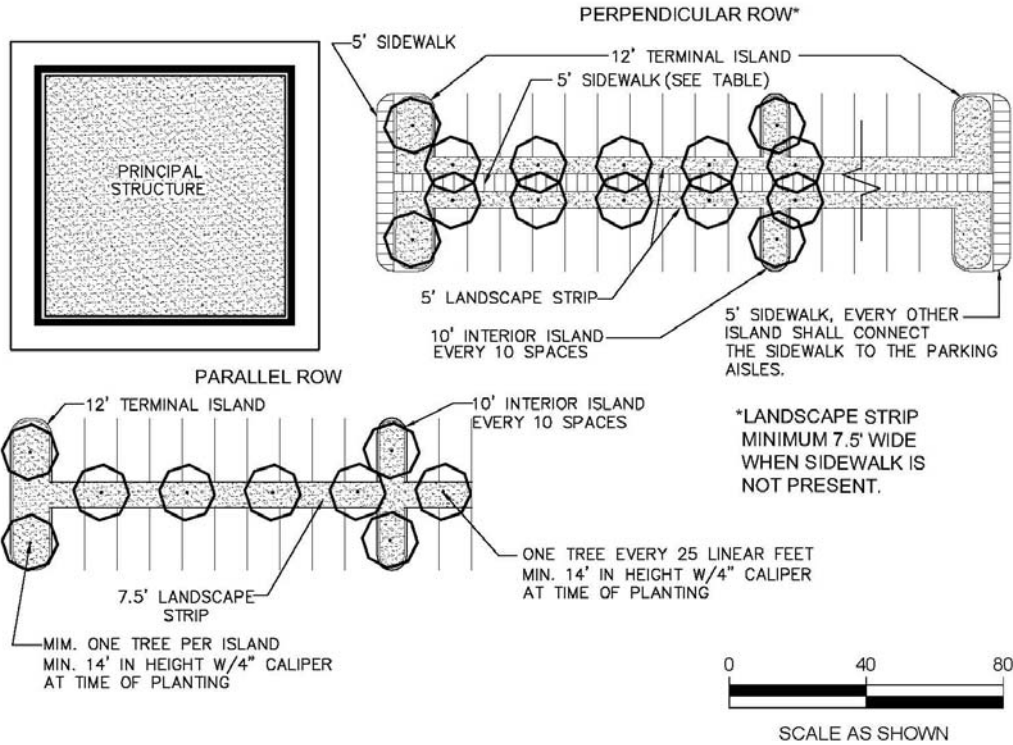
a	b	c	d	e	f	g
20	9'	16.2'	11.0'	29.2'	43.4'	43.0'
30	9'	18.7'	11.0'	20.0'	48.4'	39.7'
40	9'	20.5'	12.0'	15.6'	53.0'	45.3'
45	9'	21.2'	13.0'	14.1'	55.4'	48.3'
50	9'	21.8'	12.0'	13.1'	55.6'	49.2'
60	9'	22.4'	18.0'	11.5'	62.8'	57.8'
70	9'	22.1'	18.0'	10.6'	62.2'	58.8'
80	9'	21.5'	24.0'	10.2'	67.0'	65.3'
90	9'	19.0'	24.0'	10.0'	64.0'	--

Reductions in required width and length may be permitted under the following conditions. Such reductions shall be utilized within parking structures, to reduce pavement area, preserve significant trees or vegetation or increase landscaped areas. The unpaved area resulting from such reductions shall not be credited towards required vehicular use landscaping or be included within required buffers.

- a. Reduced width. An unlimited number of spaces may be approved to be reduced to nine feet wide to increase internal landscaped area above the minimums specified by this code, and to preserve existing specimen trees.
  - b. Reduced length. Designers are encouraged to reduce paved areas by reducing the length of standard parking spaces to 17 feet of pavement with two feet of grassed overhang area.
- (d) *Access to loading spaces.*
- (1) Each required loading space shall be accessible to a street, service drive, or alley in a manner that will not interfere with the movement of vehicles passing the loading space.
  - (2) No loading space shall be located so that a vehicle must back onto a public street or extend into any street right-of-way while being loaded or unloaded.
- (e) *Surfacing.*
- (1) *In general.* All parking and loading spaces, access drives, aisles, and other means of vehicular access required under this code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the Miami Dade County, except as otherwise permitted herein.
  - (2) *Alternative surfaces.*
    - a. The city may allow specified parking spaces or areas to be surfaced with paver blocks, aggregate concrete, or other semi-impervious material in order to reduce adverse impacts to existing vegetation and trees shown to be preserved on a development plan.
    - b. The city may allow alternative surfaces such as brick, decorative block or other material for decorative purposes, provided such materials are determined to be an acceptable substitute by the department.
- (f) *Curbing, wheel stops and speed bumps.*
- (1) Curbing, wheel stops, or barriers to protect sidewalks, walls, fences, or landscaped areas, and to prevent parking or loading where not permitted, shall be provided in accordance with this code except for parking areas for single-family or two-family dwellings.
  - (2) Wheel stops shall be prohibited, however, a 2' wide vehicle overhang shall be provided for this purpose from obstructing a sidewalk or making contact with a wall, landscape island, hedge or fence.
  - (3) Speed bumps or other devices which create a hazardous break in the level surface of a roadway or drive shall not be permitted within the city.
- (g) *Marking.*

- (1) Designated parking and loading spaces shall be marked on the surface of the parking space with paint or permanent marking materials in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), and maintained in a clear and visible condition.
- (h) *Directional arrows.* *Directional arrows.* In parking facilities containing 20 spaces or more, all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to expedite traffic movement in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
- (i) *Signs.* The city shall require a developer to install signs in addition to directional arrows and consistent with the sign regulations in this code and the Manual of Uniform Traffic Control Devices (MUTCD) to ensure the safe and efficient flow of vehicles, both on-site and off-site as warranted.
- (j) *Landscaping and buffers.* All off-street parking and loading areas shall be landscaped and buffered in accordance with the landscaping and buffer regulations of Chapter 18A of the Miami Dade County Code and Chapter IX in this code in addition to meeting following regulations:
  - (1) *Parking lot buffers.* All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3) foot high wall with a seven (7) foot landscaped strip incorporating said planting and/or wall on private property. Planting material at time of planting shall be either a minimum height of eighteen (18) inches with a maximum average spacing of thirty (30) inches on center, or a minimum height of thirty-six (36) inches with a maximum average spacing of forty-eight (48) inches on center.
  - (2) *Landscaped areas in parking lots.* Ten (10) square feet of landscaped area per parking space shall be provided within a parking lot. In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree per eighty (80) square feet of landscaped area, exclusive of parking lot buffers. Planting areas for each tree shall have a minimum width of five (5) feet, exclusive of the curb dimension, and shall be planted or covered with other landscape materials. This requirement is in addition to any applicable required open space elsewhere in the code. Following regulations shall also apply:
    - a. Landscape islands shall be placed at a minimum interval of 10 parking spaces with a minimum width of 10'.
    - b. Landscape islands that terminate a row of parking spaces shall be a minimum of 12' in width.
    - c. Landscape islands that terminate a row of parking spaces shall be a minimum of 12' in width.





- d. A landscape strip shall be placed between parallel rows of parking stalls. If the row is,
  - i. Parallel to the principal structure, then the minimum width of the landscape strip shall be 7.5 feet.
  - ii. Perpendicular to the principal structure, then a 5' wide walkway shall be placed between rows with a minimum width of 5' foot landscape strip on both sides of the walkway between 1 parallel row of parking spaces. Aforementioned pedestrian walkway connections shall be provided as per the following table based on the respective number of parallel rows of parking spaces:

**Table**

No. of parallel rows* of parking spaces	No. of pedestrian walkways to be provided
5	1
6 to 10	2
11 to 15	3
16 to 20	4
21 to 25	5
26 or more	1 every 6 parallel rows

\*a parallels row consists of two rows of parking stalls

Alternate (every other) landscape islands placed at a minimum interval of 10 parking spaces are required to provide a walkway connecting to the main walkway provided between the two landscape strips as required above.

- iii. Perpendicular to the principal structure and rows that are excluded to include a walkway between the rows, then the minimum width of the landscape strip shall be 7.5 feet.
  - e. Each island shall have a minimum of one tree minimum 14' feet in height with a 4" caliper at the time of planting.
  - f. Landscaping between rows shall have one tree for every 25 lineal feet. (we may define type of tree) minimum 14' feet in height with a 4" caliper at the time of planting.
  - g. Buildings shall be connected to the parking lot area and public sideways with an internal system of walkways.
  - h. Where the walkway traverses a drive aisle, pavers, stamped asphalt or a similar material shall be used.
  - i. Full curb shall surround the landscape island.
- (k) *Lighting.* Parking lots of 20 spaces or more that are to be used after dark shall be lighted. The lighting shall not shine directly upon any adjacent residence or street, and shall not produce excessive glare. Commercial lighting shall have glare guards when adjacent to single-family residential units.
- (1) A photometric study shall be required as a condition of site plan approval and shall take the proposed landscaping into account when conducting the study.
  - (2) Trees and foliage shall be logically placed within the landscaped area as not to impede light from reaching the parking stalls and drive aisles. The planting scheme shall incorporate both palms and trees, which mature with medium sized canopies.

### **Section 7. Required stacking area for drive-through facilities.**

All commercial and office uses utilizing drive-through facilities shall provide vehicle stacking area based on the following criteria:

- (a) *Size of space.* Stacking area shall be designed based on a ten-foot by 22-foot space per required vehicle.
- (b) *Design of stacking area.* The stacking area required below shall be designed so as to operate independently of other required parking and circulation areas. The required number of vehicle spaces shall include the vehicle being served.

(c) *Required stacking area.*

TABLE INSET:

<b>Use</b>	<b>Number of Spaces</b>
Financial institutions	5 spaces per service lane
Restaurant	6 spaces per service lane with a minimum of 3 spaces behind the order station or menu
Utility business office	8 spaces per service lane
Auto wash (self-service)	3 spaces per service lane
Auto wash (attendant service or drive-through automatic service)	8 spaces per service lane
Service stations (gasoline, quick lube, and other drive-through facilities)	3 spaces per service lane
All other drive-through facilities	3 spaces per service lane

### **Section 8. Pedestrian/bicycle access.**

- (a) *In general.* All new development shall be required to provide for pedestrian/bicycle access in accordance with Bikeway Master Plan and this section. Such access shall be coordinated with general vehicular traffic and directed to provide safe access to bicycle parking areas, main entrances and other appropriate focal points.
- (b) *Bikeways.*
- (1) *Location.* All new development shall construct the following when required by the city:
- a. Bikeways shown for construction pursuant to the City's Bikeway Master Plan which are in rights-of-way adjacent to new development. Bikeways shall be constructed on the side of the right-of-way designated by the city, regardless of which side new development is proposed.
  - b. Bikeways shall be provided according to the Bikeway Master Plan.
  - c. Bikeway connectors between bicycle parking areas, main entrances or other areas and the bikeway within the right-of-way when the required number of bicycle parking spaces exceeds five. Such connectors shall be a minimum of five feet in width and shall be designed separate from general vehicular traffic.

- d. Bikeways required as a specific contingency of any subdivision, site or planned development approval.
- (2) *Specifications.* The minimum specifications for bikeways shall be in accordance with the Standard Paving and Drainage Details of the Miami Dade County.
- (c) *Sidewalks.*
- (1) *Location.* All new development shall construct the following when required by the city:
- a. Sidewalks which would logically extend and connect to an existing sidewalk.
  - b. Sidewalks to connect new development with existing or proposed sidewalks or bikeways within the right-of-way when the total required number of parking spaces for the development exceeds 35.
  - c. Complete internal sidewalk systems within multifamily developments which connect buildings, parking areas and common facilities.
  - d. Sidewalks which separate parking areas from buildings, and provide safe pedestrian access from parking areas to buildings.
  - e. Sidewalks required as part of any subdivision, site or planned development approval.
  - f. Sidewalks in adjacent rights-of-way.
- (2) *Specifications.* The minimum specifications for sidewalks shall be in accordance with the Standard Paving and Drainage Details of the Miami Dade County.
- (d) *Walklights.* All development within the downtown and Doral Boulevard corridor shall be required to install high-level walklights adjacent to bikeways and sidewalks as shown in the Bikeway Master Plan and Doral Boulevard plan. Such walklights shall be ten to 12 feet in height, placed three feet from the edge of the bikeway or sidewalk, spaced 100 feet on center, and be of the general shoe box style with light fixtures directed down toward the bikeway or sidewalk. Other style fixtures may be considered by the city when such fixtures are determined to be integral to a desired theme or recognized architectural style, and consistent with the intent of the corridor plan.

**Section 9. Roadways.**

- (a) *In general.* The following section describes the city program for ensuring an effective, efficient and attractive roadway network. All new development shall be required to comply with these regulations as applicable in order to promote the purposes and determinations stated herein.
- (b) *Right-of-way.* The city has determined the ultimate and future right-of-way for all streets comprising the roadway network. The following list provides ultimate right-of-way widths by link for roadways which are existing or planned.
  - (1) *Exception to local road right-of-way widths.* Local roads widths may be permitted pursuant to the provisions of the TND (Traditional Neighborhood Development District) or as part of a PUD (Planned Unit Development District).

TABLE 12-1. ULTIMATE RIGHT-OF-WAY WIDTHS  
TABLE INSET:

Roadway	Ultimate Right-of-Way Width (Feet)
Section Line Road	86'
Half Section Line Road	74'
Quarter Section Line Road	60'
Local Road (including private roadways)	50'

- (c) *Expansion of existing structures along existing roadways.* Expansion of existing structures on properties fronting on roadways identified in [subsection] (c) above shall comply with special setback requirements contained therein for the applicable thoroughfare buffer zone.

## CHAPTER X. SIGN REGULATIONS

### Section. 10-1. Short title and applicability.

This article shall be known as the "Sign Code of City of Doral, Florida" and shall be applicable in the entire City.

### Section. 10-2. Purpose.

- (a) The purpose of this chapter is to permit signs that will not, because of size, location, method of construction and installation, or manner of display:
- (1) Endanger the public safety; or
  - (2) Create distractions that may jeopardize pedestrian or vehicular traffic safety; or
  - (3) Mislead, confuse, or obstruct the vision of people seeking to locate or identify uses or premises; or
  - (4) Destroy or impair aesthetic or visual qualities of City of Doral which is so essential to tourism and the general welfare; and
- (b) The purpose of this article is also to permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, which are effective in so as to support and complement land use objectives as set forth in the Comprehensive Plan of the City of Doral.

### Section. 10-3. Definitions.

For the purposes of this article the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise. Where there is a question as to the correct classification or definition of a sign, it is the intent of this Chapter to place said sign in the strictest category and/or classification.

- (a) *Sign*: Any display of characters, letters, logos, illustrations or any ornamentation designed or used as an advertisement, announcement, or to indicate direction. Use of merchandise, products, vehicles, equipment, inflated balloons, or the like as an attention attractor or advertising device, with or without a printed or written message or advertisement, shall be considered a sign.
- (b) *Attraction board*: A sign or portion of a sign on which copy is changed periodically, advertising special sales, bargains, etc. Said attraction board may be incorporated into the sign permitted.
- (c) *Awning, canopy, roller curtain or umbrella sign*: Any sign painted, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.

- (d) *Cantilever*: That portion of a building, projecting horizontally, whether it be on the same plane as the roof line or not.
- (e) *Cantilever sign*: Any sign which is mounted on a cantilever. No cantilever sign may extend beyond the cantilever.
- (f) *Construction and/or development sign*: Signage identifying the nature of the property's current development and/or construction.
- (g) *Costume characters or mascots*: Individuals or persons dressed in costume to draw attention to a sales promotion or event whether with or without a sign board.
- (h) *Detached sign*: Any sign not attached to or painted on a building, but which is affixed and permanently attached to the ground. Permanently attached as used herein shall mean that the supporting structure of the sign is attached to the ground by a concrete foundation.
- (i) *Digital changeable message sign*: A sign composed of a digital, holographic, plasma, projection, LED or other format display screen which allows static messages to rotate in succession which advertise the businesses operating, goods sold, services provided or activities occurring on the premises. Nothing herein shall prohibit such sign from also depicting community-oriented and civic activities, such as amber alerts, City Hall meetings and the like.
- (j) *Director*: The Director of Planning and Zoning Department or his qualified agent.
- (k) *Directional sign*: A sign which guides or directs the public and contains no advertising. The name of the facility (such as store name), which the sign is giving direction to, may be included when specified conditions are complied with.
- (l) *Entrance features*: Any combination of decorative structures and landscape elements located at the entrance to a development, which identifies or draws attention to the development and/or exercises control of ingress and egress to the development. An entrance feature may include, although not necessarily be limited to, ornamental walls, fences, identifying lettering, logos, works of art, and other decorative structures, earthworks, water bodies, fountains, trees, plantings, and other landscape elements, as well as gatehouses, either similarly or in any combination thereof.
- (m) *Flat sign*: Any sign attached to and erected parallel to the face of, or erected or painted on the outside wall of any building, and supported throughout its length by such wall or building.
- (n) *Height of sign*. The distance between the top of a sign and the centerline grade of the adjacent roadway, or to the centerline grade of the Florida Turnpike and the Dolphin and Palmetto Expressways if the sign is visible and within 100 from the those highways. The height of sign shall be measured to surface roads only. The height difference between the centerline for bridges, overpasses or similar elevated roads shall permit a maximum of half of the vertical distance between the top of a sign and the centerline grade.

(m) *Marquee*: A covered structure projecting from, and supported by the building with independent roof and drainage provisions, and which is erected over a doorway or entranceway as protection against the weather.

(n) *Marquee sign*: Any sign attached to or hung from a marquee.

(o) *Monument sign*: Monument signs have a solid base that the sign face is installed upon. Eighty percent of the solid base shall be on the ground with gap no more than 12 inches from the base to the ground. These signs should be designed so that the style of the sign and its base are consistent with the architecture of the building(s) on the site. Signs supported by pole(s) that are built and/or designed to look like solid base as in monument signs are considered to be in compliance with this definition.

(p) *Pole sign*. A freestanding sign attached to a pole or poles erected directly into the ground.

(q) *Portable sign*: Any sign not attached to or painted on a building and not affixed or permanently attached to the ground.

(r) *Projecting sign*: Any sign which is an independent structure, which is attached to the building wall, and which extends at any angle from the face of the wall. No projecting sign shall extend above the roof or parapet wall in any residential district.

(s) *Regional Mall*: An retail mall containing a minimum of three major tenants (minimum 100,000 square feet), located on not less than 70 acres and consisting of not less than a total of 1,000,000 square feet of building area.

(t) *Regional Mall Identification Sign*: A monument sign located within the property of a Regional Mall which identifies the mall and may identify mall tenants or products sold within the Regional Mall.

(u) *Reverse channel letter sign*: Opaque individual letter, numbers or logos that are mounted directly on the wall with lighting within the letter, number or logo so that they reflect off of the wall, i.e., reverse lighting.

(v) *Roof sign*: Any sign which is painted on, fastened to, or supported by the roof or erected over the roof.

(w) *Sandwich or sidewalk sign*: A moveable sign not secured or attached to the ground.

(x) *Semaphore sign*: Any sign consisting of one or two -faced canvas, vinyl or vinyl-like material signs extending horizontally from a light standard.

(y) *Temporary signs*: Any sign(s) to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on the premises on which the sign is located; signs advertising future construction to be done on the premises on which located, and special events, such as carnivals, concerts, public meetings, sporting events, political campaigns or events of a similar nature.



(z) *Wall*: For sign purposes, that portion of the building's exterior, horizontal surface on the same plane, regardless of vertical or horizontal indentations, and including the surface of parapets and pylons projecting from the building. For sign purposes, there shall be considered to be only four (4) planes to any building and it shall be the prerogative of the Director to determine which portion of odd-shaped buildings, such as buildings of hexagon or octagon design, to which flat signs may be affixed, with such location to be so determined as to prevent a grouping of signs which can be viewed from one (1) direction.

(aa) *Wall sign*: Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one (1) advertising surface.

(bb) *Wallscape Sign*: Any mosaic, painting or graphic art technique applied, placed directly onto or attached to and erected parallel to the face of, or painted on the outside wall of a building for purposes of advertising the businesses operating, goods sold, or activities occurring therein. All such graphics shall either be framed or attached to a frame mounted to the wall.

#### ARTICLE I GENERAL PROVISIONS

##### **Section 10-4. Interpretation.**

Only those signs that are specially authorized by this sign code shall be permitted. Those that are not listed or authorized shall be deemed prohibited.

##### **Section 10-5. Permits required.**

- (a) *Applications and permits*. No sign, unless excepted by this article, shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article and until a building permit has been issued. Before any permit is issued, an application for such permit shall be filed together with three (3) sets of drawings and/or specifications (one (1) to be returned to the applicant) as may be necessary to fully advise and acquaint the issuing department with the location, method of construction, type of materials, manner of illumination, method of erection, securing or fastening, number and type of signs applied for, and advertisement to be carried. All signs which are electrically illuminated by neon or any other means shall require a separate electric permit and inspection.
- (b) *Consent of property owner*. No sign shall be placed on any property unless the applicant has the written consent of the owner and lessee, if any, of the property.
- (c) *Calculating sign area*. The area of a sign face shall be calculated by the number of square feet of the smallest rectangles within which a sign face can be enclosed. The sign face shall include entire area of sign, including letters, numbers, characters, logos, emblems, information, or other display including materials or colors, utilized to differentiate the sign from the backdrop or structure on which it is placed, including all materials to form the cabinet or other structural members of the sign. Sign area shall not include any supporting framework, bracing, or decorative fences or wall when such wall is consistent with the requirements of this Code. The Director shall have the discretion of determining the area of any sign and may be guided by

calculations as made by a licensed, registered engineer when same are shown on the drawing.

- (d) *Sign area of multi-faced signs.* Sign area for multi-faced signs shall be calculated as indicated below:
- (1) The area of double faced sign with sign faces that are parallel or the interior angle of the two faces is 15 degrees or less shall be calculated using the area of only one sign face.
  - (2) The area of a double faced sign with sign faces having an interior angle of more than 15 degrees, the area of both sign faces shall be added together to determine total area of a sign.
  - (3) The sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point should be considered in measuring that particular sign face.

#### **Section 10-6. Nonconforming signs.**

- (a) All future changes to any of the following existing nonconforming signs will require conformity to this section:
- (1) All signs that are damaged and need repair which is in excess of 50% of the value of the sign due to natural calamities.
  - (2) All signs that are being repaired or upgraded substantially at the cost of with more than 50% of the value of the sign.
- (b) The following nonconforming signs that existed when the sign code ordinance became effective may be continued, although it does not conform to all the provisions hereof, provided that no text or structural alterations are made thereto and that all such non-conforming signs shall be completely removed from the premises or made to conform by May 15, 2012:
- (1) Residential uses - All permanent ground signs that are not monument or decorative wall signs.
  - (2) Non-Residential uses - All permanent ground signs that are not monument, pylon or decorative wall signs.

#### **Section 10-7. Compliance with codes.**

- (a) All signs shall conform to the requirements of the building, electrical, and other applicable technical codes, except as may be otherwise provided herein.
- (b) *Advertising conflicting with zoning rules.* No sign shall be erected or used to advertise any use or matter which would conflict with the regulations for the district in which it is located or be in conflict with the use permitted under the certificate of use or occupancy for the property.

**Section 10-8. Qualification and certification of erector.**

Where the erection of any sign requires compliance with any City of Doral's technical code, the erector of the sign shall qualify with the respective examining board.

**Section 10-9. Fees required.**

No sign, where a permit is necessary, shall be exhibited unless the required permit fees are paid.

**Section. 10-10. Time limitation of permits.**

All signs shall be erected on or before the expiration of ninety (90) days from the date of issuance of the permit. If the sign is not erected within said ninety (90) days, the permit shall become null and void, and a new permit required; provided, however, that the Director may extend such permit for a period of ninety (90) days from the date of the expiration of the permit if written application for such extension is received and approved by the Director prior to the expiration date of the initial permit and provided that the proposed sign complies with all requirements in effect at the date of such renewal.

**Section 10-11. Identification of permit holder on sign.**

Each sign requiring a permit shall carry the permit number and the name of the person or firm placing the sign on the premises; such marking shall be permanently attached and clearly visible from the ground.

**Section 10-12. Responsibility for sign.**

The owner and/or tenant of the premises, and the owner and/or erector of the sign shall be held responsible for any violation of this chapter; provided, however, that when the sign has been erected in accordance with this chapter, the sign company shall be relieved of further responsibility as to the City after final approval of the sign.

**Section 10-13. Inspection.**

No sign shall be approved for use, unless the same shall have been inspected by the Department issuing the permit, and no sign shall be erected or used unless it complies with all the requirements of this chapter and applicable technical codes. The holder of a permit for a sign shall request inspections of a sign as follows:

- (a) Foundation inspection (this shall include method of fastening to building or other approved structure).
- (b) Shop inspection (electrical and/or structural where indicated on the permit and/or approved plan).

- (c) Final inspection (this shall include structural framing, electrical work identification of permit number and erector of sign, etc.).
- (d) Any additional inspections which may be specified on the permit and/or approved plans.

#### **Section 10-14. Signs permitted without a sign permit.**

- (a) Temporary signs not exceeding six (6) square feet in area and not electrically illuminated will not require a sign permit, but must otherwise comply with this article and applicable technical codes.
- (b) Traffic signs, provisional warnings and signs indicating danger, are exempt from this chapter. Such exempted signs shall not contain any commercial advertisement.
- (c) Awning, canopy, roller curtain, umbrella signs shall be limited to eight-inch letters in height, and shall not exceed a total coverage of twenty-four (24) square feet. Any such sign shall be limited to the identification of the occupant and/or use of the property. No sign permit shall be required for the awning, canopy, roller curtain or umbrella sign, but the same shall comply with applicable technical codes.
- (d) Disabled or handicapped parking signs. Signs required by State law or County ordinance for parking spaces reserved for disabled or handicapped persons shall not require a sign permit.
- (e) Signs not exceeding one and one-half (1 -1/2) square feet in area and bearing only property street numbers, post box numbers, or name of occupant of premises.
- (f) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (g) Legal notices, identification, information, or directional signs erected by or on behalf of governmental bodies.
- (h) Integral decorative and architectural features of buildings except letters, logos, trademarks, moving parts or moving lights.
- (i) Signs within enclosed buildings or structures which are so located that they are not visible from public or private streets or adjacent properties such as signs in interior areas of malls, commercial buildings, ball parks, stadiums and similar structures or uses, providing said signs are erected in such a manner as not to be hazardous. If illuminated, the necessary electrical permits shall be obtained.
- (j) Temporary holiday decorations provided said decorations carry no advertising matter and further provided that such decoration is not up more than sixty (60) days

for a single holiday and is removed within twenty one (21) days after the holiday ends.

- (k) "Danger," "No Parking," "Post No Bills," "Bad Dog," and similar warning signs, provided such signs do not exceed an area of one (1) and one-half (1.5) square feet.
- (l) Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication or a grand opening, are permitted without a sign permit. Such banners and decorative materials are not to be posted more than thirty (30) days preceding the event, and are to be removed within seven (7) days following the grand opening day of the event.
- (m) The City Manager, or designee, shall be permitted to post banners promoting park activities, special events and sponsorships relating to same, provided (i) such banners are posted in the City of Doral where the activity or special event will occur; (ii) that each banner shall be limited in size to no more than thirty (30) square feet; (iii) that the banner shall not be posted more than sixty (60) days preceding the activity or event and shall be removed within seven (7) days following the activity or event. Banners complying with the conditions specified in this subsection shall be permitted without a sign permit.
- (n) Signs required by law.
- (o) Baby stroller parking signs. Signs required for parking spaces reserved for persons transporting young children and strollers shall not require a sign permit.
- (p) "No Trespassing" signs, provided such signs do not exceed an area of three (3) square feet and are consistent with state law.
- (q) Semaphore signs no greater than four (4) feet in width and seven (7) feet in length. Maximum two (2) signs per light pole.

#### **Section 10-15. Prohibited signs.**

- (a) No sign shall be so located as to constitute a danger to public safety.
- (b) No sign shall exhibit thereon any lewd or lascivious matter.
- (c) No sign shall be attached to trees, utility poles or any other unapproved supporting structure.
- (d) Roof signs are prohibited in all the districts.
- (e) No signs shall be erected or painted on fence and wall enclosures in residential districts. Fence and wall signs shall be prohibited in the residential districts.
- (f) Even if not classified as a sign, blinking or flashing lights, streamer lights, pennants, banners, streamers, and all fluttering, spinning or other type of attention attractors or advertising devices are prohibited except for national flags, flags of bona fide civic,

charitable, fraternal and welfare organizations and further except during recognized holiday periods such attention-attractors that pertain to such holiday periods may be displayed on a temporary basis during such periods. The flags permitted by this subsection shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device.

- (g) No revolving or rotating sign shall be permitted or erected except as a permanent sign in commercial and industrial zoning districts. Such signs shall be illuminated by internal lighting only.
- (h) Any signs which are not traffic signs as defined in Miami Dade County Code Section 33-94(b) which use the word "stop" or "danger" or present or imply the need or requirement of stopping, or which are copies or imitations of official signs. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light is a prohibited sign, whether on a sign or on an independent structure.
- (i) Portable signs unless otherwise authorized by law shall be prohibited, including those that are tied down with metal straps, chaining, or otherwise temporarily anchored to an existing structure or other similar method of anchoring.
- (j) Signs painted or affixed in any manner to any vehicle, trailer or pickup truck, van or similar transportable device and which is used to advertise a place of business or activity as viewed from a public road shall be prohibited. This shall not be interpreted to prohibit identification of commercial vehicles provided such vehicles are operational and moved and used daily for delivery or service purposes and are not used, or intended for use, as portable signs. This sign shall also not be interpreted to apply to buses, taxicabs, and similar common carrier vehicles which are licensed or certified by City of Doral or other governmental agency.
- (k) A sign that significantly covers, interrupts or disrupts the major architectural features of a building.
- (l) Abandoned signs.
- (m) All signs except real estate open signs as permitted by this code located on or over public property or right-of-way, except those installed by governmental agencies.
- (n) Any signs that in the opinion of the City Manager or his designee constitute a safety hazard.
- (o) Attention-getting devices.
- (p) Offsite signs such as Billboards
- (q) Pole Signs.
- (r) All Inflatable signs such as balloons.
- (t) Sandwich or sidewalk signs except as specifically approved.

- (u) Hand held advertising signs with the exception of non-profit fund raisers, temporary and election signs.
- (v) Costumed characters or mascots.

#### **Section 10-16. Illumination.**

Except as provided in Section 15 above, signs illuminated by flashing, moving, intermittent, chasing or rotating lights are prohibited. Signs may be illuminated by exposed bulbs, fluorescent tubes, interior lighting, or by indirect lighting from any external source. Indirect lighting, such as floodlights, shall not shine directly on adjacent property, motorists or pedestrians. Illumination shall be such that it will provide reasonable illumination, no spillage, and eliminate glare and intensity which might pose safety hazards to drivers and pedestrians. Revolving and rotating signs shall be illuminated by internal lighting only.

#### **Section 10-17. Maintenance of signs.**

- (a) All signs shall be properly maintained in a safe and legible condition at all times. In the event that a use having a sign is discontinued for a period of forty-five (45) days, all signs identifying the use are to be removed from the site or in the case of a painted sign, painted out. Sign removal shall be the responsibility of the owner of the property.
- (b) *Latticework, painting, etc.* Where the rear of any sign is visible from a street, park or residence, or from a Residential or Business zoning district, the exposed structural members of such sign shall be either concealed by painted latticework, slats or be suitably painted or decorated, and such back screening shall be designed, painted and maintained to the satisfaction of the Director of Planning & Zoning Department.
- (c) *Removal of dilapidated signs.* The Director of Planning & Zoning Department may cause to be removed any sign which shows neglect or becomes dilapidated or where the area around such sign is not maintained as provided herein after due notice has been given. The owner of the sign and/or the property shall be financially responsible for the removal of the sign.

### **ARTICLE II SIGN STANDARDS REQUIREMENTS AND CHARTS**

#### **Section 10-18. Generally.**

The following charts indicate the physical standards and requirements applicable to signs and the districts in which they are permitted. The following standards are subject to other applicable technical code requirements.

**Section 10-19. Temporary signs.**

- (a) *Permitted Temporary Signs.* Temporary signs allowed within the city are listed in the Table at the end of this section.
- (b) *Approval.* All temporary signs shall be approved by the City unless otherwise provided in this chapter. Signs not approved by the City are subject to immediate removal by the city, at the expense of the owner. All temporary signs shall comply with the following standards:
- (1) *Illumination:* Temporary signs shall not be illuminated.
  - (2) *Setbacks:* 5 feet minimum from official r-o-w line unless attached to an existing building; 15 feet from an interior side property line.
  - (3) *Maximum height:* Maximum height shall not exceed 10 feet measured from the grade to top of the sign unless otherwise provided in this section.
  - (4) All temporary signs shall be placed in such a manner not to interrupt the line of sight for vehicles at the intersections.
  - (5) All temporary signs shall be pre-painted and/or printed. No handwritten signs shall be permitted.



Type of Sign	Maximum Size (Square Feet)	Setbacks & Earliest Installation Date (EID)	Final Removal Date	Notes and Remarks
<i>Political Signs (no permit required)</i>	<ul style="list-style-type: none"> <li>•Residential – 4 sq.ft. Signs shall not exceed 4 ft. in height.</li> <li>•Nonresidential – 4 sq.ft. Sign shall not exceed 6 ft in height.</li> </ul>	<p><i>Setbacks</i> – 5 feet minimum from official r-o-w line .</p> <p><i>EID</i> -</p> <ul style="list-style-type: none"> <li>•Residential – none</li> <li>•Nonresidential-30 days before primary, general or runoff election of referendum.</li> </ul>	7 days after election.	<ul style="list-style-type: none"> <li>•One (1) sign per candidate or issue per private property unless it is on a corner lot, in which 2 signs per candidate, measure of issue may be placed.</li> <li>•Signs may not be placed on public property;</li> <li>•No roof signs, banners or balloons</li> <li>•Signs may not obstruct vision at corners, intersections, etc.;</li> <li>•Applicable to federal, state, county, and local elections. ( See Doral Ordinance 2006-19)</li> </ul>
<i>Free Speech Signs (no permit required)</i>	<ul style="list-style-type: none"> <li>•Residential- 6 sq.ft.</li> <li>•Nonresidential – as permitted by sign regulations.</li> </ul>	<p><i>Setbacks</i> – Residential - 5 feet minimum from official r-o-w line unless attached to an existing building; 15 feet from an interior side property line.</p> <p>Non-Residential – As permitted by sign regulations.</p> <p><i>EID</i> - None</p>	None	<ul style="list-style-type: none"> <li>•1 sign per residential dwelling or lot;</li> <li>•1 sign per nonresidential parcel or lot;</li> <li>•Sign may be installed in lieu of any permitted nonresidential sign;</li> <li>•Signs may not be placed on public property;</li> <li>•Signs may not be placed in public rights-of-way;</li> <li>•Signs may not obstruct vision at corners, intersections, etc.</li> </ul>

Type of Sign	Maximum Size (Square Feet)	Setbacks & Earliest Installation Date (EID)	Final Removal Date	Notes and Remarks
<i>Sale: Residential Open House (no permit required)</i>	6	<i>Setbacks-</i> 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  <i>EID -</i> Day open house begins .	Day open house closes	
<i>Sale of Land, Building, or Portion of Building and/or open house.</i>	16	<i>Setbacks –</i> Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  <i>EID -</i> When property offered for sale or development order issued or day open house begins	5 days after closing	
<i>Rent or Lease: Building</i>	16	<i>Setbacks –</i> Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  <i>EID -</i> When building offered or development order issued	5 days after rented or leased	Signs of permanent nature (no pole signs) are required for buildings that always (year round) have vacancies to rent or lease buildings and/or portion of building. This sign can be combined with permanent signs.
<i>Rent or Lease: Portion of Building</i>	16	<i>Setbacks –</i> Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  <i>EID -</i> When building	5 days after 100 percent (100%) rented or leased	Signs of permanent nature (no pole signs) are required for buildings that always (year round) have vacancies to rent or lease buildings and/or portion of building.

Type of Sign	Maximum Size (Square Feet)	Setbacks & Earliest Installation Date (EID)	Final Removal Date	Notes and Remarks
		offered or development order issued		This sign can be combined with permanent signs.
<i>Construction and/or Development Sign</i>	64 <del>32</del>	<p><i>Setbacks –</i> Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.</p> <p><i>EID -</i> When complete development order application filed with city</p>	On receipt of first certificate of occupancy	One sign for every 360 feet of frontage.
<i>Project Suppliers/trades</i>	32	<p><i>Setbacks –</i> Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.</p> <p><i>EID -</i> Issuance of building permit</p>	On receipt of final certificate of occupancy	32 sq.ft is total for all suppliers/trades.
<i>Signage on construction barrier/ fence</i>	10% of the total barrier area	<p>Setbacks and EID as required for construction barriers.</p> <p>Signage may exceed 2 feet above the height of the construction barrier.</p>	Same as the construction barrier.	<ul style="list-style-type: none"> <li>•Signage identifying the nature of the property’s current development, contractor’s information, leasing information, corporate logos and renditions of the future development.</li> </ul>
<i>Murals and other decorative elements on the construction barriers/ fence</i>	15% of the total barrier area	Setbacks and EID as required for construction barriers.	Same as the construction barrier.	<ul style="list-style-type: none"> <li>•Letters, logos and numbers are prohibited</li> <li>•May not contain any rendition of the proposed development or element of the proposed</li> </ul>

Type of Sign	Maximum Size (Square Feet)	Setbacks & Earliest Installation Date (EID)	Final Removal Date	Notes and Remarks
				development.
<i>Grand Opening/ Project Opening/ New Businesses</i>	32	<i>Setbacks – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  EID - 7 days before event</i>	10 days after opening or event	•Special event approval is required prior to sign approval.
<i>Outparcel/Phase Opening</i>	32	<i>Setbacks – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  EID - 7 days before event</i>	10 days after opening	
<i>Special Event/Sale Not for Profit</i>	16	<i>Setbacks – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  EID - 7 days before sale/event</i>	1 day after sale/event	•Not for profit/nonprofit organization only. •Special event approval is required prior to sign approval.
<i>Special Event/sale for Profit</i>	16	<i>Setbacks – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  EID - 7 days before event</i>	1 day after sale/event	•Special event approval is required prior to sign approval.
<i>Golf Event Sign</i>	16	<i>Setbacks/ requirements – Banner affixed to</i>	1 day after event	•Banner must include reference to the golf event.

Type of Sign	Maximum Size (Square Feet)	Setbacks & Earliest Installation Date (EID)	Final Removal Date	Notes and Remarks
		the building or tenant unit. <i>EID</i> - 7 days before event		
<i>Special event - School/Day Care/Nursery</i>	32	<i>Setbacks</i> – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  <i>EID</i> - Allowed for a maximum of 30 days for every special event.	Allowed for a maximum of 30 days for every special event.	
<i>Garage Sale</i>	4	<i>Setbacks</i> – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  <i>EID</i> - 1 Day before sale	Day of sale	1 sign for the sale
<i>Outside Sales/Sites Without Buildings</i>	16	<i>Setbacks</i> – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  <i>EID</i> - Day before sale	1 day after sale	Must comply with council-approved administrative policy.
<i>Special Event Direction Signage</i>	4	<i>Setbacks</i> – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  <i>EID</i> - Day before event	1 day after event	•Special event approval is required prior to sign approval.

Type of Sign	Maximum Size (Square Feet)	Setbacks & Earliest Installation Date (EID)	Final Removal Date	Notes and Remarks
Construction Entrance	16	Setbacks – Residential - 5 feet minimum from official r-o-w line; 15 feet from an interior side property line.  EID - Issuance of land clearing, land alteration, or building permit	On receipt of final certificate of occupancy	

**Section 10-20. Permanent signs for Residential uses.**

(a) *Residential permanent signs.* The following signs are authorized for all Residential uses:

- (1) *Development identification sign.* Permitted only for (i) multifamily buildings with more than five units; (ii) single-family developments with more than five units. Where multifamily dwellings are part of a larger development, there shall be only one development identification sign on each public street frontage of the development.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One monument sign (or sign mounted on perimeter wall) per street frontage indicating the name and address of the complex, except two are permitted where attached to wall of symmetrical entrance feature.
Sign area (maximum):	40 square feet for each sign
Sign height (maximum):	Eight feet from grade to top of the sign
Setback (minimum):	5 feet from right-of-way, 5 feet from interior side property line
Illumination:	Externally illuminated signs only

- (2) *Directional.*

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number:	To be approved as part of site plan. If not approved as part of site plan, separate permits required

Sign area (maximum):	Four square feet each sign
Sign height (maximum):	Three feet
Other restrictions:	No advertising copy. Logos may cover no more than 25 percent of the sign area

**Section 10-21. Permanent signs non-residential uses.**

(a) *Commercial retail signs.* Following signs are authorized for all authorized commercial/retail uses in the City:

- (1) Detached, freestanding or monument signs where otherwise permitted, shall not be closer than 200 feet to any other previously permitted detached, freestanding or monument sign. Only ten percent of this signs could contain changeable copy in the entire city except for signs fronting on Doral Boulevard and within 1000' of Doral Blvd.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One for first 300' lineal feet of frontage; each additional sign for every 500' lineal feet of frontage thereafter. Except for gasoline station parcels where a 40 square foot sign shall be permitted notwithstanding the street frontage or distance separation of the parcel occupied by the gasoline station. (Subdivision of an existing building or planned building group shall not entitle the new parcels to additional monument signs)
Sign area (maximum):	40 square feet for first 50' of lot frontage; additional 0.75 sq.ft of sign area for each additional foot of street frontage; maximum area of 300 sq.ft.
Sign height (maximum):	Eight feet; twelve feet for gas stations.
Setback (minimum):	Setback from the street r.o.w.'s is 7 feet for a sign not exceeding 40 square feet; thereafter additional setback of 0.8125 feet for each 10 square feet of sign (calculated to the nearest 1/2 foot).  Interior side setback is a minimum of 3 1/2 feet for a sign not exceeding 40 square feet; thereafter the interior side setback shall be increased by 10 percent of the calculated street frontage up to 100 lineal feet and by 20 percent of the calculated street frontage where the same exceeds 100 lineal feet but does not exceed 200 lineal feet; then increases by 30 percent of the calculated street frontage above the 200 lineal feet.
From side property line:	20 feet
Illumination:	Externally illuminated signs or internally illuminated letters

	or logos only
Supplemental provisions:	
Logos may cover no more than 25 percent of the sign area.	
Time and temperature sign authorized within total permitted sign area.	
Landscaping and visibility sight triangle on corner lot.	See applicable provisions contained in this section
Changeable copy sign:	Schools, religious and public institutions only may be permitted one changeable copy sign in lieu of the permitted monument sign. Said sign shall not exceed 48 square feet in sign area
Digital changeable message sign	The digital changeable message sign shall not exceed 48 square feet in sign area

- (2) Wall sign. (Permitted only on buildings where the majority of the floor area is in retail use. In the case of a multi-tenant center, wall signs are permitted on walls that face an access drive or internal courtyard.)

TABLE INSET:

	Approvals	Planning and Zoning, Building Departments
Type:		Reverse or channel letter sign only
Number (maximum):		One per ground or second floor establishment which has its own frontage and entrance facing a public street. (If the parcel frontage requirement for a monument sign precludes an office building from having a monument sign, one building identification wall sign that otherwise meet the wall sign standards is authorized). Corner or through store locations may have an additional wall sign. Such second sign shall be limited to 50 percent of the square footage of the primary sign
Sign area (maximum):		1.25 square feet for each one lineal foot of tenant frontage.
Illumination:		See definition of reverse or channel letter sign

- (3) Canopy sign.

TABLE INSET:

	Approvals necessary	Planning and Zoning, Building Departments
Number (maximum):		One per establishment
Sign area (maximum):		Four square feet
Minimum clearance above ground:		Eight feet
Must be rigidly attached.		



(4) Awning sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One per establishment
Lettering:	One line; letters not to exceed 12 inches in height
Logo:	Maximum of six square feet

(5) Directory sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One per multi-tenant center, in addition to other permitted signs
Sign area (maximum):	32 square feet. Complex name and /or address shall not exceed 50 percent of base height
Location:	On building wall (or freestanding within internal courtyard)
Illumination:	Externally or internally illuminated signs

(6) Window sign (permanent).

TABLE INSET:

Approvals necessary:	Planning and Zoning Department
Number (maximum):	One per establishment
Sign area (maximum):	Four square feet
Illumination:	Prohibited

(7) Directional sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning Department
Number:	To be approved as part of site plan; if not approved as part of site plan, permit required
Sign area (maximum):	Four square feet
Height (maximum):	Three feet
Other restrictions:	No advertising copy. Logos may cover no more than 25 50 percent of the sign area

(b) *Office signs.* Following signs are authorized for all authorized office uses in the City:

- (1) Detached, freestanding or monument signs where otherwise permitted, shall not be closer than 200 feet to any other previously permitted detached, freestanding or monument sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One for first 300' lineal feet of frontage; each additional sign for every 500' lineal feet of frontage thereafter. (Subdivision of an existing building or planned building group shall not entitle the new parcels to additional monument signs)
Sign area (maximum):	40 square feet for first 50' of lot frontage; additional 0.75 sq.ft of sign area for each additional foot of street frontage; maximum area of 300 sq. ft.
Sign height (maximum):	Eight feet
Setback (minimum):	
From right-of-way line:	Seven feet
From side property line:	20 feet
Illumination:	Externally illuminated signs or internally illuminated letters or logos only
Supplemental provisions:	
Logos may cover no more than 25 percent of the sign area.	
Time and temperature sign authorized within total permitted sign area.	
Landscaping and visibility sight triangle on corner lot.	See applicable provisions contained in this section
Changeable copy sign:	Schools, religious and public institutions only may be permitted one changeable copy sign in lieu of the permitted monument sign. Said sign shall not exceed 48 square feet in sign area

- (2) Wall sign. (In the case of a multi-tenant center, permitted on walls that face an access drive or internal courtyard.)

TABLE INSET:

Approvals	Planning and Zoning and Building Departments
Number (maximum):	One per ground or second floor establishment which has its own frontage and entrance facing a public street. (If the parcel frontage requirement for a monument sign precludes an office building from having a monument sign, one building identification wall sign that otherwise meet the wall sign standards is authorized). Corner or through office locations may have an additional wall sign. Such second sign shall be limited to 50 percent of the square footage of the primary sign

Sign area (maximum):	1.25 square feet for each one lineal foot of tenant frontage.
Illumination:	See definition of reverse or channel letter sign

- (3) Wall sign. (Permitted only on office and hotel buildings with signs located one to five stories high.)

TABLE INSET:

Approvals necessary:	Planning and Zoning and Building Departments
Number (maximum):	One wall sign per building
	Corner or through store locations may have an additional wall sign. Such second sign shall be limited to 50 percent of the square footage of the primary sign. Such second sign shall not be placed on the same building elevation as the primary sign
Sign area (maximum):	One square foot for each one lineal foot of building frontage
Location:	No wall sign shall be installed on a building elevation that faces an adjacent residentially zoned property located within 300 feet of the elevation
Illumination:	See definition of reverse or channel letter sign

- b. Wall sign. (Permitted only on office and hotel buildings with signs located six to ten stories high.)

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	Two wall signs per building, with one wall sign only per building elevation
Sign area (maximum):	One and one-half square foot for each one lineal foot of building frontage
Location:	No wall sign shall be installed on a building elevation that faces an adjacent residentially zoned property located within 300 feet of the elevation
Illumination:	See definition of reverse or channel letter sign

- c. Wall sign. (Permitted only on office and hotel buildings with signs located 11 to 15 stories high.)

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
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Number (maximum):	Two wall signs per building, with one wall sign only per building elevation
Sign area (maximum):	One and three-quarters square feet for each one lineal foot of building frontage
Location:	No wall sign shall be installed on a building elevation that faces an adjacent residentially zoned property located within 300 feet of the elevation
Illumination:	See definition of reverse or channel letter sign

- d. Wall sign. (Permitted only on office and hotel buildings with signs located 16 to 20 stories high.)

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	Two wall signs per building, with one wall sign only per building elevation
Sign area (maximum):	Two (2) square feet for each one (1) lineal foot of building frontage
Location:	No wall sign shall be installed on a building elevation that faces an adjacent residentially zoned property located within 300 feet of the elevation
Illumination:	See definition of reverse or channel letter sign

- (3) Directory sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One per multi-tenant center, in addition to other permitted signs
Sign area (maximum):	32 square feet. Complex name and /or address shall not exceed 50 percent of base height
Location:	On building wall (or freestanding within internal courtyard)
Illumination:	Externally or internally illuminated signs

- (4) Directional sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning Department
Number:	To be approved as part of site plan; if not approved as part of site plan, permit required
Sign area (maximum):	Four square feet
Height (maximum):	Three feet
Other restrictions:	No advertising copy. Logos may cover no more than 25 50 percent of the sign area

(c) *Industrial signs.* Following signs are authorized for all authorized industrial uses in the City:

- (1) Detached, freestanding or monument signs where otherwise permitted, shall not be closer than 200 feet to any other previously permitted detached, freestanding or monument sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One for first 300' lineal feet of frontage; each additional sign for every 500' lineal feet of frontage thereafter.  (Subdivision of an existing building or planned building group shall not entitle the new parcels to additional monument signs)
Sign area (maximum):	40 square feet for first 50' of lot frontage; additional 0.75 sq.ft of sign area for each additional foot of street frontage; maximum area of 300 sq.ft.
Sign height (maximum):	Eight feet
Setback (minimum):	
From right-of-way line:	Seven feet
From side property line:	20 feet
Illumination:	Externally illuminated signs or internally illuminated letters or logos only
Supplemental provisions:	
Logos may cover no more than 25 percent of the sign area.	
Time and temperature sign authorized within total permitted sign area.	
Landscaping and visibility sight triangle on corner lot.	See applicable provisions contained in this section
Changeable copy sign:	Schools, religious and public institutions only may be

	permitted one changeable copy sign in lieu of the permitted monument sign. Said sign shall not exceed 48 square feet in sign area
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(2) Wall sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One wall sign per building; one for each tenant unit.
	Corner or through store locations may have an additional wall sign. Such second sign shall be limited to 50 percent of the square footage of the primary sign. Such second sign shall not be placed on the same building elevation as the primary sign
Sign area (maximum):	One square foot for each one lineal foot of building frontage
Location:	No wall sign shall be installed on a building elevation that faces an adjacent residentially zoned property located within 300 feet of the elevation
Illumination:	See definition of reverse or channel letter sign

(3) Directory sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One per multi-tenant center, in addition to other permitted signs
Sign area (maximum):	32 square feet. Complex name and /or address shall not exceed 50 percent of base height
Location:	On building wall (or freestanding within internal courtyard)
Illumination:	Externally or internally illuminated signs

(4) Directional sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning Department
Number:	To be approved as part of site plan; if not approved as part of site plan, permit required
Sign area (maximum):	Four square feet
Height (maximum):	Three feet
Other restrictions:	No advertising copy. Logos may cover no more than 50 percent of the sign area

(d) *Regional Mall signs.* The following signs are authorized in all regional malls located within the City

(1) *Detached, Mall Identification Sign*

TABLE INSET:

Approval necessary:	Planning and Zoning, Building Departments
Number (maximum):	One per regional mall
Sign area (maximum):	Maximum of 800 square feet of sign area with up to 50% of maximum area as digital changeable message sign; on each side of monument.
Calculation:	The square footage shall be calculated based only on the side/area having copy and not include any side without copy on architectural features or shaped sign such as cubes, squares or other geometric shapes or any base or structure around, above or under the sign area.
Sign height (maximum):	40 ft.
Setback (minimum):	15 ft.
Illumination:	External or internal illumination of letters and logos only
Digital Changeable Message Sign:	Maximum of 400 square feet per screen; maximum two screens.

(2) Detached, freestanding monument signs may be located at each entry drive onto the regional mall property from any abutting public right-of-way.

TABLE INSET:

Approval necessary:	Planning and Zoning, Building Departments
Number (maximum):	One per access drive
	One per each establishment which is located adjacent to the public right-of-way or internal roadway
Sign area (maximum):	300 square feet of sign area.
Calculation:	The square footage shall be calculated based only on the side/area having copy and not include any side without copy on architectural features or shaped sign such as cubes, squares or other geometric shapes. On individual access drives, up to two signs are permitted that do not exceed combined area of 300 square feet.
Freestanding establishment:	See non-residential sign requirements
Sign height (maximum):	20 feet
Setback	Six feet

(minimum):	
Illumination:	External or internal illumination of letters and logos only

(3) *Wall Signs.* Wall signs are only permitted on the three exterior walls of each of the major tenants of not less than 100,000 square feet that face the exterior regional mall property. Other tenants larger than 10,000 square feet, or that provide direct pedestrian access from the mall property, such as major restaurants or theaters, may also have wall signs.

TABLE INSET:

Approval necessary:	Planning and Zoning, Building Departments
Number (maximum):	One for each exterior wall for a tenant of at least <b>10,000</b> square feet, facing the exterior mall premises. Such sign may only be located on the exterior wall of the specific tenant space identified.
Sign area (maximum):	500 Square feet per wall for major tenants; 750 square feet total for minor tenants unless they have only one wall, in which they will be limited to 500 square feet.
Major tenants (minimum 100,000 square feet of floor area):	Lettering not over 12 inches located on a wall, overhang or canopy which designates specific uses of a 100,000 square feet tenant shall not constitute a sign for purposes of this section.
Minor tenants (minimum 10,000 square feet of floor area):	Lettering not over 12 inches located on a wall, overhang or canopy which designates specific uses of a 10,000 square feet tenant shall not constitute a sign for purposes of this section.
Exterior access tenants (under 10,000 square feet of floor area):	75 square feet
Illumination:	Reverse or channel letters or external illumination

(4) *General mall signage.* General mall signage may be placed on the exterior elevations of the mall in addition to the aforementioned provisions.

Approval necessary:	Planning and Zoning and Building Departments
Type:	
Wallscape Signs	Maximum sign area of 575 square feet; lettering not over 12 inches; Logos not more than 50 percent of the sign area. Maximum 2 signs to be used on exterior walls of mall and adjacent to mall common area entrances.
Wall mall identification signs:	300 square feet; Maximum 2 signs to be used at any exterior wall except on exterior walls serving major tenants over



	100,000 square feet of floor area
Illumination:	External illumination
Mall Expansion:	In the event the mall expands (including the addition of new freestanding structures/buildings), signage for expansions shall be approved in conjunction with the site plan approval of those structures/buildings. A sign program shall be submitted which indicates the type, style, material, size and location of the proposed signs, both freestanding and wall mounted.

(5) Canopy sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning, Building Departments
Number (maximum):	One per establishment
Sign area (maximum):	Four square feet
Minimum clearance above ground:	Eight feet
Construction:	Must be rigidly attached.

(6) Awning sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning and Building Department
Number (maximum):	One per Awning
Lettering and Logo:	50-percent of the awning's surface area

(7) Window sign.

TABLE INSET:

Approvals necessary:	Planning and Zoning Department; no building permit necessary
Number (maximum):	One per establishment
Sign area (maximum):	Four square feet
Illumination:	Internal or external illumination

(8) Directional signs.

TABLE INSET:

Approvals necessary:	Planning and Zoning Department; no building permit necessary
Number:	Approval as part of a site plan; if not approved as part of a site plan, permit required. Such signs may be located as part of the internal road system as needed to insure traffic flow and circulation
Sign area:	100 square feet
Height:	Ten feet
Other restrictions:	Only 10,000-square feet tenant identification, name and/or logos allowed. A maximum of 10 panels permitted per sign fascia
	Logos may cover no more than 25 50 percent of the sign area

Since mall areas are by nature public access areas, necessary precautions must be taken for the public safety, and permits will be required and processed in the usual fashion for any sign installation in the mall area; the processing shall include usual requirements for plans showing construction, method of installation, location, size and height above the pedestrian pathway. Interior wall, window, awning, canopy signs and interior mall directory signs will be permitted and shall not be calculated as one of the signs permitted under the sign section. Any non-conforming, legally permitted signs that existed at the time this section became effective may be continued, although it does not conform to all the provisions hereof, provided that no structural alterations are made thereto except for change of copy.

The courtyard area may have entry signs and logos to identify the courtyard area but shall not specify tenants. Such signs may be mounted on a wall, entry structure or other decorative feature. Such entry signage (lettering) shall be limited to 75 square feet.

Signage internal to the enclosed structure or courtyard of a regional mall shall not be required to conform to these regulations. However, a building permit shall be required for installation of all such signs.

Directional signs without advertising throughout the parking garage are exempt from this limitation.

(e) Supplemental Regulations.

(1) *Regional Mall alternative sign graphics criteria.* The owner of a Regional Mall, or its authorized representative, may choose to comply with the standards for Regional Mall district signs or, alternatively, apply for approval of alternative sign graphics criteria as described below.

(a) The owner shall submit to the City Manager a written statement of the uniform sign graphics criteria (the "criteria"). The City Manager shall review the criteria, make a recommendation and submit the

criteria, along with the recommendation, to the City Council for final approval. Once the criteria have been approved, they shall apply to the entire Regional Mall, as well as to each individual occupant, and shall remain in effect for as long as the Regional Mall center exists, regardless of any change in ownership or management, unless and until the owner obtains approval to amend the criteria or revert to the standards contained herein from the City Council. The criteria for each Regional Mall shall include, but not be limited to, colors, type of signs, style of letters, size of letters (maximum or minimum) and size of signs.

- (b) Any applications to erect any sign (except for those signs defined herein which do not require a permit) for any portion of a Regional Mall shall include and comply with the criteria established for the Regional Mall, a sketch of the proposed sign and the written consent of the owner of the multi-tenant center for the proposed sign.

- (2) *Landscaping of detached, monument, and freestanding signs.* Unless otherwise provided in this Code, all detached, monument, and freestanding signs shall be placed in a planting bed with landscaping surrounding the sign on all sides. This bed shall contain shrubs, flowers or other ground cover, and shall be shown on a site plan or survey submitted for approval in conjunction with a sign permit application.

#### **Section 10-22. Street signs.**

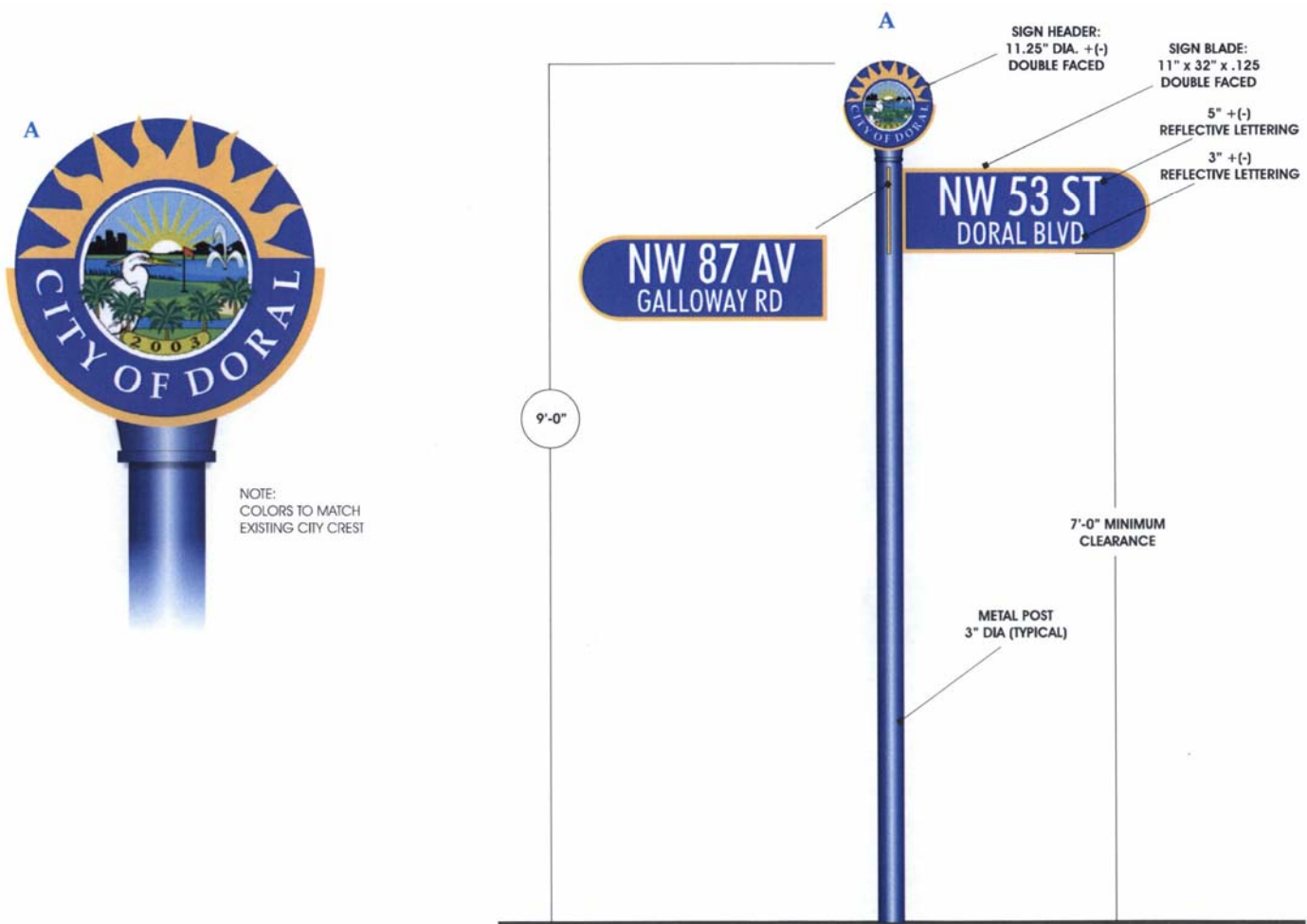
All street sign materials, poles, base and mountings shall comply to the following specifications, design and to be in compliance with FDOT, County and City specifications with the greater of the three taking precedence.

- (a) ALUMINUM - All aluminum components are to be 6061T6 as FDOT specified with certificates available.
  - (1) Frangible 3" pole OD NCHRP 530 approved - 10' length with pre-drilled holes for mounting brackets for blades to post.
  - (2) Finial is #319 cast aluminum with certificate available.
  - (3) Medallion for finial .125 laser cut sheet 11.25" diameter.
  - (4) Installation sleeve 3'4"L x 3/16" x 3-1/16" ID (base) with 3' in ground.
  - (5) Vandal proof securing mechanism to secure 3.5 post to base with pre-drilled holes in sleeve and post.
  - (6) Back plate/bracket for sign unit with 'STOP' sign.
  - (7) Nuts, bolts, attachment unit. All to comply with FDOT, County and City specifications.
  - (8) Pre-drilled hole locations to be distributed at pre-construction meeting.
- (b) COATINGS - Paint Coatings will be 10 year warranty against loss of gloss and color PPG Coroflan Brand or equal.
- (c) REFLECTIVE FILM
  - (1) 3M BRAND.
  - (2) Street signs Hi Intensity #3870 (FDOT guideline specified).

- (3) Medallion is to be engineer grade #680-10.
- (4) Overlay film (all printed units) will be 8519 Lustre with UV protection.
- (d) WARRANTY - General Sign Unit Warranty (normal wear) will be eighteen months on sign unit.

Related secondary warranty and specification:

- (e) SIGN COMPONENTS - All basic sign components and materials will comply with FDOT, County and City standards. All aluminum components will meet or exceed FDOT requirements. Aluminum Sign Pole will be frangible in design and approved by FDOT.



- (f) Metal type, general specifications, projected durability will be:
  - (1) Finial (aluminum 15 years).
  - (2) Pole (aluminum 15 years).
  - (3) Installation Sleeve (Base) (aluminum 15 years).

- (4) Sign Structure (aluminum 15 years.
- (5) Metal type, general specifications, projected durability.
- (6) Sign Substrate (substrate and legends materials 5 years)  
Metal type, general specifications, projected durability.
- (7) Sign Legend Materials, Overlay Film and Inks  
3M materials (engineer grade and hi intensity) identified overlay  
type, compatible inks with reflective sheeting 5-7 years projected.
- (8) Fasteners, nuts, bolts, washers (aluminum 5-7 years projected durability)  
All fasteners will be aluminum with manufacturers cut sheets and  
specifications provided.
- (9) Paints (10 year warranty against loss of gloss and color  
PPG Coroflan Brand or equal  
Specialty (auto body) paint reference manufacturers' specification.
- (10) Anodized items (projected life only) Specialty reference manufacturers'  
specification

**Section 10-23. Entrance Features.**

Notwithstanding any other provision of this article, entrance features in compliance with each of the standards enumerated below shall be permitted:

(a) Entrance features that are placed on private property shall be continually and properly maintained by the owners. To assure the proper maintenance of entrance features:

(1) An executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to the Department for review and, upon approval, shall be duly recorded prior to the issuance of any permits.

(b) Entrance features may be placed within public rights-of-way provided:

(1) Prior approval is granted by the City of Doral Public Works Department; and

(2) A bond is submitted to the Public Works Department in an amount to cover the removal of said features if deemed necessary at a later date by the Public Works Department. The bond shall have an initial ten-year life and shall be renewed for five-year periods thereafter; and

(3) An executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to Public Works Department for review and, upon approval, shall be duly recorded prior to the issuance of any permits.

(c) Entrance features shall be placed so as not to encroach upon utility lines or traffic control devices whether such lines or devices be located overhead or underground; and where a conflict is indeed encountered, the developer or designated property owner shall be responsible for the removal or relocation of the said features or a part thereof.

(d) Entrance features shall be placed so as not to cause a visual obstruction and thereby create a traffic hazard, and should the use of illumination be incorporated in said features, such illumination shall be placed so as to be unobtrusive to moving traffic lanes or adjacent properties.

(e) The character and scale of entrance features shall be of a design such that said features are complementary to the identified development and compatible with the immediate neighborhood insofar as its overall impact is concerned.

(f) All structures within entrance features shall meet all standards of the South Florida Building Code and any other applicable standards, and all water bodies with depths greater than eighteen (18) inches shall meet all applicable standards of this chapter, applicable to reflecting pools and water features, standards.

(g) Applications for permits for entrance features shall be made by the fee owner of the property in question and shall be submitted to the Department. Applications shall include

an accurately dimensioned plot use plan identifying all structures and landscaping incorporated in said features and identifying all setbacks and elevations of the same.

(h) Upon receipt of all necessary information, the City's plat division shall review the same, and in turn, the joint directors of the City's plat division shall review the information, including staff's report, and render a decision either approving, modifying, or denying the request. A copy of said decision shall be published in a newspaper of general circulation. All approvals or modifications shall not be effective until fifteen (15) days after the directors' decision is published in a newspaper of general circulation. The decision of the directors shall be recorded on the official zoning map of City of Doral.

(i) The applicant, or any aggrieved property owner in the area, may appeal the decision of the joint directors to the City Council, in the manner provided for appeals of administrative decision of the Code of City of Doral.

#### **Section 10-24. Penalty; Enforcement.**

(h) *Violation; prohibitions.* Any sign which is not in compliance with the provisions of this chapter shall constitute a violation. Any such sign which has been erected, or is being maintained in violation of the provisions of this chapter, shall be removed by the sign owner, or by the property owner, lessee, their agents or persons having the beneficial use of the property on which the commercial sign is displayed, upon notice of said violation by the Code Compliance Department. The City Manager or his designee shall cause the removal of any commercial advertising sign which is in violation of this chapter, in accordance with the procedures set forth in the Code Compliance Ordinance. Notwithstanding the above, the City Manager or his designee may cause the sign to be made safe as an alternative to removal. Violation of any provision of this code will result in enforcement action being taken by the Code Compliance Department in accordance with the Code Compliance procedures and ordinance adopted by the Mayor and City Council.

## CHAPTER XI. TOWERS, POLES AND MASTS

### Section. 1. Compliance with article.

- (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. T
- (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 antenna is maintained on the utility pole or structure, (b) the utility pole or structure does not exceed onehundred 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.

### Section. 2. Plans and specifications to accompany application for permit.

Plans and specifications for the structures provided in Section 1. above 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.

### Section 3. Height and Setback.

No part of any tower, pole or mast shall be higher than ninety (90) percent of the horizontal distance from its foundation at ground elevation to the nearest point on adjacent property under another ownership or to the nearest edge of a highway right-of-way. It is provided, however, that in the corridor commercial or industrial zoning districts, the following structures 150 feet or less in height above ground elevation shall not be



subject to the required setback: (a) radio towers where incidental to a business or industrial use on the premises, or (b) wireless supported service facilities whether a principal or incidental use; provided, however, that such installation under (a) or (b) shall conform to the provisions of all airport zoning regulations contained herein.

#### **Section 4. Underground electrical installation.**

All electrical installations between the FPL transformer and the service side of the metering device shall be installed underground. No overhead installation of electrical services shall be allowed in any district. Existing services/meter undergoing replacement or repairs shall comply with this requirement.

#### **Section. 5. 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, Section 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 all poles, masts or towers except for satellite dishes under one meter, and terrestrial antennas that extent 12 feet or more above the roof line.
- (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 INSET:

<i>Pole Height Above Ground</i>	<i>Hole Depth in Firm Ground</i>	<i>Hole Depth in Rock Ground</i>
16 ft.	3 1/2 ft.	3 ft.
20 ft.	4 ft.	3 ft.
25 ft.	5 ft.	3 ft.
35 ft.	6 ft.	4 ft.
50 ft.	7 ft.	4 1/2 ft.

If the earth is damp or soggy, the depth of hole is to be increased by one (1) foot.

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.
- (h) *Waiver of objection for certain structures; servicing; removal.* All poles, masts or towers, and other structures used for antennas under this section, which exceed thirty-five (35) feet in height above grade elevation, or which exceed twenty (20) feet in height above the roof of any structure shall be subject to the following requirements:

If the top of such poles, masts or towers are higher above their foundation, or the foundation of the structure on which they are erected, than ninety (90) percent of the horizontal distance from its base or projected base to the nearest point on adjacent property under different ownership or to the nearest edge of an official right-of-way,

then no permit shall be issued for such installation unless a waiver is obtained from each and every owner of adjacent property that the structure could fall upon.

In calculating the height of demountable type towers, the top of the lower rigid section shall be considered the top for the purpose of this subsection.

Beam array antenna shall be so mounted so as to provide easy servicing and easy access for removal at approach of hurricanes, or provide for the lowering of such beam.

### **Section 6. Satellite dish antennas.**

The standards of this section pertain to privately owned satellite dish antennas and are intended to enable clear television reception for the private use and enjoyment of the dish owner. The standards for commercial telecommunications facilities and antennas associated therewith are enumerated in Section 7 below.

#### *(a) Definitions*

(1) A Satellite dish antenna (SDA) shall be defined as a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow parabolic dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations and satellite microwave antennas.

(2) SDA- Satellite Dish Antenna one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.

(3) FCC- Federal Communications Commission, Order 98-273, Over the Air Reception Devices Rule, as subsequently amended.

(4) Common Areas- FCC defines common areas as roof, hallways, walkways, and exterior walls.

(b) *Measuring an SDA.* The diameter of an SDA shall be measured to the outermost part of the SDA. The height of an SDA shall be measured from natural grade to the top of the SDA fastened in a vertical position. The setback of an SDA shall be measured from the property line to the nearest portion of the SDA fastened in a horizontal position.

(c) *Permits and exceptions.* Unless preempted by Federal Law, no SDA shall be erected unless a building permit is first obtained from the Building Department. Under current Federal Law no permit is necessary for SDA's measuring less than one (1) meter (39.37 inches) in diameter when placed as an accessory use to any single family residence, duplex or townhouse unit, or less than two (2) meters (78.74 inches) in diameter when placed as an accessory use to any permitted business, industrial, office or multi-family use.

- (d) The trend determination regulations for the GU (Interim) District shall govern the standards to be utilized in the placement of SDA's within the GU District.
- (e) As an accessory use to any single family residence, duplex or townhouse, one (1) ground-mounted SDA is permitted per dwelling unit subject to all the following conditions:
- (1) No installation shall exceed fifteen (15) feet in height.
  - (2) SDA's must be located behind the front and side street building line of the principal building and a minimum of seventy-five (75) feet from the front property line. SDA's are to be setback from the interior side property lines a minimum of seven and one-half (7 1/2) feet in residential zoning districts and twenty (20) feet in the GU district. The minimum rear setback is seven and one-half (7 1/2) feet.
- (f) As an accessory use to any single family residence, duplex or townhouse, one (1) roof-mounted or wall-mounted SDA is permitted per dwelling unit in lieu of a ground mounted SDA, subject to all the following conditions:
- (1) A certified engineer's report reflects that clear reception of all satellite transmissions is not possible with a ground mounted SDA under paragraph (e) above;
  - (2) The SDA shall be mounted on the rear or interior side wall of the principal building or on the roof to the rear of the actual front building line;
  - (3) The SDA shall not exceed ten (10) feet in diameter;
  - (4) The height of the proposed installation shall not exceed the maximum height restriction imposed upon principal uses within the underlying zoning district.
- (g) As an accessory use to any business, office or multi-family use, ground-mounted SDA's are permitted subject to all the following conditions:
- (1) The ground mounted SDA shall not exceed sixteen (16) feet in diameter;
  - (2) All installations shall comply with the principal building setback requirements specified within the underlying zoning district. The ground mounted SDA shall be located behind the actual front and side street building line;
  - (3) No ground mounted SDA shall project beyond the height of the tallest principal building on the lot on which it is erected.
- (h) As an accessory use to any business, office or multi-family use, roof or wall-mounted SDA's are permitted, in lieu of ground-mounted antennas, subject to all the following conditions:
- (1) The SDA shall not exceed sixteen (16) feet in diameter;
  - (2) Each SDA must be mounted on the roof to the rear of the front building line or on the rear or non-street side wall of the principal building;
  - (3) The height of the SDA shall not exceed seventeen (17) feet above the height of the principal building on which it is placed.
- (i) SDA's are permitted as an accessory use in any Industrial district subject to compliance with the principal building setback requirements within the underlying zoning district. In Industrial districts abutting or across the street from a residential district, SDA's must also comply with all conditions of paragraphs (g) and (h) above.

- (j) This section of the Land Development Code requires the installation of centralized distribution for video and internet satellites, terrestrial antenna, cable TV provider, and wireless signal in new residential and commercial developments, as well as in restoration work comprising of more than 50% of the building value. This will facilitate the availability of pre-wired services. This requirement applies to all uses including but not limited to rental properties, condominiums, community associations, townhomes, and single family.

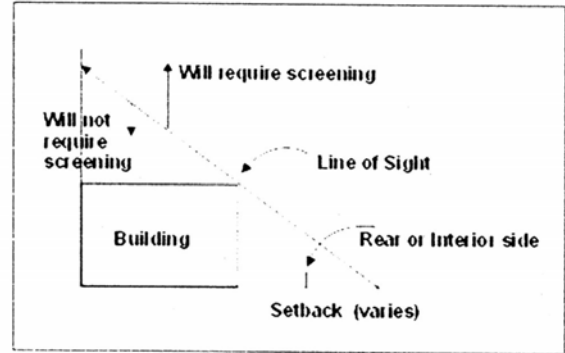
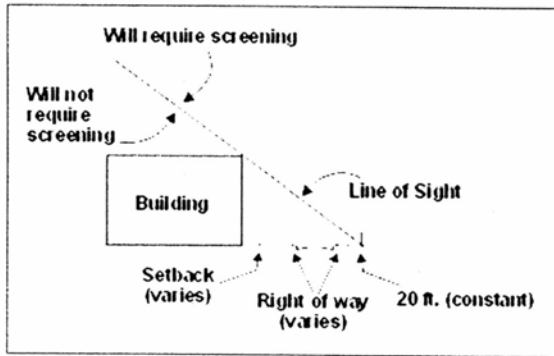
The developer/owner of such development shall install, at time of construction, a centralized distribution system pre-wired to each unit with the capability of receiving the end-user's choice of video and internet satellite, terrestrial antenna, cable TV, or wireless provider. One of each current and future choice must be provided at the centralized location.

Having centralized distribution of services will restrict the owner/tenant from installing their own antenna in their exclusive use areas.

- (k) Signage of any type is prohibited on SDA's.
- (l) Notwithstanding the provisions contained in this Section to the contrary, the Director shall have the discretion to administratively modify setback requirements when it can be demonstrated through a certified engineer's report that compliance with such setback requirements would hinder clear reception of signals. In such instances, the Director:
- (1) May require that the SDA be buffered with landscaping or screened from view, providing such buffering or screening does not interfere with clear reception;
  - (2) Shall ensure that the modification is within the spirit and intent of this section; and
  - (3) To the extent possible shall ensure that the SDA installation is compatible with the appearance and character of the neighborhood.

**Section 7. Wireless supported service facilities.**(a) *Permitted Districts and Criteria for Antennas.*

- (1) *Permitted Districts.* Antennas used as part of a Wireless Supported Service Facility which are mounted on existing Structures shall be permitted in the following zoning districts subject to the criteria outlined below.
  - a. In hotels, motels, and apartment hotels in all zoning districts.
  - b. On multi-family residential buildings in all MF-3 and MF-4 districts.
  - c. In any district on any structure lawfully being used for any of the following purposes, where the site is located at the intersection of section-line roads, a transition area, or abutting a major roadway as depicted on the Land Use Plan Map of the Comprehensive Development Master Plan, or section center: public or private/nonpublic educational facilities on a site of 10 or more gross acres, hospitals, race tracks, stadiums, or public or private utilities.
- (2) *Criteria.* Antennas may be located on existing Structures with a height of thirty (30) feet or greater, so long as the Antennas do not extend (i) more than thirteen (13) feet above the highest point of the roof of a building as measured in accordance with the provisions of Definitions and Interpretation Chapter III or (ii) the highest point on the Structure as measured from the average elevation of the finished building site to the top of the structure.
  - a. Except for Cylinder Type Antennas, Antennas shall be screened from view or wall mounted and shall not exceed nine (9) Sectors.
  - b. 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.
  - c. 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 elevation on the particular rooftop structure where they are placed.
  - d. Where roof mounted:
    - i. 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 sketches shown below. In conducting such analysis, the width of the right-of-way shall be equal to the width of the right-of-way fronting the particular elevation.



- ii. Any Antennas or portion thereof above the line of sight will require screening. All required screening used in conjunction with such rooftop installations shall be architecturally compatible and harmonious in color and materials with the supporting structures and any existing or approved screening on the structure. Screening materials at corners shall be the same length and height on all corners.
  - a. An initial antenna installation within 13 feet of the corner of a structure shall require screening along the rooflines of both sides of the corner to a distance of 13 feet.
  - b. An initial antenna installation more than 13 feet from the corner of a structure, or the installation of any antenna subsequent to a prior antenna installation, shall provide screening along the entire rooflines from which the line of sight analysis shows that the antenna can be seen.
- iii. Cylinder Type Antennas shall be limited to three (3) per Structure and shall be painted to match the Structure.
- iv. No sign shall be allowed on an Antenna.
- v. No signals, lights, or illumination shall be permitted on an Antenna, unless required by any applicable federal, state or local rule, regulation or law.
- vi. 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.

(b) *Permitted Districts and Criteria for Antenna Support Structures.*

(1) *Permitted Districts.* 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. For Antenna Support Structures greater than one hundred (100) feet in height in the BU-3 and in the Industrial Districts, and for all Antenna Support Structures, except Antenna Support Structures for broadcast radio and television, in the MF-3, MF-4, NC, CC, O-1, O-2, O-3, and TND zoning districts, a public hearing is required pursuant to this section.

(2) *Criteria.*

a. Signage.

i. No advertising signs, including commercial advertising, logo, political signs, flyers, flags or banners, whether or not posted temporarily, shall be permitted on any part of the antenna support structures or antenna with the exception of the following:

- a. Warning, danger or other sign designed to maintain public safety;
- b. Any federal, state or municipal flags located on such facilities designed to look like a flagpole; or
- c. Permitted signage associated with the principle use on the property where the principle use incorporates a camouflaged antenna support structure.

b. Zoning District. Antenna Support Structures considered for approval under section 33-311(A)(18) of Miami Dade County Code of Ordinances shall meet each of the following requirements, as applicable, except as alternative development options may be approved pursuant to section 33-311(A)(18)(b) of Miami Dade County Code of Ordinances..

i. In the NC, CC, MF-4 zoning districts:

a. A stealth or camouflaged Antenna Support Structure shall be designed to resemble a natural object or a man-made structure (i.e. tree, bell tower, clock tower, church steeple, flag pole, etc.), shall be located on a minimum one (1) gross acre parent tract and

1. Shall be a camouflaged artificial tree or flagpole not exceeding 150 feet in height; or
2. Shall be designed to serve a purpose other than supporting antennas (i.e., lighting of sports facilities, transmission of electrical and/or telephone lines, flag poles); or
3. Shall be designed to be harmonious with the architectural elements of the surrounding structures, such as bulk, massing



and scale of surrounding properties; or be designed to blend and be harmonious with the principal structure on the property on which the Antenna Support Structure is proposed to be constructed and installed.

- b. A non-camouflaged Antenna Support Structure shall not exceed 125 feet in height and shall be located on a minimum one (1) gross acre parent tract.
  - ii. In MF-2, MF-3 and MF-4 zoning districts non-camouflaged Antenna Support Structures shall not exceed 150 feet in height, and shall not exceed 125 feet in height if located on a parcel where the immediate vicinity contains any existing single family or duplex residential dwelling or is zoned for single family or duplex dwellings.
  - iii. In all CC, IC, I and I-R zoning districts, a non-camouflaged Antenna Support Structure shall not exceed 200 feet in height.
  - iv. In all office districts and NC zoning district, a non-camouflaged Antenna Support Structure shall not exceed 200 feet in height.
  - v. On properties zoned TND, location and design criteria for Antenna Support Structures and related equipment buildings shall be controlled as part of the conditions of approval of the TND agreement and any amendments thereto, in accordance with the applicable requirements of Section 15. of Chapter V of this code.
- c. 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.
  - d. 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 feet. There shall be no minimum spacing between Accessory Wireless Equipment Buildings and the building located on the property.

### **Section 8. Co-location.**

To encourage co-location and the use of sites, which already have Wireless Supported Service Facilities, additions to such facilities may occur as follows:

- (a) 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.

## CHAPTER XII. SUBDIVISIONS

**Section 1.** All subdivisions shall comply with Chapter 28 of the Code of Miami Dade County.

## CHAPTER XIII. CONCURRENCY

### Section 1. Authority and applicability.

- (a) *Certificate of concurrency/capacity required.* Unless exempted under the provisions of paragraph B below, all applications for development approval shall include an application for a certificate of concurrency/capacity or a nonconcurrency affidavit. No development approval shall be granted until a certificate of concurrency/capacity is issued or a nonconcurrency affidavit is executed.
- (b) *Exception.* No certificate of concurrency/capacity is required for the following:
- (1) Replacement of structures that do not increase the demand for public facilities.
  - (2) Room additions to residences.
  - (3) Accessory structures to residences, including swimming pools, fences and walls.
  - (4) Signs.
  - (5) Utility infrastructure facilities.
  - (6) Public facilities.
  - (7) Telecommunication towers.
  - (8) Parking garages and lots.
  - (9) Expansions that were previously disclosed by the applicant and subject to a concurrency test as part of the original application of a phased development.
  - (10) Projects that are vested.

### Section 2. Application and procedures.

- (a) An application for a certificate of concurrency/capacity shall be filed with the community development coordinator as part of an application for development approval and shall include such fees as are required by Chapter XIV, Chapter IV and any other applicable code and chapter.
- (b) The Planning & Zoning Director shall review the application and determine whether the application complies with the standards established in this chapter. If the director determines that the application complies with the standards, a certificate of concurrency/capacity shall be issued and shall be valid for a period of two years or such later period as may be provided for in a development approval.
- (c) In the event that an application for a certificate of concurrency/capacity is approved, the applicant shall pay prior to the issuance of the certificate, a fee in the form of prepayment of the capacity being reserved, or some other financial assurance provided by the applicant that is acceptable to the city. The certificate of concurrency/capacity fee may be refunded if development does not proceed so long as the city has not expended or obligated the money for preconstruction costs or construction of the facility, if the road impact fee has not been transferred to the

county. If the road impact fee portion has been transferred to the county, the applicant may request a refund from the county.

- (d) A certificate of concurrency/capacity may be extended according to the same terms and conditions as the underlying development approval. If a development approval is granted an extension, the certificate of concurrency/capacity, if any, shall also be extended.
- (e) A certificate of concurrency/capacity may be extended to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains a subsequent development approval prior to the expiration of the earlier development approval.
- (f) A certificate of concurrency/capacity runs with the land and is valid only for subsequent development approvals for the same parcel and to new owners of the original parcel for which it was issued.
- (g) A certificate of concurrency/capacity shall expire if the underlying development order expires or is revoked by the city and the capacity has not been extended to a subsequent development approval for the same parcel.
- (h) A denial of a certificate of concurrency/capacity may be appealed in the manner provided in Chapter IV.

### **Section 3. Determination for concurrency/capacity.**

#### **Section 3.1 Water**

A letter of service availability from Miami-Dade County is required to issue certificate of concurrency for this public infrastructure element.

#### **Section 3.2 Sewer**

A letter of service availability from Miami-Dade County is required to issue certificate of concurrency for this public infrastructure element.

#### **Section 3.3 Solid Waste**

A letter of service availability from Miami-Dade County is required to issue certificate of concurrency for this public infrastructure element.

#### **Section 3.4 Transportation**

The goal is to ensure proposed developments are within the accepted LOS thresholds mandated by state law, and if transportation improvements are needed to mitigate the site's generated traffic impact.

Based on the number, location, and type of traffic counts the following levels of transportation analysis is required for proposed new developments in the City. Each level is determined by the number of trips the project will generate, as stated in the latest edition of the *Institute of Transportation Engineers, Trip Generation Manual*. Each level of analysis is a minimum threshold and may be exceeded by the applicant. The City may require additional analysis to address site specific issues if desired:

**(a) Level 1: 1-250 Trips (total vehicles per hour – peak hour adjacent street)**

**(1) Project Methodology Meeting:** This meeting shall be held between the applicant and the City of Doral, to discuss the methodology, study area, requirements, format and submission date(s).

**(2) Data Needs**

- a. *Traffic Counts – including trucks. May include pedestrians if requested by the City.*
  - f. Two-hour peak periods (a.m. 7:00 – 9:00 and p.m. 4:00 – 6:00 or any other time period depending on the type of development) intersection turning movement counts (TMCs) on the FOUR Intersections most impacted by the proposed development.
  - g. Roadway Link counts (hourly for 72 hours) shall be collected on the FOUR Links most impacted by the proposed development. Additional links counts may be necessary if the site's generated impact is 10 % or more of the link's highest existing two way peak hour traffic volumes.

All counts shall adhere to the FDOT MUTS manual and other applicable standards

- b. *Signals Location and Timing (if applicable):* Traffic signals shall be identified by Miami-Dade County Asset ID. Existing Signal Phasing/Timing shall be utilized in the analysis.
- c. *Trip Generation /Trip Distribution / Trip Assignment:*
  - i. All trip generation information should be based on the latest edition of the ITE Trip Generation Manual.
  - ii. Trip Distribution shall begin by defining the Traffic Analysis Zone (TAZ) number for the project location. Distribute trips using the project's TAZ and related data from the current adopted Miami Dade MPO Long Range Transportation Plan.
- d. *Committed Developments:* All committed developments within the study area shall be quantified. This data should be collected from the City of Doral and Miami Dade County's Department of Planning and Zoning. It will include all developments that have entered the concurrency application process, yet have not been constructed, within the study area, as defined by the City Planning Department (generally within a 1 mile radius of the

project.) If quantifiable data can not be reasonably obtained, an alternative method will be to apply an annual growth factor, developed according to accepted professional practice, in consultation with and approved by the City.

- e. *Future Transportation Projects:* To counterbalance subtractions from transportation network capacity, future transportation projects, which add capacity to the network shall be quantified. These must be represented as approved and funded projects, set for implementation within one year of project opening, within the MPO's adopted Transportation Improvement Program (TIP) and/or the City's program.
- f. *Build Out Year:* This represents a date in the future in which the facility/ development will be operational. It shall be used as the date for future conditions analysis.

### **(3) Level of Service Analysis**

- a. Capacity / LOS / operational analyses for the selected FOUR intersections and FOUR roadway link(s) for the AM & PM peak hours or any other period(s) as well as for additional intersections and/or links as may be determined by the City.
- b. Capacity / LOS / operational analysis on all driveways providing access to/from the site, for the same time period as above.
- c. Using the data collected, including trucks, analyses will be undertaken to portray the existing conditions, future conditions with committed developments, and the future conditions with the project and committed developments. All analyses shall be done utilizing latest edition of the Highway Capacity Manual methodologies. Other measures such as vehicular delay, volume to capacity ratios, vehicular queue length, among others, may be required by the City. Determine site's impacts and identify improvements recommendations to mitigate impacts if applicable.
  - i. Existing Condition
  - ii. Future Condition with Committed Developments
  - iii. Future Conditions With Project and Committed Development
- d. If the site is to have gates to control access, then the appropriate analyses shall be performed to determine vehicular queue lengths waiting to enter the site and their impact on the adjacent roadway(s).

### **(b) Level 2: 251-400 Trips (total vehicles per hour – peak hour adjacent street):**

**(1) Project Methodology Meeting:** This meeting shall be held between the applicant and the City of Doral, to discuss the methodology, study area, requirements, format and submission date(s).

**(2) Data Needs**

- a. *Traffic Counts – including trucks. May include pedestrians if requested by the City.*
- i. Two-hour peak periods (a.m. 7:00 – 9:00 and p.m. 4:00 – 6:00 or any other time period depending on the type of development) intersection turning movement counts (TMCs) on the SIX intersections most impacted by the proposed development.
  - ii. Roadway Link counts (hourly for 72 hours) shall be collected on the SIX links most impacted by the proposed development. Additional link(s) counts may be necessary if the site's generated traffic impact is 10 % or more of the link's highest existing two way peak hour traffic volumes.

All counts shall adhere to the FDOT MUTS manual and other applicable standards

- b. *Signals Location and Timing (if applicable):* Traffic signals shall be identified by Miami-Dade County Asset ID. Existing Signal Phasing/Timing shall be utilized in the analysis.
- c. Trip Generation / Trip Distribution / Trip Assignment
- i. All trip generation information should be based on the latest edition of the ITE Trip Generation Manual.
  - ii. Trip Distribution shall begin by defining the Traffic Analysis Zone (TAZ) number for the project location. Distribute trips using the project's TAZ and related data from the current adopted Miami Dade MPO Long Range Transportation Plan.
- d. *Committed Developments:* All committed developments within the study area shall be quantified. This data should be collected from the City of Doral and Miami Dade County's Department of Planning and Zoning. It will include all developments that have entered the concurrency application process, yet have not been constructed, within the study area, as defined by the City Planning Department (generally within a 1 mile radius of the project.) If quantifiable data can not be reasonably obtained, an alternative method will be to apply an annual growth factor, developed according to accepted professional practice, in consultation with and approved by the City.

- e. *Future Transportation Projects*: To counterbalance subtractions from transportation network capacity, future transportation projects, which add capacity to the network shall be quantified. These must be represented as approved and funded projects, set for implementation within one year of project opening, within the MPO's adopted Transportation Improvement Program (TIP) and/or the City's program.
- f. *Build Out Year*: This represents a date in the future in which the facility/ development will be operational. It shall be used as the date for future conditions analysis.

### (3) Level of Service Analysis

- a. Capacity / LOS / operational analyses for the selected SIX intersections and SIX roadway links for the AM & PM peak hours, or any other period(s) as well for additional intersections and/or links as may be determined by the City.
- b. Capacity / LOS / operational analysis on all driveways providing access to/from the site for the same time period as above.
- c. Using the data collected, including trucks, analyses will be undertaken to portray the existing conditions, future conditions with committed developments, and the future conditions with the project and committed developments. All analyses shall be done utilizing latest edition of the Highway Capacity Manual methodologies. Other measures such as vehicular delay, volume to capacity ratios, vehicular queue length, among others, may be required by the City. Determine site's impacts and identify improvements recommendations to mitigate impacts if applicable.
  - i. Existing Condition
  - ii. Future Condition with Committed Developments
  - iii. Future Conditions With Project and Committed Development
- d. If the site is to have gates to control access, then the appropriate analyses shall be performed to determine vehicular queue lengths waiting to enter the site and their impact on the adjacent roadway(s).



**(c) Level 3: 401 + Trips (total vehicles per hour – peak hour adjacent street)  
(Below D.R.I. thresholds)**

**(1) Project Methodology Meeting:** This meeting shall be held between the applicant and the City of Doral, to discuss the methodology, study area, requirements, format and submission date(s).

**(2) Data Needs**

- a. *Traffic Counts – including trucks. May include pedestrians if requested by the City.*
- i. Two-hour peak periods (a.m. 7:00 – 9:00 and p.m. 4:00 – 6:00 or any other time period depending on the type of development) intersection turning movement counts (TMCs) on the EIGHT intersections most impacted by the proposed development.
  - ii. Roadway Link counts (hourly for 72 hours) shall be collected on the EIGHT links most impacted by the proposed development. Additional link(s) counts may be necessary if the site's generated traffic impact is 10 % or more of the link's highest existing two way peak hour traffic volumes.

All counts shall adhere to the FDOT MUTS manual and other applicable standards

- b. *Signals Location and Timing (if applicable):* Traffic signals shall be identified by Miami-Dade County Asset ID. Existing Signal Phasing/Timing shall be utilized in the analysis.
- c. Trip Generation / Trip Distribution / Trip Assignment
- i. All trip generation information should be based on the latest edition of the ITE Trip Generation Manual.
  - ii. Trip Distribution shall begin by defining the Traffic Analysis Zone (TAZ) number for the project location. Distribute trips using the project's TAZ and related data from the current adopted Miami Dade MPO Long Range Transportation Plan.
- d. *Committed Developments:* All committed developments within the study area shall be quantified. This data should be collected from the City of Doral and Miami Dade County's Department of Planning and Zoning. It will include all developments that have

entered the concurrency application process, yet have not been constructed, within the study area, as defined by the City Planning Department (generally within a 1 mile radius of the project.) If quantifiable data can not be reasonably obtained, an alternative method will be to apply an annual growth factor, developed according to accepted professional practice, in consultation with and approved by the City.

- e. *Future Transportation Projects*: To counterbalance subtractions from transportation network capacity, future transportation projects, which add capacity to the network shall be quantified. These must be represented as approved and funded projects, set for implementation within one year of project opening, within the MPO's adopted Transportation Improvement Program (TIP) and/or the City's program.
- f. *Build Out Year*: This represents a date in the future in which the facility/ development will be operational. It shall be used as the date for future conditions analysis.

### (3) Level of Service Analysis

- a. Capacity / LOS / operational analyses for the selected EIGHT intersections and EIGHT roadway links for the AM & PM peak hours, or any other period(s) as well for additional intersections and/or links as may be determined by the City.
- b. Capacity / LOS / operational analysis on all driveways providing access to/from the site for the same time period as above.
- c. Using the data collected, including trucks, analyses will be undertaken to portray the existing conditions, future conditions with committed developments, and the future conditions with the project and committed developments. All analyses shall be done utilizing latest edition of the Highway Capacity Manual methodologies. Other measures such as vehicular delay, volume to capacity ratios, vehicular queue length, among others, may be required by the City. Determine site's impacts and identify improvements recommendations to mitigate impacts if applicable.
  - i. Existing Condition
  - ii. Future Condition with Committed Developments
  - iii. Future Conditions With Project and Committed Development
- d. If the site is to have gates to control access, then the appropriate analyses shall be performed to determine vehicular queue lengths waiting to enter the site and their impact on the adjacent roadway(s).

**(d) Following conditions are applicable to all analysis levels:**

- (1) **LEVEL I, II, & III** Intersection/link capacity /LOS analyses are to be based on The Highway Capacity Manual (HCM 2000) methodology (or latest acceptable HCM methodology). FDOT Art-Plan or Q/LOS methodology is acceptable. Other analysis software may be used subject to approval by the City.
- (2) **Parking.** The need and requirements for a parking analysis will be determined by the City in the initial project methodology meeting. Parking required for the facility will depend upon project programming, taking into account the number of units, and the square footage of the retail and commercial space. Parking analysis shall consist of determining if planned parking for the development meets or exceeds the city's requirements.
- (3) **Additions, Deletions, or Changes to Existing Land Uses.** If the resulting additional generated two-way hourly traffic volume (highest peak hour of adjacent street) is 10% or less of the total site's generated traffic, then there is no need to assess traffic impact, unless the additional generated traffic will cause the adjacent roadway(s) to exceed Concurrency thresholds. This shall be documented and submitted by the applicant or his/her designee.

In cases where the resulting new generated traffic will be less than the existing, it shall then be documented and submitted by the applicant or his/her designee.

**Section 3.5. Stormwater Management****Section 3.6. Parks and Open Space Requirements**

Following park level of service standards shall be followed to determine concurrency for this public infrastructure element.

- (a) 2006-2008: 3.00 acres of developed park land per 1,000 residents.
- (b) 2009-2011: 3.25 acres of developed park land per 1,000 residents.
- (c) 2012-2014: 3.75 acres of developed park land per 1,000 residents.
- (d) 2015-2020: 4.25 acres of developed park land per 1,000 residents.

## **CHAPTER XIV. IMPACT FEES.**

### **Section 1.**

- (a) A City of Doral Parks and Recreation Impact Fee of \$1453.40 and a Police Impact Fee of \$101.29 shall be applied to each unit of a new construction single family, duplex and multi-family buildings.

## CHAPTER XV. CODE COMPLIANCE

### ARTICLE I: CODE COMPLIANCE

#### Section 1. Intent.

- (a) It is the intent of this chapter to promote, protect and improve the health, safety and welfare of the citizens of the City of Doral and to provide an equitable, expeditious, effective and inexpensive method of enforcing codes and ordinances in force in the city where a pending or repeat violation exists or continues to exist. This chapter is enacted pursuant to the authority of F.S. ch. 162.
- (b) The city's special magistrate shall have jurisdiction to hear and decide cases in which violations are alleged of any provision of the city's or county's codes or ordinances.
- (c) Any alleged violation of a city or county code or ordinance may also be enforced in any court of competent jurisdiction or in any other appropriate forum as provided by law or municipal or county ordinance.

#### Section 2. Alternate code enforcement system created.

The city creates, pursuant to F.S. ch. 162, an alternate code enforcement system that gives special magistrate appointed as set forth in articles II and III of this chapter the authority to hold hearings and impose fines, liens and other non-criminal penalties against violators of the city's or county's codes and ordinances.

#### Section 3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Special Magistrate* means persons appointed by the city manager or his designee to enforce city or county codes and ordinances as provided in this Code.

*Code Inspector* means the code compliance officers or any authorized agent or employee of the city whose duty it is to assure code compliance.

*Repeat violation* means:

- (a) A violation of a provision of a city code or ordinance by a person whom a code enforcement special magistrate has previously found to have violated the same code provision within five years prior to the current violation, notwithstanding the violations at different locations.
- (b) A violation committed by an entity which has one or more officers, major shareholders or general partners in common with another entity which violated the same code provision within five years of the current violation. For purposes of this section a major shareholder shall be one who owns at least 25 percent of the shares of that corporation. This paragraph shall only apply where the common officers, major shareholders or general partners are or were actively involved in the

management of the entity committing the violation at the time when the violation occurred.

#### **Section 4. Litter enforcement officers.**

Pursuant to the provisions of F.S. § 403.413, the Florida Litter Law, the code compliance officers are designated as litter enforcement officers of the city, for the purposes of enforcing F.S. § 403.413. Such employees are designated and appointed as litter enforcement officers.

### *ARTICLE II: SPECIAL MAGISTRATE*

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**\*State law references:** Authority to appoint special magistrate, F.S. § 162.03(2).

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#### **Section 5. Appointment of special magistrate.**

The city manager or his designee may appoint a special magistrate, who shall be authorized to hold hearings and impose fines, liens and other no criminal penalties against violators of city or county codes and ordinances. The special magistrate shall be an individual who shall have been determined by the city manager and city attorney to have the knowledge, skills and abilities to perform as special magistrate. Each special magistrate shall be appointed for a term of one year and shall receive an hourly rate of compensation in accordance with reasonable prevailing rates for special magistrates as determined by the city manager.

- (a) *Functions, duties.* Except as provided in this Code, special magistrate shall have the duties, powers and responsibilities and shall carry out the functions and procedures as set forth in this chapter.
- (b) *Powers of the special magistrate.* Each special magistrate shall have the power to:
- (1) Adopt rules for the conduct of its hearings.
  - (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department or the sheriff.
  - (3) Subpoena evidence.
  - (4) Take testimony under oath.
  - (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance. In cases of repeat violations, if the special magistrate finds that the violator's conduct is habitual or flagrant or amounts to a refusal to comply with prior orders, the special magistrate may suspend the violator's certificate of use and/or business license for a period not to exceed six months.
  - (6) Assess and order the payment of civil penalties as proscribed herein.

**State law references:** Similar provisions, F.S. § 162.08.

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*ARTICLE III: ENFORCEMENT PROCEDURE*

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**\*State law references:** Enforcement procedure, F.S. § 162.06.

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**Section 6. Generally.**

- (a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes and ordinances. No special magistrate shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsections (c) and (d) of this section, if a violation of a city or county ordinance or code is found, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify a special magistrate and request a hearing. A hearing shall be scheduled and written notice of such hearing shall be hand delivered or mailed as provided in this section to the violator. At the option of the special magistrate, notice may additionally be served by publication or posting as provided in this section. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to a special magistrate even if the violation has been corrected prior to the scheduled hearing, and the notice shall so state.
- (c) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify a special magistrate and request a hearing. The special magistrate, through the city clerk's office, shall schedule a hearing and shall provide notice pursuant to this section. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the scheduled hearing, and the notice shall so state. If the repeat violation has been corrected, the special magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his rights to this hearing and pay the costs as determined by the special magistrate.
- (d) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the special magistrate and request a hearing.
- (e) If the owner of property which is subject to an enforcement proceeding before a special magistrate, or a court transfers ownership of such property between the time the initial pleading was served and the time of the special magistrate hearing, such owner shall:
  - (1) Disclose, in writing, the existence and nature of the proceeding to the prospective transferee.
  - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and the materials relating to the code enforcement proceeding received by the transferor.

- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
  - (4) File notice in writing with the code enforcement official disclosing the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer. A failure to make the disclosures described in subsections (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.
- (f) In addition to notifying the violator as provided in subsections (b), (c) and (d) of this section, the code inspector, clerical staff or other persons designated by the city manager may also provide notice by mail or other means to the mortgage holder(s) and/or other persons or entities having an interest in the subject property.

**State law references:** Similar provisions, F.S. § 162.06.

### **Section 7. Conduct of hearings.**

- (a) Upon request of the code inspector or at such other times as may be necessary, the special magistrate may call hearings. The special magistrate at any hearing may set a future hearing date. The special magistrate shall attempt to convene no less frequently than once every month but may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings, and all hearings shall be open to the public. The city clerk's office shall provide clerical and administrative personnel as may be reasonably required for the proper performance of the special magistrate duties. If the local governing body prevails in prosecuting a case before the special magistrate, it shall be entitled to recover all costs incurred in prosecuting the case before the special magistrate, including but not limited to costs for enforcement, inspections, preparation of enforcement reports, photographs, testing, monitoring, title search, postage, service of notice and or orders, translator, audio/video of proceeding, recording demonstrable administrative and or clerical costs, attributable special magistrate fees, hearing facility costs; such costs may be included in the lien authorized under F.S. § 162.09(3).
- (b) Except as provided in article II of this chapter, the special magistrate shall proceed to hear the cases on the agenda for that day and shall take testimony from the code inspector and alleged violator. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern said proceedings.
- (c) The code compliance division chief or the city attorney shall represent the city by presenting cases before the special magistrate.
- (d) An alleged violator has the right to be represented by counsel at any hearing before the special magistrate. In the event an alleged violator is to be represented by counsel at a hearing, counsel shall file a Notice of Appearance with the City Clerk at



least five (5) days prior to the hearing. Failure to timely file a Notice of Appearance will be justification for a continuance of the hearing at the request of the City.

- (e) At the conclusion of the hearing, the special magistrate shall issue findings of fact based on evidence and conclusions of law and shall issue an order affording the proper relief consistent with the powers granted herein. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed if the order is not complied with by that date, and, under the conditions specified in this section, the cost of repairs may be included along with the fine if the order is not complied with by the specified date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchases, successors in interests, or assigns. If an order is recorded in the public records pursuant to this section and the order is complied with by the date specified in the order, the special magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

**State law references:** Similar provisions, F.S. § 162.07.

#### **Section 8. Fine.**

- (a) A special magistrate, upon notification by the code inspector that an order previously issued in a case has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues beginning with the date the repeat violation is found to have occurred by the code inspector.
- (b) In addition, if the violation is a violation described in section 1(d) of this Article III, the special magistrate shall notify the city manager, which may make all reasonable repairs required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this article, a hearing shall not be necessary for issuance of the order imposing the fine. If after due notice and hearing a special magistrate finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (c) below.
- (c) In addition to such fines, a special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its or the county's codes and all costs of repairs pursuant to subsections (a) and (b).

- (d) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. In addition, the special magistrate may include all costs of repairs pursuant to subsection (c). However, if the special magistrate finds the violation to be irreparable or irreversible in nature, he may impose a fine not to exceed \$5,000.00 per violation.
- (e) In determining the amount of the fine, if any, the special magistrate shall consider the following factors:
- (1) The gravity of the violation;
  - (2) Any actions taken by the violator to correct the violation; and
  - (3) Any previous violations committed by the violator.
- (f) A special magistrate may reduce a fine imposed pursuant to this section.
- (g) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property; but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this article shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first.
- (h) A lien arising from a fine imposed pursuant to this section runs in favor of the City Council. The City Manager shall have the authority to execute a satisfaction or release of lien entered pursuant to this section upon full payment of such.
- (i) After three months from the filing of any lien which remains unpaid, the special magistrate may authorize the city attorney to foreclose on the lien. No lien created pursuant to the provisions of this article may be foreclosed on real property which is a homestead under Fla. Const., art. X, § 4.

**State law references:** Similar provisions, F.S. § 162.09.

### **Section 9. Duration of lien.**

No lien provided under this chapter shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The city commission shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice unless a notice of lis pendens is recorded.

**State law references:** Similar provisions, F.S. § 162.10.

**Section 10. Rehearings; mitigation of fines and liens.**

- (a) *Rehearings.* Upon filing of a petition for rehearing by a violator or by the city administration, a special magistrate may rehear a case, take additional testimony and issue a new order. The petition must be filed with the code compliance division and must demonstrate that there is newly discovered evidence that could not have been discovered through the use of due diligence prior to the original hearing and that will probably change the result if a rehearing is granted, or the special magistrate has overlooked or failed to consider something which renders the order issued erroneous. A petition for rehearing must be filed within 30 days of the filing of the order sought to be reheard.
- (b) *Mitigation of fines.* The Special Magistrate shall have the authority to consider applications for mitigations of fines prior to a lien being filed in the case. All applications for mitigation shall be made in writing and under oath. No applications for mitigation shall be considered until an affidavit of compliance has been filed by the city inspector. A petition for mitigation of fine shall be brought within one year after the entry of the special magistrate order imposing the fine. Mitigation may not be used for purpose of rehearing or appeal of the original order imposing the fine.
- (c) *Mitigation of Liens.* Once a lien has been recorded, all requests for mitigation of the lien shall be considered by the City Manager, and approved by the Special Magistrate. No request shall be considered until an affidavit of compliance has been filed by the city inspector. Further, once the City has filed a foreclosure action on the lien, the City Council shall consider settlement of the foreclosure action and liens.

**Section 11. Appeals.**

An aggrieved party, including the city administration, may appeal a final administrative order of a special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within 30 days of the rendition of the order to be appealed.

**State law references:** Similar provisions, F.S. § 162.11.

**Section 12. Notices.**

- (a) All notices required by this part shall be provided to the alleged violator by:
- (1) Certified mail, return receipt requested, provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the local government by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsections (b)(2)a. and b., and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing;

- (2) Hand delivery by the sheriff or city police officer or other law enforcement officer, code inspector, or certified process server or other person designed by the local governing body;
  - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
  - (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) In addition to providing notice as set forth in subsection (a), at the option of the special magistrate, notice may also be served by publication or posting, as follows:
- (1) a. Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.  
  
b. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
  - (2) a. In lieu of publication as described in subsection (1), such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, at the primary municipal government office of the City of Doral, located at 8300 NW 53 Street, Doral, Florida.  
  
b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
  - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a) of this section.

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b) shall be sufficient to show that the notice requirements of this chapter have been met without regard to whether or not the alleged violator actually received such notice.

**State law references:** Similar provisions, F.S. § 162.12.

### **Section 13. Civil liability; penalties; attorneys' fees.**

- (a) Any person who violates a provision of this chapter or any lawful rule, regulation, or written order of the special magistrate under this chapter is subject to injunction or other equitable relief to enforce compliance with or to prohibit the violation of this chapter. Further, such person is liable for any damage to city caused by such violation, and for the reasonable costs and expenses incurred by the city in enforcing the provisions of this chapter, including but not limited to all costs for enforcement and collection. All such sums shall become immediately due and payable upon expenditure by the city and shall become delinquent if not paid within 30 days after notice to the violator of either the city's bill or special magistrate order itemizing the enforcement costs incurred in enforcing the provisions of this chapter (the "due date"). All such delinquent sums shall bear interest at the rate of 12 percent per annum.
- (b) In addition to the foregoing, any person who violates a provision of this chapter or any lawful rule, regulation or written order of the special magistrate under this chapter is subject to the judicial imposition of a civil penalty for each offense in an amount not to exceed that set forth in this. Each day during any portion of which a violation occurs constitutes a separate offense.
- (c) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the city in any action to enforce compliance with or prohibit the violation of the provisions of this chapter, the court shall adjudge or decree against that person and in favor of the city a reasonable sum as fees or compensation for the attorney acting on behalf of the code compliance chief, building official or the city in the suit in which recovery is had. Such fees or compensation shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions filed after the effective date of this chapter. Cessation of the violation of any of the provisions of this chapter prior to rendition of a judgment or prior to execution of a negotiated settlement, but after an action has been filed by the code compliance chief, building official, or the city to enforce the provisions of this chapter, shall be deemed for the purposes of this section the functional equivalent of a confession of judgment or verdict in favor of the code compliance chief, building official or the city to enforce the provisions of this chapter, shall be deemed for the purposes of this section the functional equivalent of a confession of judgment or verdict in favor of the code compliance chief or building official, for which attorney's fees shall be awarded as set forth in this section.
- (d) Nothing in this section shall be construed to permit or require the code compliance director, building official, nor city attorney to bring an action on behalf of any private person.

#### **Section 14. Provisions of this chapter supplemental.**

None of the provisions contained in this chapter shall be considered exclusive. The city administration or code inspectors have the option to use any method provided by law or municipal or county ordinance to enforce the provisions of the various city or county codes, or conditions required there under.

**State law references:** Similar provisions, F.S. § 162.13

**Section 15. Outside storage.**

- (a) *Outside storage.* Outside storage of new and used equipment and materials shall be regulated as follows.
- (1) *Residential uses.*
- a. Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.
  - b. Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. This prohibition shall not apply to licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.
- (2) *Office uses.* Outside storage of equipment or materials shall not be permitted for office uses.
- (3) *Commercial uses.* Outside storage of equipment and materials shall be permitted only when associated with a commercial use. Additional restrictions are specified below.
- a. Display of landscape or garden supplies, outdoor recreational equipment, and lawn equipment shall be located in designated areas approved for such display as part of a development plan.
  - b. Display of new and used motor vehicles, boats, recreational vehicles, mobile homes and other such vehicles shall be located in designated areas approved for such display as part of a development plan.
  - c. Storage of licensed and operable motor vehicles, boats, recreational vehicles, tractor trailers, storage trailers and other such vehicles shall be located in designated areas approved for such storage as part of a development plan and out of view from any abutting rights-of-way, private streets, waterways and residential uses. For sites without an approved development plan otherwise operating in compliance with this code, storage of such vehicles shall be located on a part of the site out of view from any abutting rights-of-way, private streets, waterways and residential uses.
  - d. Display setups of products customarily used out of doors such as pools, spas, lawn furniture, concrete fixtures and other similar items shall be limited to one of any one product or model.
  - e. Outdoor display and/or storage may be permitted in conjunction with special sales events such as those permitted under this code, and other uses when permitted by special exception or approved as part of a development plan.
  - f. Licensed and inoperable motor vehicles awaiting repair may be stored within screened areas on the site of motor vehicle repair facilities and

motor vehicle service centers, provided that no such vehicle shall be stored for more than 28 consecutive days.

- (4) *Industrial uses.* Outside storage of equipment or materials shall be permitted for industrial uses, when in compliance with the following requirements.
- a. All storage areas shall be enclosed by an opaque wall, fence or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property.
  - b. All equipment or materials shall be secured, if necessary, to withstand winds.
  - c. Screening shall not be required around storage areas for operable motor vehicles and landscape materials.
  - d. No licensed and inoperable motor vehicles shall be stored for a period exceeding 28 consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.
  - e. *Atypical lots.* The atypical lot requirements are intended to preserve and protect views to significant natural and human-made features within the city. These features include, but are not limited to the bodies of water 100 feet or more in width, golf courses and subdivision dedicated common open spaces 100 feet or more in width. The atypical lot provisions are not intended to apply to subdivision common areas that are utility or gas easements, or that function as buffers between adjacent roadways or neighboring subdivisions.

The administrative official shall have the authority to determine whether the atypical lot provisions are being applied as intended in situations where utility easements are greater than 100 feet in width, or in situations where the common area width varies. However, in these situations, if the administrative official determines the subject property shall be defined as the atypical lot, the atypical lot provisions shall be enforced, unless a formal variance is obtained in accordance with chapter 4 of this code.

### **Section 16. Collection of waste and dumpster regulations**

- (a) *Applicability.* The purpose of this chapter is to ensure that the public convenience, aesthetic and ecological considerations and the public investment in the right-of-way are protected. This chapter shall apply to all properties which utilize a commercial hauler service including single family residences where indicated.
- (b) *Definitions.* In addition to other definitions in this Chapter, the following terms shall have the definitions set forth herein:
- (1) *Dumpster* means a container approved by the waste industry with a tight fitting top and a minimum capacity of one-half cubic yard or between 200 and 133.3 gallons approved for use by the City Manager.
  - (2) *Garbage* means every refuse accumulation of animal, fruit, vegetable or organic matter that attends the preparation, use cooking, and dealing in or

storage of meats, fish, fowl, fruit, or vegetables, and decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material or other germ-carrying insects.

- (3) *Garbage Storage Facility* means a structure enclosed on bottom and all sides except the top, which may be open or closed, constructed of solid material and having sufficient capacity to hold all garbage facilities required for a particular establishment.
- (c) Location of garbage facilities and garbage storage facilities. Recognizing the limitations for old industrial lots, they only may be exempted from provisions below on case by case basis but shall comply with the extent possible.
- (1) All garbage cans or containers, trash containers, or dumpsters shall be completely screened from the adjacent properties and the public right-of-way by use of walls or fences and landscaping material, subject to the approval and standards established by the City Manager or his designee. Such area shall not extend into any front yard; on corner lots it shall not extend into any side yard facing a street. Such area shall be accessible to both contractors and private waste collectors. The area shall be located so that garbage collectors do not have to use stairs or ascend or descend split elevations in the collection process. The location of a garbage can, trash container or dumpster in an area requiring the garbage collector to use stairs or ascend or descend split elevations in order to collect garbage is deemed to be a health hazard and subject to penalty pursuant to this section. This section shall not apply to single family residences. All properties shall have six (6) months from the passage of this ordinance to comply with this section before any enforcement action is taken.
  - (2) A city building permit shall be required for construction of a garbage storage facility. When a Garbage Storage Facility is required by this Chapter it shall be approved as part of a site plan or revisions to an existing site plan and it shall be so constructed as to be compatible in appearance with the building it services.
  - (3) It shall be the responsibility of the property owner, operator, agent, lessee, or manager of such property owner and private waste contractor to ensure the return of cans, containers or dumpsters to the approved location after collection.
  - (4) At no time shall cans, containers or dumpsters be kept upon any public property, street, alley or sidewalk or other public land or any property not in the ownership or tenancy of the persons by whom the garbage is accumulated. Except that containers provided for pickup of recyclable material pursuant to the interlocal agreement for inclusion in the county curbside recycling program may be placed upon city-owned parkways located in front of the properties between the hours of 12:01 a.m. and 11:59 a.m. on designated pickup days.
  - (5) All new commercial buildings and all new multifamily residences exceeding eight units shall provide a Garbage Storage Facility approved by the Planning and Zoning Department, Public Works Department, and/or Building Department as to location, size, and other criteria deemed necessary by law or ordinance.
  - (6) All buildings that are undergoing substantial rehabilitation, construction of an addition or additions, or are under new construction or undergoing a change of use must provide a garbage storage facility approved by the Planning and



Zoning Departments, Public Works Department, and/or Building Department as to location, size and other criteria as required by law or city ordinance.

- (7) All new restaurants and all restaurants undergoing substantial rehabilitation (more than 51%) or construction of an addition or additions shall have air conditioned garbage rooms approved by the Planning and Zoning Department, Public Works Department and the Building Department as to location, size and other criteria as required by law or city ordinance.
- (d) Condition and inspection of garbage facilities. All receptacles/dumpsters shall be maintained in good condition and repair and shall be provided with a cover sufficiently tight to deter flies or other insects from access to the contents of the receptacles. Receptacles/dumpsters in which wet garbage or trash matter are placed shall be leak proof. All receptacles/dumpsters shall be subject to inspection and approval or condemnation by Code Compliance Officer, and an appeal from such condemnation shall be to the Special Magistrate.
- (e) Minimum capacity requirements for various types of uses and occupancies.
  - (1) It shall be the responsibility of the owner, agent, manager or operator of every premises, structure or building in the city to provide sufficient temporary garbage and trash storage through the use of approved cans, containers or dumpsters.
  - (2) The garbage containers per site shall not be limited provided each individual property has its own approved number of garbage containers and provided that all garbage is picked up a minimum of twice a week. The City Manager has the authority and power to approve the capacity of the containers and the frequency of collection services for each individual property pursuant to the guidelines as set forth below.
  - (3) The city divides and classifies waste and its handling requirements as follows:
    - a. *Residential refuse* is all the garbage, rubbish or trash, or waste generated in any existing dwelling used for a single-family residence, duplex, townhouse, apartment, condominium or multifamily building.
    - b. *Commercial refuse* is all solid waste generated by businesses such as stores, restaurants, bars, hotels, motels, markets, schools, churches, hospitals and other institutional buildings. Minimum requirements for capacity of cans or containers and frequency of collection are as follows:
      - iii. Restaurants, stores, office buildings, churches, schools, cafeterias, bars, markets, hotels and motels will have container capacities and frequency of service as approved by the City Manager or his designee on an individual basis.

- iv. The minimum capacity required above may be supplied by providing garbage cans or containers or trash cans, or containers or dumpsters of sufficient size and number as are required to hold the minimum capacity indicated above and providing for all such facilities containing garbage to be emptied at least twice a week or by providing cans or containers of lesser sizes or number provided the same are emptied on a regular scheduled basis more frequently than twice a week; and that the product of the capacity of the containers provided multiplied by the number of times per week the containers are emptied is equal to the minimum capacity requirements set forth in subsection (b) of this section. Minimum capacity requirements may also be met through the use of a garbage or trash compactor, in which event the minimum required capacity of the actual cans or containers provided shall be reduced in the same ratio as the compactor is capable of reducing the bulk of garbage or trash, as certified by its manufacturer.
  - v. Where the minimum capacity requirements of this section are met through the use of collections on a basis more frequent than twice a week or through the use of a trash or garbage compacting device, the owner of the premises shall, if requested by the City Manager or by such other person as is charged by the City Manager with responsibility for enforcing this section, provide proof of the frequency of trash and garbage collections, or in the case of a compacting device, the manufacturers' brochures or certification indicating its capacities. If such proof is not provided when requested it shall be presumed that the capacity supplied is that of the containers provided and that the containers are emptied on a basis no more frequent than once a week.
  - vi. Installation of compactors is subject to permit and approval of the City Manager or his designee.
- (4) *Industrial waste* is all waste and debris generated by construction, land claims, excavating of structures, roads, streets, sidewalks or parkway, including waste collected for recycling, such as but not limited to oils, greases and papers. Any such waste and debris that, if because of volume or nature do not lend themselves to collection and incineration, shall be removed through special handling and shall be the responsibility of persons who generate the waste and debris.
- (5) *Bulky waste*. All large items of household refuse, such as appliances, furniture, accumulations from major tree cutbacks, large crates and like articles shall be disposed of by whomever generates the bulky waste.
- (f) Removal of garbage, trash and other items.

- (1) All owners, and in the case of single-family residences or duplexes, all owners and occupants, shall be required to remove from their property and the area adjacent to such property between the property line and the paved portion of the right-of-way of any street or alley any and all garbage, trash and other debris or discarded matter within 24 hours of the time such materials is placed in those areas.
  - (2) This section shall not be deemed to apply to any garbage, trash and other items properly stored for collection in accordance with the provisions of this chapter, or the temporary storage pending collection of discarded furniture, appliances or bedding for a period of less than 72 hours.
  - (3) It is prohibited for an owner, operator or agent of a commercial establishment to transport any type of garbage, trash or waste off the premises on which it was generated. Violators of this section shall be subject to fine and penalty as provided under sections of the Code Compliance Ordinance. The owner shall be responsible to ensure that the company performing the removal of solid waste only performs that activity between the hours of 7AM and 10PM; any waste removal operations outside this timeframe will be considered a violation.
- (g) *Illegal disposal of waste.* Except as provided elsewhere in this chapter, it shall be unlawful and subject to the penalties provided in this chapter to deposit garbage, trash or any kind of waste upon any vacant, occupied or unoccupied premises within the city; or upon any street, alley, parkway or park; or in any canal, waterway, bay, ocean, pool or lake within the city.
- (h) *Disposal of biohazardous or hazardous waste.* Notwithstanding any other provisions of this chapter, biohazardous and/or hazardous waste shall not be placed in garbage cans, containers or dumpsters for routine collection. Substances in this class shall be segregated and disposed of as provided by state and federal law and in accordance with the procedures set forth in F.A.C. CH. 17-7, which prohibits the deposit of this type of waste in a sanitary landfill.
- (i) *Removal of industrial wastes.* Removal of industrial wastes is the responsibility of the owner, occupant, operator or construction contractor performing such work or other person creating or causing the accumulation of such materials as the case may be. Such removal must be done by a city licensed private waste contractor. Spent oils or greases accumulated at garages, filling stations or similar establishments will be the responsibility of the establishment to dispose in accordance with State and Federal guidelines.
- (j) *Enforcement of Chapter; Notice of Violation.*
- (1) The Code Compliance Department is hereby authorized and directed to enforce all the provisions of this chapter regulating and governing the accumulation and disposition of waste.
  - (2) Upon presentation of proper credentials, a Code Compliance Officer designated by the City Manager may enter, at any reasonable time, any building, structure or premises for the purpose of inspection, or to prevent violations of this chapter.

- (3) The existence of waste shall be prima facie evidence that the same was created or placed there by the occupant of the dwelling or commercial establishment or the owner, agent manager or operator of the property, if the same be vacant.
- (4) Whenever a Code Compliance Officer observes a violation of this chapter or an accumulation of garbage, trash or waste that creates a health hazard or nuisance offensive to any of the senses, the Code Compliance Officer shall order the violations to be corrected within a specified reasonable period of time by serving a written notice of violation upon the person causing or responsible for such violation, health hazard or nuisance. Such notice shall be delivered as required by the Code Compliance Chapter of the City's Code of Ordinances. Such person shall immediately cease or abate the violation.
- (5) The notice shall be served personally or by certified mail upon the owner or upon the person in lawful possession of the premises and/or upon the private waste/contractor involved. If the person addressed with such notice cannot be found after diligent search, such notice shall be sent certified mail to the last known address of such person; and a copy of the notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed equivalent service.
- (6) The notice shall also specify any fine that may be due in connection with the violation or the failure to correct the violation within the time specified by the Code Compliance Officer and the procedure for timely payment or appeal of the fine.
- (7) If in the opinion of the Code Compliance Officer the conditions constitute an immediate threat to the health and well-being of the public, the Code Compliance Officer may order the immediate correction of the hazard.

(k) *Removal of Waste by City; Penalties for Violations.*

- (1) If the person served with a notice of violation pursuant to this section does not correct the violation in the specified time, the City Manager may do the following:

For violations involving failure to remove waste, the City Manager may cause the waste to be removed from the premises involved and charge the actual cost to the occupant and/or owner of the premises. The Code Compliance Department may pursue payment of the cost in accordance with the Special Magistrate procedures. Any unpaid fines shall result in a lien being placed on the property upon entry of an Order of the Special Magistrate.

- (2) For violations of this section, fines shall be no less than the following;

- a. First Offense, \$100.00 per day
- b. Second Offense, \$250.00 per day

c. Third or more Offense, \$ 500.00 per day

- (3) For violations which present a serious threat to the health, safety or welfare of the citizens of the city and/or violations that are continually repeated by the same violator, the city attorney may seek injunctive relief and/or, in the case of commercial establishments, revoke the occupational license and/or certificate of use for the establishment and/or property.

### Section 17. Newsracks

(b) *Definitions.*

- (1) "City Owned Newsrack" means a newsrack provided by the City for the display and sale of newspapers and other periodicals.
- (2) "Newsracks" shall mean any type of unmanned device located on public property utilized for the vending or free distribution of newspapers, periodicals or any publications.
- (3) "Public right-of-way" shall mean any public street, highway, sidewalk, parkway or alley.
- (4) "Distributor" shall mean any individual or business entity engaged in the dissemination of any publication utilizing a newsrack located in the City of Doral.
- (5) "Newsrack Compartment" shall mean each compartment within a newsrack designed to contain the newspapers or publications being distributed from that newsrack.
- (6) "Compliance Period" shall mean the time period specified in Section 1-11 of this Ordinance after which non-conforming newsracks are subject to enforcement action by the Special Magistrate.

(c) Purpose and Criteria. The purpose of this Chapter is to promote the public health, safety and welfare through the regulation of placement, type, appearance, servicing and insuring of newsracks on public rights-of-way so as to:

- (1) Provide for pedestrian and driving safety and convenience;
- (2) Restrict unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into or egress from any residence or place of business, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles;
- (3) Provide for public and property safety during severe weather conditions;
- (4) Provide reasonable access for the use and maintenance of poles, posts, traffic signals, hydrants, mailboxes and access to locations used for public transportation purposes;
- (5) Relocate and/or replace newsracks which result in a visual blight and/or excessive space allocation on the public rights-of-way, or which unreasonably detract from the aesthetics of store window displays, adjacent landscaping and other improvements, as well as to have abandoned newsracks removed;
- (6) Maintain and protect the values of surrounding properties and prevent damage to grass right of way areas;

- (7) Reduce unnecessary exposure of the public to personal injury or property damage;
  - (8) Treat all newspapers equally regardless of their size, content, circulation, or frequency of publication;
  - (9) Maintain and preserve freedom of the press;
  - (10) Cooperate with newspaper distributors.
  - (11) It is a matter of public necessity that the city protect children, handicapped individuals, senior citizens and others on its public streets, sidewalks, transportation facilities and other public rights-of-way from improperly maintained and placed newsracks.
- (d) *Certificate of Compliance.* No person shall place, affix, erect, construct or maintain a private newsrack on or within the public right-of-way without first obtaining a one-time only Certificate of Compliance for each private newsrack in accordance with the provisions of this Ordinance. Application for a Certificate of Compliance shall be in writing and shall contain the name, address and telephone number of the applicant and proposed specific location of the newsrack and shall be signed by the applicant. The applicant shall further specify the location of the newrack portico for the private newrack or the location of the City-owned newrack.
- (e) Application and issuance of Newsrack ordinance.
- (1) Issuing Authority. The issuing authority and coordinator shall be the City Manager or his or her designee. The City Manager or his or her designee shall oversee the various departments responsible for fairly coordinating and administering the physical placement of private newsracks of the type and location herein specified, and upon compliance with the criteria set forth herein, the City Manager or his or her designee shall be responsible for the issuance of the certificates of compliance.
  - (2) Applications. The applicant shall file with the City Manager or his or her designee, a written application for the installation of a private newsrack(s) which shall contain the following information:
    - a. The name, address and telephone number of the applicant, who is the owner and/or principal in responsible charge of the private newsrack(s).
    - b. The name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's private newsracks.
    - c. The applicant shall identify the location(s) and/or address (es) where the applicant's private newsrack compartment(s) will be located. Such information should be in sufficient detail so as to allow the City to precisely locate the private newsrack so as to ensure that the intended location of the private newsrack containing those newsrack compartments, satisfies their criteria and safety standards set forth in this Chapter.
    - d. Names of newspapers or periodicals to be distributed by the applicant at that location.
  - (3) Issuance of Certificate of Compliance. Upon a finding by the City Manager or his or her designee that the applicant is in compliance with the provisions of

this Chapter, a Certificate of Compliance shall be issued for installation by the newspaper distributor in accordance with the application and the provisions of this Chapter. The Certificate of Compliance may contain and be subject to conditions relative to location and duration of time that the private newsrack may be permitted.

- (4) Denial of Certificate of Compliance. If a Certificate of Compliance for a private newsrack location(s) applied for shall be denied, the applicant will be notified of the specific cause of such denial. The notice of denial will suggest alternative location(s). The applicant may reapply for substitute alternative location(s) at no additional Certificate of Compliance fee. For purposes of this Chapter, a denial shall be based upon a determination by the City Manager or his or her designee that the application has failed to comply with either the standards, criteria and/or requirements of this Chapter.
  - (5) Additional Newsrack Certificate(s) of Compliance. If at any time after initial application for a Certificate of Compliance, a distributor wishes to install additional private newsracks, then the above Application paragraph is to be repeated in accordance with the provisions of this Chapter. Additional Certificate(s) of Compliance fee(s) shall be in accordance with this Chapter, except that the application fee is waived if previously paid.
- (f) Insurance.
- (1) Prior to the issuance of a Certificate of Compliance by the City Manager or his/her designee, the applicant shall furnish to the City, a Certificate of Insurance. The Certificate of Insurance shall state that the City of Doral is an additional insured.
  - (2) Reasonable evidence of equivalent self-insurance coverage may be substituted by the applicant for the above certificate of insurance, subject to the approval of the City Attorney's Office. Insurance under this Section shall run continuously with the presence of the applicant's private newsrack(s) in City rights-of-way, and any termination or lapse of such insurance shall be violation of this Chapter, subject to appropriate remedy under the applicable sections of the Code of the City of Doral.
- (g) Fees. Any publisher who installs or maintains a private newsrack that in whole or in part rests upon, in or over any dedicated sidewalk or parkway within the city shall register the private newsrack with the City Manager or his designee prior to the installation of the private newsrack. There shall be a one-time only application fee as set forth in the "fee schedule" for each applicant plus a fee per private newsrack location or box at a City-owned newsrack selected by each applicant. Failed inspections are subject to a reinspection fee. All of the above fees will be used to defray administrative expenses related to this ordinance only, and any revenues over expenses remaining after the implementation of this ordinance will be returned to the newspaper distributors in proportion to their respective contributions.
- (h) Appeals. Any applicant who has been denied a Certificate of Compliance pursuant to the provisions of this Chapter may file an appeal with the Special Magistrate by requesting in writing to an appearance before the Special Magistrate to review such denial. The appeal shall be heard by the Special Magistrate within thirty (30) days of the filing of the appeal or at the next regularly scheduled Special Magistrate

Hearing, whichever is sooner. The decision of the Special Magistrate on appeal is subject to judicial review as provided by the Florida Statutes.

- (i) Installation and Maintenance.
- (1) All city owned newsracks installed shall be of a uniform color and style. The style shall be floor or pedestal mounted that is approved by the City Manager or his designee.
  - (2) City Owned newsracks shall have gloss pedestals, gloss sides and door and gloss coin box, coated per standard specifications. The color of all newsracks being installed pursuant to this Chapter shall be painted in accordance with a color determined by the City Manager or his designee.
  - (3) Private newsracks shall carry no advertising except the name of the publication being distributed and cardholders kept in neat and untorn condition describing the publication being distributed.
  - (4) Private newsracks for free newspapers may omit the coin box and may have the pull bar welded to the door to produce an "Honor Rack."
  - (5) Private newsracks shall be maintained in good working order at all times, freshly painted with unbroken hoods.
  - (6) The name, address, and telephone number of a responsible person who may be contacted at any time concerning the private newsrack shall be displayed on the hood of the private newsrack in such a manner as to be readily visible and readable to a prospective customer thereof.
  - (7) No more than five (5) private newsracks may be placed at any one location; these private newsracks must be placed immediately adjacent to each other in a horizontal line. Individual private newsracks or private newsrack groups placed at locations other than corners shall be located mid-block and at least 60 feet from corners. Private newsracks located at intersections will only be placed on two diagonally opposing corners.
  - (8) Private newsracks containing the same publication shall not be placed within 60 feet of each other, or in the same grouping of newsracks at any location.
  - (9) Private newsracks shall be placed in approved locations determined by the City Manager or his designee. A city-wide map of all approved locations shall be determined and maintained by the Public Works Department.
- (j) *Private Newsrack mounting standards.* The following standards shall be applicable to the mounting of private newsracks on concrete surfaces in the City of Doral:
- (1) Private Newsracks shall be placed on existing concrete sidewalks no less than a nominal four inch thick.
  - (2) In the absence of existing sidewalks, private newracks shall be placed on new concrete slabs with a minimum nominal thickness of four inches and of sufficient size to counteract the overturning moment due to wind loads. The finished slab color shall be compatible with surrounding sidewalks and the edges of the new slab shall have a one-half inch chamfer. The new slab shall achieve a concrete strength of 2500 psi in 28 days.
  - (3) Each newsrack or pedestal shall be anchored to the slab with a minimum of four one-half inch diameter galvanized sleeve or wedge anchor bolt with a minimum embedment of one and half inch and placed a minimum distance of two inches from the slab edge.



- (4) All hardware used shall be painted to match the private newsrack color and finish.
  - (5) The installed private newsrack shall be plumb.
- (k) *Placement of private newsracks.* No private newsrack shall be placed, installed or maintained:
- (1) Within the thirty (30) foot site visibility triangle of a public or private roadway as measured from the intersection from a public or private roadway.
  - (2) Within thirty (30) feet from the intersection of public or private streets.
  - (3) Within twenty (20) feet from any marked crosswalk not in an intersection.
  - (4) Within the twenty (20) foot site visibility triangle of a private driveway, as measured from the intersection of a public roadway and the edge of the private driveway.
  - (5) Within fifteen (15) feet of any fire hydrant or other emergency facility.
  - (6) On or within two (2) feet of traffic related signs, street lights or utility poles.
  - (7) Within a median, which is defined as a landscaped or paved island in the center of the public right-of-way.
  - (8) Within five (5) feet ahead of and fifteen (15) feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.
  - (9) Within five (5) feet of any bus bench or shelter.
  - (10) At any location whereby the clear space for the passageway of pedestrians would be reduced to less than thirty-six (36") inches.
  - (11) Facing another private newsrack, divided by the width of a pedestrian walk (sidewalk or bikepath).
  - (12) Within three (3) feet of or in such a manner as it impedes or interferes with reasonable use of any display window of any building abutting the sidewalk or such window display or access to and from a building entrance
  - (13) The City Manager shall be guided by the following criteria of priorities in issuing permits whenever more than five (5) newracks are kproposed for any one Cit-owned newrack or newrack portico location:
    - a. First priority shall be daily publications (published five or more days per week).
    - b. Second priority shall be publications published two to four days per week.
    - c. Third priority shall be publications published one day per week.
    - d. Fourth priority shall be publications published less that one day per week.
- (l) *Enforcement Procedures - Non-Conforming Private Newsracks.* Within one hundred and sixty (160) days after this ordinance becomes effective and at the time thereafter, any private newsrack in violation of any provision of this Chapter shall be subject to the remedies afforded and due process under the provisions of Special Magistrate Procedures.
- (m) *Maintenance/Abandonment.*
- (1) In the event any private newsrack installed pursuant to this Chapter is not maintained in conformity with this Chapter, it shall be subject to appropriate action under the applicable chapters of the Code of Ordinances and referred to

the Special Magistrate for enforcement purposes. The Special Magistrate is hereby empowered to levy a fine if it is not properly maintained as required by this Chapter.

- (2) Private newsracks for which a Certificate of Compliance has not been issued under this Ordinance shall be subject to removal as ordered by the Special Magistrate.

(n) Removal and Storage of Private Newsrack.

- (1) Any private newsracks installed, used or maintained in violation of this section may upon an order from the Special Magistrate be removed after a hearing has been concluded and a violation has been confirmed. The private newsrack may be returned upon payment of any penalty imposed by the Special Magistrate including removal and storage fees. Any private newsrack that is unclaimed by its publisher within 60 days from the date of the Special Magistrate hearing shall be regarded as abandoned property and may be disposed of as provided by law.
- (2) Notwithstanding any other provision of this section, when any private newsrack poses an imminent or immediate hazard to pedestrians, vehicles or property, the city manager, or designee shall remove or otherwise relocate the private newsrack. Where telephone notice is not feasible or where the publisher fails to remove or relocate the private newsrack following the notice, the city manager or his designee may relocate or remove the private newsrack immediately. A newsrack shall be deemed a hazard when its installation, use or maintenance endangers the safety of persons or property.

(o) Insurance and Indemnification.

- (1) Insurance. Every publisher or distributor who places or maintains a private newsrack on public property and/or in a right-of-way in the City shall furnish to the City Manager or his/her designee a Certificate of Insurance, which shall be kept current and renewed as long as such distributor maintains a private newsrack on public property within the City. Such insurance shall be Comprehensive General Liability insurance on an occurrence basis with limits of liability not less than one million (\$1,000,000.00) dollars per occurrence and/or aggregate combined single limit, personal injury, bodily injury and property damage.

Coverage shall include the following extensions (a) contractual liability; (b) products and completed operations; (c) independent contractor's coverage; (d) broad form general liability extensions or equivalent.

The following shall be additional insured: The City of Doral, including all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, employees and volunteers. This coverage should be primary to the additional insurers and not contributing with any other insurance or similar protection available to the additional insurers, whether available coverage is primary, contributing or excess.

Cancellation Notice. Comprehensive General Liability insurance as described above, shall include an endorsement stating the following: "sixty (60) days advance written notice of cancellation or non-renewal shall be sent to the, City of Doral, Public Work Department, 8300 NW 53 St, City of Doral, Florida 33166."

- (2) Indemnification/hold harmless. Every distributor who places or maintains a private newsrack on a public right-of-way, public sidewalk, street or swale in the city, shall execute and deliver a written agreement under which it agrees to indemnify, hold harmless and defend the city, its officers, agents and employees from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use and/or maintenance of a private newsrack within the city. This shall not be construed to affect in any way the city's right's, privileges, and immunities as set forth in Section 768.28 of the Florida Statutes.

### **Section 18. Boats, recreational and camping equipment.**

- (a) *Boat storage.* Boats of less than thirty (30) feet in length, not more than one hundred and two (102) inches in width and thirteen (13) feet six (6) inches in height, may be stored or temporarily parked in the Residential and GU Zoning Districts subject to the following conditions:
  - (1) The place of storage shall be to the rear of the front building line. Where the boat storage area is located between the residence and a side street property line, the boat shall be visually buffered by a six-foot wood privacy fence, masonry wall, trees or shrubs maintained to a height of six feet. The front building line referred to shall be that portion furthest from the street.
  - (2) No more than one (1) boat may be stored or parked on any one (1) premise.
  - (3) Boats and place of storage or temporary parking shall be kept in a clean, neat and presentable condition.
  - (4) No major repairs or overhaul work shall be made or performed on the premises.
  - (5) The boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.
  - (6) The temporary parking of a boat in front of the front building line or in front of the side street building line for no more than 2 hours in any 24-hour period, while the boat is hitched to an operable motor vehicle with a valid permanent license tag, for the purposes of loading and unloading equipment and supplies shall be permitted, but under no circumstances shall a boat be parked in the public right-of-way, including the swale area of a right-of-way.
- (b) *Recreational and camping equipment.* Recreational and camping equipment in the form of travel and camping trailer, truck trailer and motor travel home, designed and used as temporary living quarters for recreation, camping or travel use may be parked in the open on sites containing a single family or duplex residence, subject to the following conditions:

- (1) No more than one (1) such equipment shall be parked on such site.
  - (2) Such parking shall be limited to such equipment owned or leased by the occupant-owner or occupant-lessee of the site concerned, or owned or leased by a bona fide out-of-Miami-Dade County house guest of the occupant-owner or occupant-lessee of the site concerned, with the parking of such equipment by guest not to exceed fourteen (14) days.
  - (3) The location for such parked equipment shall be in the rear yard or in the side yard to the rear of a line established by the front building line furthest from the street and set back to at least the rear building line wherever possible, but in no event in front of such front building line. Such equipment shall be setback from side property lines at least a distance equivalent to the required side setback for the principal building and shall be set back from the rear property line at least ten (10) feet.
  - (4) Such equipment and the area of parking shall be maintained in a clean, neat and presentable manner and the equipment shall be in a usable condition at all times.
  - (5) Such equipment shall, at all times, have attached a current vehicle registration license plate.
  - (6) No major repairs or overhaul work on such equipment shall be made or performed on the site, (or any other work performed thereon which would constitute a nuisance under existing ordinances).
  - (7) When parked on the site, such equipment shall not be used for living or sleeping quarters, or for housekeeping or storage purposes and shall not have attached thereto any service connections lines, except as may periodically be required to maintain the equipment and appliances.
  - (8) Such equipment shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the motor vehicle laws of the State of Florida; provided, however, the maximum length shall not exceed thirty (30) feet and the maximum height shall not exceed ten (10) feet.
  - (9) Such equipment shall be so secured so that it will not be a hazard or menace during high winds or hurricane.
  - (10) A seller (dealer or individual) offering for sale such new or used equipment, must furnish and attach to such equipment a true copy of this subsection.
- (c) *Outdoor boat and RV storage area on private residential condominium association, homeowner's association or multi-family tenant community property.* The term "boat" as used in this subsection shall include every description of watercraft or airboat used or capable of being used as a means of transportation on water. The term "RV" shall mean recreational and camping equipment in the form of travel and camping trailer, swamp buggy and other off-road vehicles and motor travel home.

*Conditions and limitations.* An outdoor storage area designated for residents' parking of boats and RV's shall be permitted, subject to compliance with the following:

- (1) The private storage area is an accessory use for a residential condominium, homeowner's association or multi-family tenant association and shall be located on the residential condominium, homeowner's association or multi-family tenant association property.

- (2) Each boat and RV stored in the designated area shall be registered to a resident of the subject condominium, homeowner's or tenant's association community. In no event shall non-residents' recreational vehicles or boats be parked in the storage area. Each boat shall be secured to a transporting trailer in compliance with all applicable regulations.
- (3) The area devoted to storage shall be setback a minimum of 25 feet from all property lines; said 25-foot setback area to be maintained as an open landscaped area and shall be free of walls and/or fences. In no event shall the storage area count toward required landscaped open space; providing, however, the 25-foot landscaped setback area may be computed toward required open landscaped space.
- (4) The storage area shall be enclosed by (1) a five-foot decorative masonry wall or (2) a five-foot high chain link fence with hedges a minimum of three feet in height when measured immediately after planting and maintained to form a visual screen around the site within one year after the time of planting, except that gated openings shall be permitted for ingress and egress.
- (5) The storage area shall not be included in maximum lot coverage.
- (6) The storage area shall either be paved or shall be hard-surfaced and shall comply with the requirements of the Department of Environmental Resources Management as well as the Florida Building Code.
- (7) Boats placed in the storage area shall be restricted to the following dimensions as measured pursuant to Section 14 (a):
  - a. Thirty (30) feet in overall length
  - b. Eight feet six inches (8'6") in width
  - c. Thirteen (13) feet six (6) inches in height.
- (8) RV's placed in the storage area shall not exceed thirty (30) feet in length, eight feet six inches (8'6") in width nor exceed ten (10) feet in height.
- (9) The boats, RV's and place of storage shall be kept in a clean, neat condition.
- (10) Where required under Florida Statute, all RV's, boats and trailers for transporting same shall have and display a current Florida registration or license plate.
- (11) No major repairs or overhaul work shall be made or performed on the premises; and no flushing of outdrive or outboard motors shall be permitted from sunset to sunrise.
- (12) Neither the boats nor the RV's shall be used for living or sleeping quarters while parked in the storage area.
- (13) Common open space on residential condominium property may be utilized for such a storage area, all subject to the conditions enumerated herein.
- (14) Maintenance of the storage area shall either be provided through (i) a multi-purpose special taxing district, (ii) through the associations execution of a declaration of restrictions, or (iii) other maintenance provisions acceptable to Miami-Dade County in recordable form approved by the County Attorney, accepting responsibility for the maintenance of the storage area and ensuring continued compliance with the conditions enumerated herein.

*Administrative review required.* Such storage area(s) shall be shown on plans submitted for site plan approval or plat approval, whichever is required by code to occur first, and the storage area shall be subject to review for compliance with the conditions enumerated in this subsection; or such proposed storage area(s) for

previously developed (existing) communities containing required common open space shall be reviewed for substantial compliance, and an application for substantial compliance determination may be considered in substantial compliance with previously approved plans if the proposed storage area is shown in a location that had previously been indicated as common open space, provided the storage area complies with all the conditions contained in this subsection. Substitution of a storage area for previously approved recreational amenities, such as but not limited to tennis and racketball court(s) and similar recreational amenities may be permitted upon a showing that the majority of the property owners or tenants in the community approve same.

### **Section 19. Maintenance of buildings, non-dwelling structures and fences.**

Every building, every accessory structure used for non-dwelling purposes, including but not limited to garages, carports, cabanas, storage buildings, and every fence shall comply with the following requirements:

- (a) Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.
- (b) Every accessory structure shall be kept in a reasonably clean and sanitary condition free from rodents, insects and vermin.
- (c) The roof of every accessory structure shall be well drained of rainwater.
- (d) All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint and other approved protective coating, applied in a workmanlike fashion.

### **Section 20. Maintenance of perimeter walls and fences.**

- (a) Walls and fences.
  - (1) The exterior sides of all perimeter walls and fences, where exposed to the public view, shall be maintained in good condition and shall not show evidence of deterioration, ripping, tearing, chipping, or other holes or breaks. Painted or stained surfaces shall be free of peeling paint, mold or mildew, and void of any evidence of deterioration. Walls and exterior fences established in a continuous pattern over a multiple development or city block area shall be maintained/painted in a uniform color that is approved by the City Manager or his designee consistent with the City's aesthetics.
  - (2) If the property owner fails to comply with this Section, as determined by the Code Compliance Department, the Code Compliance Department shall take enforcement action in accordance with this code.
- (b) *Enforcement.* In addition to the enforcement set forth herein, the city administration or code compliance officer have the option to use any method provided by law or municipal or county ordinance to enforce the provisions of this code.

**Section 21. Noise.**

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Amplified sound* means sound augmented by any electronic means that increases the sound level or volume.

*Complainant* means any owner, lessee, manager or person with a legal interest in a receiving property who reports being disturbed by sound heard inside of a residence or place of business upon the receiving property and not originating therefrom.

*Emergency work* means any work performed for the purpose of remedying conditions that create an imminent peril to life, health or property.

*Plainly audible* means the sound can be clearly heard by a person of normal sensibilities using only unaided auditory senses. Plainly audible shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds which are just barely audible. With respect to music the detection of a rhythmic base reverberating type sound, beat or cadence shall be deemed plainly audible.

*Property line* means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by a person from that owned by another person, but not including intrabuilding real property divisions.

*Receiving property* means any residence or place of business into which sound, not originating therefrom, is traveling.

*Residence* means any occupied room or rooms connected together containing sleeping facilities, including single and multiple-family homes, townhomes, apartments, condominium units, and hotel and motel rooms.

*Sound source* means the place from which sound emanates, including without limitation a speaker, loudspeaker, or other sound-producing instrument or person.

*Uninvited noise* means noise not originating on the receiving property.

*Unreasonably loud* means noise that is plainly audible inside of a receiving property across a property line.

- (b) *Unreasonably loud noise prohibited.* It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the City of Doral, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.
- (2) *Radios, televisions, phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of one hundred (100) feet from the building, structure or yard in which the dog, animal or bird is located.
- (4) *Whistles.* The blowing of any locomotive whistle or whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the proper city or County authorities.
- (5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom.
- (6) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.
- (7) *Schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.
- (8) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (9) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.
- (10) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this County for any purpose of any device known as a sound truck, loud speaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous



noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned. It is provided, however, that this subsection is not intended to be construed in a manner that would interfere with the legitimate use of the foregoing loudspeaker type devices in political campaigns.

- (11) *Commercial power tools and landscaping equipment.* The commercial operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools between the hours of 6:30PM to 7:30AM on weekdays, 6:30PM to 9:00AM on Saturdays. No commercial operations would be permitted on Sundays and national holidays.
- (12) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.
- (13) *Construction.* Construction shall be permitted only during the hours set forth herein. All equipment shall be operated in accordance with manufacturer's specifications, shall be in good repair and shall utilize all noise baffling methods as specified by the manufacturer, such activities shall occur only as follows:
  - a. Between the hours of 7:30 a.m. and 6:30 p.m. and between the hours of 7:30 a.m. and 7:30 p.m. during daylight savings time, in areas zoned as business industrial, or non-residential, except as provided in paragraph 2 herein.
  - b. Between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on Saturdays in areas zoned as residential, or in areas zoned business, industrial or non-residential where one or more of the property lines for the property on which the construction activity is occurring directly abuts or is adjacent to a residentially zoned property. No construction shall be permitted on Sundays or on national holidays.
  - c. Notwithstanding the provisions set forth in this subsection (13), the building official may authorize, in writing and in advance, any construction activity at a particular site within (13)(a) in this section earlier than 7:30 a.m., but no later than the times permitted under (13)(a). Under emergency circumstances only, the building official may authorize, in writing and in advance, any necessary construction activities earlier than 8:00 a.m. and/or later than 6:00 p.m. on weekdays or later than 4:00 p.m. on weekends on a site within (13)(b) in this subsection. The work authorized by the building official pursuant to this subsection may be conditioned upon notice to surrounding property owners and tenants. Such permits may be granted for a period of time not to exceed three (3) consecutive days. Any approvals granted pursuant to this subsection will not be interpreted as complying any violations of this section that occurred prior to the issuance of the written approval.

(c) Open-air concerts, musical broadcasts, etc.

- (1) *Permit required; presumption.* It shall be unlawful and a violation of this section for any person, firm, partnership or corporation to play, broadcast or transmit

music in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate in or on any open space, lot, yard, sidewalk or street, or to permit the same to occur on or from any property owned, leased or occupied by said person, firm, partnership, or corporation, without first having obtained a permit to do so from the City of Doral, Planning And Zoning Department; except no permit shall be required of any person in order to engage in such activity within the residential property wherein such person resides. The use of any amplifier or loudspeaker to play, broadcast or transmit music shall constitute prima facie evidence that the music is being played, broadcasted or transmitted in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate.

- (2) *Permit contents, time restrictions.* Permits issued under this section shall specify the date and time during which the activity authorized by the permit may be conducted. No permit shall issue which encompasses more than three (3) consecutive calendar days, nor shall the requested activity commence or continue beyond the hour of 11:00 p.m. in any case, unless approved by the City Manager or his designee.
- (3) *Permit application information.* The application for a permit under this section shall contain the following information:
  - a. The name, date of birth, address and telephone number of the person who will be in charge of the activity for which a permit is requested.
  - b. The name of the person, firm, partnership or corporation seeking the permit.
  - c. The exact date and times for which the permit is sought.
  - d. The exact location of the event for which a permit is requested.
- (4) *Filing application for permit.* Applications for a permit required under this section must be submitted to the City of Doral Planning And Zoning Department at least five (5) days prior to the date of the event for which the permit is requested.
- (5) *Procedures for administering permits.* The Director of the Planning and Zoning Department is hereby authorized and directed to promulgate reasonable rules and procedures for the application, issuance and revocation of such permits.
- (6) *Criteria for permit issuance; posting of bond.* Issuance of the permit required under this section shall be based on a determination by the Planning and Zoning Department that the event for which a permit is requested does not constitute a threat to public safety; constitute a danger or impediment to the normal flow of traffic; or constitute a potential disturbance of the peace and quiet of persons outside the premises where the event is located. Subsequent permits under this section may be denied to, or a bond required of, any person known to have been convicted for violations of a previous permit under this section. The bond shall be in an amount sufficient to secure the costs of cleanup and repair or replacement of damage or destruction of property and shall be subject to forfeiture for purposes of paying any judgment against the

permit holder which may be entered by a court of competent jurisdiction on account of such property damage or destruction or cleanup cost.

- (7) *Review of permit denial or revocation.* Any person dissatisfied or aggrieved with the decision of the Director of the Planning and Zoning Department with reference to denial of his application for such permit or the revocation of such permit may, within ten (10) days after such denial or revocation, appeal to and appear before the Special Magistrate; and, upon the approval of the action taken by the Director of the Planning and Zoning Department Miami-Dade Police Department, such action shall be final and subject to judicial review by writ of certiorari in accordance with the Florida Rules of Appellate Procedure. In the event the Magistrate or his designee, upon the original review, determines that the applicant is entitled to such permit, then in that event the Director of the Planning and Zoning Department shall immediately issue such permit.
  - (8) *Surrender of permit upon demand.* It shall be unlawful and a violation of this section for the person designated in the permit application as being in charge of the event for which a permit is sought to fail or refuse to surrender the permit, on demand, to any State, County, or municipal police officer.
  - (9) *Person designated as being in charge to be present.* The person designated in the permit application required in this section as being the person in charge of the event for which the permit is sought must remain at the location of said event during the entire time stated in the permit for which the event is authorized. It shall be unlawful and a violation of this section for said designated person in charge to fail to remain in attendance at the location of the event authorized by the permit for the entire time specified in the permit.
- (d) *Responsibility for compliance.* For purposes of this ordinance any person owning or having responsibility for management of a business premises, however temporarily, any performer or disc jockey producing sound upon any business premises, any person playing music, any person having control of volume knobs or levels, and the business as named on the occupational license, shall be jointly and severally liable for compliance with this article and shall be responsible for any violations of this article.
- (e) Motor vehicle alarms.
- (1) Definition. The following term shall have the following meaning for purposes of this section: "alarm system" shall mean a motor vehicle siren or horn alarm system contained in or appurtenant to a motor vehicle, designed to activate and sound in the event of a break-in or attempted break-in of the vehicle.
  - (2) It shall be unlawful for any motor vehicle equipped with an alarm system to activate and emit a siren or horn noise, audible at a distance of 100 feet intermittently or continuously within a period in excess of 30 minutes between the hours of 11:00 p.m. and 7:00 a.m. Any person who has custody of any such offending motor vehicle shall be deemed in violation of this section.
  - (3) A violation of this section on the public streets or areas within the city is hereby declared a public nuisance which may be abated by the removal of such

vehicle upon authorization of a law enforcement officer. Prior to removing such vehicle, the law enforcement officer shall afford the owner or custodian of such vehicle the opportunity to disconnect or deactivate the alarm system at the scene. Otherwise, the vehicle shall be removed to an authorized facility. The law enforcement agency shall ascertain the name and address of the registered owner of such vehicle and provide written notice by certified mail, return receipt requested, within 24 hours of such removal, the reason(s) for the removal, and the place where such vehicle has been removed. The fees assessed for the removal of the vehicle may be appealed by filing a complaint in the county court and posting with the court a cash or surety bond or security equal to the amount for the removal and/or storage of the vehicle to ensure the payment of such in the event the owner or custodian of the vehicle does not prevail.

- (4) A violation of this section on private property shall cause the person who owns or has custody of the offending vehicle to be fined \$50.00 Any duly designated law enforcement officer and/or code compliance officer is authorized and empowered to enter without force upon private property in order to detect and issue a citation or notice of violation to and upon the owner or custodian of the offending motor vehicle. The citation or notice of violation may be appealed in accordance with the procedures set forth in this Code.
  - (5) It shall not be a violation of this section if it is determined by the law enforcement officer and/or code compliance officer that the siren or horn noise has been triggered by the unauthorized opening of the hood, truck or door(s) of the vehicle, by the breaking or attempted breaking of a window or by lightning, thunderstorms, or severe weather conditions.
- (f) *Additional sound limitations for public property.* No person shall, on any public street or sidewalk, beach or park use, operate or play any radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other electronic audio device that produces or reproduces amplified sound, at a level that is plainly audible at a distance of more than ten feet from the sound source.
- (g) Exemptions. The following uses and activities shall be exempt from the requirements of these sections and from the enforcement procedures in this article:
- (1) Cries for emergency assistance and warning calls.
  - (2) Radios, sirens, horns and bells and other sounds created by police, fire and other emergency response vehicles.
  - (3) Parades, fireworks displays, special events and other activities for which a permit has been obtained from the city, within such hours and in accordance with such restrictions as may be imposed as conditions for the issuance of the permit.
  - (4) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, when such activities have been authorized by the public authority owning the properties or facilities or their agents; except where such publicly owned properties are under private operation pursuant to a lease or concession agreement.
  - (5) Fire alarms and burglar alarms, bells and chimes of churches or other religious institutions; however false burglary alarms shall be subject to enforcement procedures and penalties as set forth in this code.

- (6) Locomotives and other railroad equipment and aircraft, to the extent that city regulation is preempted by federal law.
  - (7) Noises resulting from emergency work.
  - (8) Noise generated by motor vehicles as defined in F.S. § 320.01 when operated and equipped in accordance with requirements set forth in the Florida Statutes.
  - (9) Noise resulting from the operation of vessels when operated in compliance with the decibel limitations in F.S. § 327.65. However, noise exceeding the limitations set forth in F.S. § 327.65 shall be subject to enforcement and penalties as set forth in F.S. ch. 327.
- (h) *Enforcement by code compliance officers; notice of violation.* If a code compliance officer receives a complaint from a complainant regarding a violation of this article, he shall investigate the complaint and determine whether the violation exists. If the code compliance officer then observes a violation of this article, the code compliance officer shall inform the violator that he must immediately cease the violation and will be subject to additional penalties if the violation continues and issue a notice of violation to the violator as provided in this Code.
- (i) Civil fines for violation; appeals.
- (1) The following civil fines shall be imposed for violations of this chapter:
    - a. First offense, \$100.00 fine.
    - b. Second offense and each offense thereafter (within one year of the first offense), \$500.00 fine.
- For purposes of this section, "offense" shall mean a notice of violation that has not been contested timely or a finding of violation by a special magistrate. A person may receive a separate notice of violation once every hour if a violation has occurred at any time within that period. Each notice of violation shall constitute a separate offense for which a separate fine may be imposed.
- (2) As an alternative or additional means of enforcement, the city may institute proceedings to revoke or suspend an occupational license and/or certificate of use or seek injunctive relief. Furthermore, in cases of recurring violations, the code compliance officer may issue a citation for prosecution before the special magistrate as provided in this code wherein, upon a finding of violation by the special magistrate, a per diem fine may be imposed. A violation shall be considered recurring when a person or entity has received three notices of violation within a period of one month.
- (j) *Nuisance.* Any violation of this article shall constitute a nuisance. The city attorney may bring suit on behalf of the city, or any affected citizen may bring suit in his name, against the person or persons causing or maintaining the violation, and against the owner/agent of the building or property on which the violation exists. Relief may be granted according to the terms and conditions of F.S. § 60.05, relating to abatement of nuisances. In any such action, the city or affected citizen, if the prevailing party, shall be awarded costs, including reasonable attorney's fees.

**Section 22. Offensive color, design, smoke, noise, etc.; nuisances, moves and locations to be approved; location on lands subject to flooding.**

Nothing shall be allowed on the premises in any district which would in any way be offensive or obnoxious by reason of color, design, or the emission of odors, liquids, gases, dust, smoke, vibration or noise. Nor shall anything be placed, constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners, residents, or to the community. No structure shall be erected, altered, structurally altered or moved except by methods and on locations as approved by the Director.

**Section 23. Graffiti.**

- (a) *Definitions.* Unless it is apparent from the context that another meaning is intended, the following, when used in this article, shall have the meanings attributed to them by this section:

*Abatement* means the repair, rehabilitation, demolition or removal of a public nuisance.

*City's agent* means an independent contractor performing graffiti abatement for the City.

*Code compliance officer* means any designated employee acting as an agent of the City whose duty it is to enforce codes and ordinances enacted or adopted by the City.

*Commercial property* means property that is used for business, commercial, or for-profit purposes. It shall be prima facie evidence that a property is commercial if it is located in a business, commercial, office, apartment, hotel or industrial zoning district. "Commercial property" shall include non-permanent structures such as trailers, dumpsters, traffic signs, barricades, utility poles, traffic signal boxes, and construction equipment. "Commercial property" shall not include: (1) single-family homes or residential property of three or less units; (2) property owned by governments; (3) property used for non-profit purposes by educational institutions, charities, or religious institutions.

*Corrective action* means an act required to remove or effectively obscure graffiti that is visible from the right-of-way.

*Director* means the director of the department designated by the City Manager to enforce and administer this article or the director's designated representative.

*Graffiti* means the unauthorized application of paint, ink, chalk, dye, felt-tip or indelible marker, crayon or any non-water soluble substance, or by applying or affixing inscribed or engraved materials, including posters, placards and flyers of any size and type on public or private permanent structures located on publicly or privately owned real property within the city.

*Marker* means any felt-tip or indelible marker, or similar implement, which contains a fluid which is not water soluble and which has a flat, angled, or rounded writing surface one-quarter inch or greater.

*Non-commercial property* means all property that is not included in the definition of commercial property in this section.

*Non-permanent structures* means trailers, dumpsters, traffic signs, barricades, utility poles, traffic signal boxes, and construction equipment.

*Nuisance* means anything injurious to health so as to interfere with the comfortable enjoyment of life or property, which nuisance affects at the same time an entire community or neighborhood, or any considerable numbers of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

*Owner* means any and all persons with legal and/or equitable title to real property in the city as their names and addresses are shown upon the records of the Miami-Dade County Property Appraiser.

*Public right-of-way* means any road, parkway, alley, swale, sidewalk, easement or other public way.

*Supervising adult* means an individual twenty-one (21) years of age or older who has been given responsibility by minor's parents, legal guardian, or other lawful authority to supervise the minor.

(b) *Prohibitions.*

- (1) It shall be unlawful for any person to deface, destroy, or otherwise damage private or public property without the owner's consent, by or through the application of graffiti.
- (2) Any person violating this section shall be punished by a fine of up to \$250.00 per day for a first violation, \$500.00 per day per violation for a repeat violation, and up to \$5,000.00 per violation if the court or a special magistrate finds the violation to be irreparable or reversible in nature; or by imprisonment in accordance with the requirements of state law or both fine and imprisonment at the discretion of the court.
  - a. In the case of a minor, the parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines.
  - b. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents or legal guardian's real property to include the fine and administrative costs.
  - c. Upon an application and finding of indigence the court may decline to order fines against the minor or parents.
- (3) In addition to any punishment listed in this section, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offenses in the amount or manner determined by the court.
  - a. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor to make such restitution.

- (4) In addition to any punishment listed in this section, the court shall order any violator to perform monitored community service in the removal of graffiti.
- (c) *Possession of spray paint and markers.*
- (1) Possession of spray paint and markers with intent to make graffiti is prohibited.
  - (2) Possession of spray paint and markers by minors on public property is prohibited. No person under the age of 18 shall have in his or her possession any aerosol container of spray paint or marker while on any public property, or right-of-way, except in the company of a supervising adult.
  - (3) Possession of spray paint and markers by minors on private property is prohibited without the consent of the owner. No person under the age of 18 shall have in his or her possession any aerosol container of spray paint or marker while on any private property unless the owner, agent, manager, or person(s) in possession of the property have knowledge of the minor's possession of the aerosol container or marker and have consented to the minor's possession while on his or her property.
  - (4) Any person violating this section shall be punished by a fine of up to \$250.00 per day for a first violation, \$500.00 per day per violation for a repeat violation, and up to \$5,000.00 per violation if the court or a special magistrate finds the violation to be irreparable or reversible in nature.
    - a. In the case of a minor, the parents or legal guardian shall be responsible for payment of all fines.
    - b. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's real property to include the fine and administrative costs.
- (d) *Graffiti declared a nuisance.* The creating or maintaining of the unauthorized application of paint, ink, dye, felt tip or indelible marker, or any non-water soluble substance, or the applying or affixing of other inscribed or engraved materials, including posters, placards, and flyers of any size and type, on public or private structures located on publicly or privately owned real property in the city is hereby declared to be nuisance.
- (e) *Responsibility of property owner(s); graffiti removal notice.*
- (1) Maintenance or allowance of graffiti to exist for more than two days on a commercial property, or one day on a residential property, is prohibited.
  - (2) Whenever the City becomes aware of the existence of graffiti on any property, a code compliance officer is authorized upon such discovery to give, or cause to be given, notice to take corrective action to the property owner or the property owner's agent or manager.
    - a. *Commercial property.* For commercial property, the property owner or the property owner's agent or manager shall take corrective action within two business days from the receipt or delivery of the notice referenced within this section.





- (3) Following corrective action taken by the City or City's agent, the code compliance officer shall proceed to have all cost incurred thereof to be and become a lien against such property 30 days after notice of completion of work by the city. Said lien shall be of equal dignity with a lien for special assessments, and with the same penalties and with the same rights of collection, foreclosure, sale and forfeiture provided for special assessment liens. The cost chargeable to the owner shall not exceed the amount of cost as set forth in the notice served to the property owner or owners required herein under section (e).
- (h) Interested persons may petition to dispute assessed costs.
- (1) Any person owning property which has been found to be in violation of this article, and upon which remedial work by the City has been done shall have the right, at any time within 30 days after notice of completion of work under this article, to present to the city clerk a sworn petition stating his or her interest in the property and alleging that in the opinion of the petitioner, the cost of the work exceeds the actual cost thereof or is otherwise erroneous.
- (2) Such petition shall be presented to the special magistrate for consideration. The special magistrate may fix and confirm the amount to be charged based on the information presented.
- (i) *Prohibition of sale of spray paint, broad-tipped indelible markers.* It shall be unlawful for any person to sell, barter, exchange or otherwise transfer any aerosol containers of spray paint or any broad-tipped indelible marker to any person under the age of 18 years.
- (j) *Signs required.* Every person who owns, conducts, operates or manages a retail commercial establishment selling aerosol containers of spray paint or broad-tipped indelible markers shall:
- (1) Place a sign in clear public view at or near the display of such products stating: "Graffiti is a crime. Any person defacing real or personal property not his own with paint or any other liquid or device is guilty of a crime punishable by imprisonment for up to six months, with a fine up to \$1,000.00 and 100 hours of community service."
- (2) Place a sign in the direct view of such persons responsible for accepting customer payment for aerosol containers of spray paint or broad-tipped indelible markers stating: "It is a violation of the law punishable by a civil fine of \$100.00 to sell aerosol containers of spray paint or broad-tipped indelible markers to persons under 18 years of age."
- (3) Store or cause such aerosol containers or marker pens to be stored either in the direct line of sight from the cash register work station or any other work station normally continuously occupied while the store is open, or in a place not accessible to the public in the regular course of business without employee assistance, pending legal sale or disposition of such marker pens or paint containers.
- (k) Penalties; procedures for administration.

- (1) Violation of this section shall result in a civil penalty of \$100.00 for a first offense and \$200.00 for all subsequent offenses within 12 months of a prior offense. When three such offenses occur within any calendar year at a commercial establishment, that establishment shall be subject to an injunction from a court of competent jurisdiction forbidding the sale of aerosol containers of spray paint and broad-tipped indelible markers for a period of two years.
- (2) Procedures for enforcement, appeals and collection of fines by the city shall be as provided in this chapter.

#### **Section 24. Display of vehicles for sale.**

- (a) No vehicle or boat shall be displayed for sale in a residential district unless affixed to the vehicle is a valid state license plate issued for the vehicle, except that a vehicle affixed with a lost tag may be displayed for a period not to exceed ten (10) days. A vehicle with a lost tag shall have the vehicle registration affixed to the rear window so as to be easily readable by law enforcement and code enforcement officials. As used in this section, the term "vehicle" shall include an automobile, motorcycle, truck, or recreational vehicle, a utility trailer, or a trailer for transporting off-highway vehicles or boats.
- (b) In residential districts no more than one (1) vehicle may be displayed for sale at any one (1) time on any one (1) premise and no more than two (2) vehicles may be displayed for sale at any one (1) premise for any one (1) calendar year, and the display shall only be permitted at the current address of the registered owner of the vehicle offered for sale on the subject premises.
- (c) No more than one sign shall be placed on the vehicle offered for sale. Such sign shall not exceed 8 inches by 12 inches.
- (d) All violations of this section shall be punishable by a fine of one hundred dollars (\$100.00) for the first vehicle on a first offense and five hundred dollars (\$500.00) per vehicle for each additional vehicle and any repeat violation of this section. The County may lien the vehicle and any real property owned by the violator in Miami-Dade County until all fines, enforcement costs, and administrative costs are paid by the violator. Any vehicle in violation of this section shall be towed if not removed immediately by the owner. (Vehicle owners will be responsible for all fines, towing fees, storage fees, and any administrative and enforcement fees that result from the enforcement of this section.)

#### **Section 25. Occupational license and certificate of use.**

All businesses shall need occupational license and/or certificate of use from the city prior to the operation within the limits of the city boundaries. If any business shall require approval, permit, certification and/or licensing from Federal, State, County, and/or any other relevant agency such documentation shall be provided to the city no later than 60 days from the issuance of the occupational license and/or certificate of use. Failure to provide above mentioned documentation within 60 days shall annul the issued occupational license and/or certificate of use.

**Section 26. Home based business office.**

- (a) Notwithstanding any provision to the contrary herein contained, offices for certain businesses, professions or occupations may be maintained within residentially zoned areas as provided herein. Any person engaged in a business, profession or occupation who chooses to conduct said business, profession or occupation from his or her permanent, primary residence shall, prior to conducting such business, profession or occupation, apply for and receive an occupational license for a home occupation/home based business office. The license fee shall be in accordance with the City of Doral "fee schedule". Said applicant shall list his or her home address as a place of business and must, at all times, comply with the following criteria:
- (1) Home occupation/home based business office activities shall be accessory and clearly incidental to the primary single family residence or apartment unit and shall not use more than 20 % of the overall living space of the property.
  - (2) Home occupation/home based business office activities shall occur entirely within the residential dwelling.
  - (3) Employees, in addition to the person engaged in the business, profession or occupation of the home occupation/home based business office as provided above, shall reside at the subject residential dwelling; for purposes of this section, a "permanent resident" shall mean a person residing in a residential dwelling for no less than six calendar months.
  - (4) No goods or services shall be dispensed, sold, distributed or provided directly from the residential dwelling, except for those transmitted by telephone, computer modem, facsimile or other similar electronic means.
  - (5) The aggregate of deliveries of any kind required by, received or sent by, or made in connection with a home occupation/home based business office at a residential dwelling shall not exceed two business delivery by courier per day in addition to regular U.S. Postal Service.
  - (6) No inventory or storage of materials, goods, products or supplies shall be permitted at the residential dwelling, except those minor supplies necessary for the operation of the home occupation/home based business office.
  - (7) No materials, goods, products or supplies shall be displayed for sale or kept as samples at the residential dwelling, except those which can be readily transported in a hand carried sample case.
  - (8) No goods or service of any kind shall be sold or transferred to a customer, consumer or client on the premises of a home occupation, excluding facsimile machine, telephone and/or regular U.S. postal service.
  - (9) The exterior of the residential dwelling or apartment unit shall not be altered in any manner to attract attention to the home occupation/home based business office or the residence as a place of business.
  - (10) No signs indicating the presence of the home occupation/home based business office shall be located on or about the residential dwelling.
  - (11) No noise, odor, smoke, hazard or other nuisance of any type shall arise from the conduct of the home occupation/home based business office.
  - (12) The operation of a home occupation/home based business office shall not cause any increase in parking at the residential dwelling or vehicular traffic to and from the residential dwelling.
  - (13) No vehicle with the name of a home occupation/home based business shall be parked or stored on the site, except in a closed garage.

- (14) The conduct of a home occupation/home based business office shall not result in an increase in demand on city services as compared to the average typical residence of the same size.
- (15) Home occupation/home based business office activities may be advertised or publicized provided that the address of the residential dwelling shall not be referenced, and further provided that any advertisement or publication shall not in any manner invite, attract or draw persons to the single family residence or apartment unit in which the home based business office is located.
- (b) A home occupation/home based business office which does not satisfy all of the above standards at all times during operation shall be prohibited and no license shall be issued to an applicant whose business operation would violate said standards.
- (c) All home occupation/home based business offices shall be required to obtain and maintain an occupational license from the City, at an annual fee in accordance with the fee schedule.
- (d) The City, upon probable cause to believe that there is a violation of one or more of the provisions of this section, may seek permission from the code compliance special magistrate to inspect a property in order to assist in making a finding as to whether or not there is a violation; the City shall not inspect a property without the aforescribed permission.
- (e) If the City Manager or his designee believes that a licensee has engaged in conduct warranting the suspension or revocation of a license, he shall serve the licensee, by certified mail or by hand delivery, a written administrative complaint which affords reasonable notice to the licensee of facts or conduct that warranted the intended action. The complaint shall state what is required to be done to eliminate the violation, if any. The licensee shall be given adequate opportunity to request a prior administrative hearing unless the City Manager finds that an emergency condition exists involving serious danger to public health, safety or welfare, in which case advance notice and hearing shall not be required. In case of emergency suspension or revocation, the licensee shall immediately be advised of the City Manager's action and afforded a prompt post-suspension or revocation hearing before the special magistrate.
- (f) A home occupation/home based business office shall have no parking requirement in addition to the requirement for the single family residence or apartment unit.
- (g) Nothing contained herein shall be deemed to authorize, legalize, or otherwise permit a home occupation/home based business office that is otherwise prohibited by a legally enforceable restrictive covenant, association document or other instrument or restriction on such use.

**Section 27. Peddler, litter & noise.**

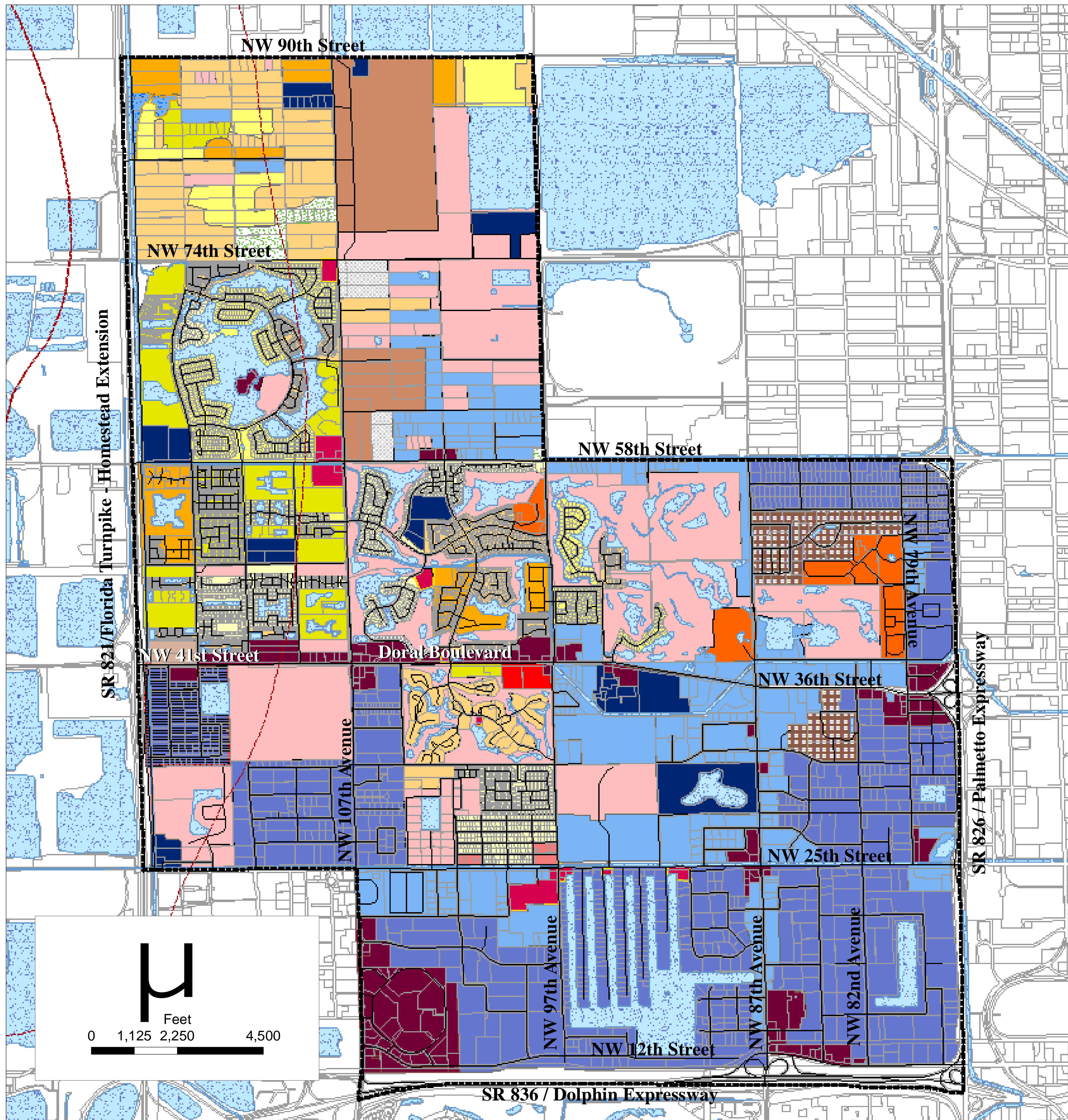
Awaiting from City

**Section 28. Water use restrictions.**

Reserved



Land Development Code  
Zoning Map  
Final Hearing - August 22, 2007



Legend

Zoning Districts

- SF-1 - Single Family - 1
  - SF-2 - Single Family - 2
  - SF-3 - Single Family - 3
  - SF-4 - Single Family - 4
  - SF-5 - Single Family - 5
  - MF-1 - Multi Family - 1
  - MF-2 - Multi Family - 2
  - MF-3 - Multi Family - 3
  - MF-4 - Multi Family - 4
  - O-1 - Office - 1
  - O-2 - Office - 2
  - O-3 - Office - 3
  - TND - Traditional Neighborhood Development
  - CMU - Community Mixed Use
  - DMU - Downtown Mixed Use
  - PUD - Planned Unit Development
  - NC - Neighborhood Commercial
  - CC - Corridor Commercial
  - IC - Industrial Commercial
  - I - Industrial
  - I-R - Industrial - Restrictive
  - IPF - Institutional, Public Facilities & Parks
  - GU - General Use
  - PP - Private Parks
  - CONSERV - Conservation Lands
- Other Features
- Water Bodies
  - Northwest Wellfield Protection Area
  - Doral City Limit

