

ARTICLE XXVI. - BU-2, SPECIAL BUSINESS DISTRICT

FOOTNOTE(S):

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Editor's note—Article XXVI, § 33-252—33-253.9, is currently derived from Ord. No. 74-24, 1, adopted April 16, 1974. Section 4 of said ordinance provided:

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

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

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

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

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

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

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

Sec. 33-252. - Purpose.

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

(Ord. No. 74-24, § 1, 4-16-74)

Sec. 33-253. - Uses permitted.

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

- (1) All uses permitted in the BU-1 and BU-1A Districts except that residential uses are subject to approval at a public hearing.
- (2) Automobile parking lots and garages as a primary use. Automobile parking garages, not over six (6) stories in height, shall be permitted provided they are not located closer than two hundred (200) feet to an RU-1, RU-2, RU-TH or EU District or to a hospital, church or building used for public assemblage. Automobile parking garages shall meet all open space, lot coverage and other applicable requirements of this article. Parking lots shall comply with all applicable off-street parking requirements as set forth in Article VII of this chapter and all applicable landscaping requirements as set forth in Chapter 18A of this Code.

(2.05) Commuter Colleges/Universities.

(2.1) Hospitals (other than animal hospitals), subject to the following conditions:

- (a) That such uses shall be on sites of at least ten (10) net acres;
- (b) That the facility shall have capacity for a minimum of one hundred (100) beds.
- (c) The certificate of use for the hospital shall be annually renewed.
- (d) That the hospital operates a 24 hour emergency room.
- (e) Notwithstanding the provisions of Section 33-253.3 of this Code, the net lot coverage permitted for all buildings on the site shall not exceed 50% of the total lot area; the floor area ratio shall be fifty one-hundredths (0.50) at one (1) story and shall be increased by fourteen-one hundredths (0.14) for each additional story up to eight (8) stories, and thereafter the floor area ratio shall be increased by six-one-hundredths (0.06) for each additional story. Structured parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. Enclosed or nonenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.
- (f) Notwithstanding the provisions of Section 33-253.4 of this Code, the minimum landscaped open space at one (1) story shall be fourteen percent (14%).

The minimum landscaped open space shall be increased by one (1) percent for each additional story or part thereof, up to eight (8) stories, thereafter the landscaped open space shall increase by two (2) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery. Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

- (g) That such uses shall be located within sites having frontage on a major access road, including major roadways (three (3) or more lanes), section or half section line roads and/or frontage roadways serving limited access highways and expressways.
- (h) The site shall meet and comply with the provisions of Section 33-253.7 of this Code, except that the wall may be penetrated at points approved by the Directors of the Planning and Zoning Department and the Public Works Department for ingress and egress to afford

pedestrian or vehicular access between the sites, and if the property where the facility is located is separated from the AU, GU, RU or EU zoned property by a canal or a previously existing, dedicated and improved roadway, then a wall shall not be required on that portion of the property which is separated by the canal or roadway.

(2.2) Hotel and motel uses, subject to all provisions of the RU-4A District pertaining to such uses.

(3) Liquor package stores.

(4) Major department stores.

(5) Marinas for the following purposes only: Commercial boat piers or slips for docking purposes; yacht or boat storage, for laying up, but not for repairs or overhaul; and boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.

(5.1) Movie and television studios with indoor sound stages/studios.

(5.2) Movie and television studios with outdoor lots/backlots after public hearing.

(6) Night clubs located no closer than five hundred (500) feet of any RU or EU District, if approved at a public hearing.

(7) Office parks.

(8) Pubs and bars.

(9) Regional shopping centers.

(9.5) Vehicle Retail Showroom, provided that:

(1) No on-site vehicle storage/stock beyond the showroom is allowed; and

(2) No more than six (6) vehicles on site to be used for test drives purposes; and

(3) No test drive shall be conducted on residential local streets (fifty-foot wide rights-of-way); and

(4) No new, purchased vehicle deliveries at showroom are allowed.

(10) Warehouse, membership.

(Ord. No. 74-24, § 1, 4-16-74; Ord. No. 96-129, § 1, 9-10-96; Ord. No. 03-129, § 1, 6-3-03; Ord. No. 06-33, § 1, 3-7-06; Ord. No. 09-102, § 3, 11-17-09; Ord. No. 13-15, § 1, 2-5-13; Ord. No. 13-40, § 1, 5-7-13; Ord. No. 13-82, § 2, 9-17-13; Ord. No. 14-40, § 1, 4-8-14)

Sec. 33-253.1. - Setbacks, cubic content, yard area, etc.

Setbacks, cubic content, yard area, lot sizes, etc., shall be specified in article II of this chapter.

(Ord. No. 74-24, § 1, 4-16-74)

Sec. 33-253.2. - Height.

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

(Ord. No. 74-24, § 1, 4-16-74)

Sec. 33-253.3. - Floor area ratio and lot coverage.

The floor area ratio shall be forty-one-hundredths (0.40) at one (1) story and shall be increased by eleven-one-hundredths (0.11) for each additional story up to eight (8) stories, thereafter the floor area ratio shall be increased by six-one-hundredths (0.06) for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height and number of stories. The total lot coverage permitted for all buildings on the site shall not exceed forty (40) percent of the total lot area. Enclosed or nonenclosed mall areas shall not count as part of the floor area, for floor area ratio computation purposes, nor as part of the lot coverage.

(Ord. No. 74-24, § 1, 4-16-74)

Sec. 33-253.4. - Landscaped open space.

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

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

The minimum landscaped open space shall be increased by one and one-half (1½) percent for each additional story or part thereof, up to eight (8) stories, thereafter the landscaped open space shall increase by two and one-half (2½) percent for each additional story or part thereof. For the purpose of computing the amount of required landscaped open space where the building height varies, the number of stories shall be equal to the sum of the products of the number of stories of each part of the building(s) of a different height times its floor area divided by the sum of the floor area of all parts of the building(s). Said open space shall be extensively landscaped with grass, trees and shrubbery. Water areas may be used as part of the required landscaped open space provided such water areas do not exceed twenty (20) percent of the required landscaped open space. The specific areas within enclosed or nonenclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display may be used as part of the required landscaped open space provided such areas do not exceed ten (10) percent of the required landscaped open space. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(Ord. No. 74-24, § 1, 4-16-74; Ord. No. 95-223, § 1, 12-5-95)

Sec. 33-253.5. - Prohibited uses.

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

(Ord. No. 74-24, § 1, 4-16-74)

Sec. 33-253.6. - Enclosed uses.

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

(Ord. No. 74-24, § 1, 4-16-74)

Sec. 33-253.7. - Business property adjacent to residential districts.

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

(Ord. No. 74-24, § 1, 4-16-74)

Sec. 33-253.8. - Reserved.

Editor's note— Section 33-253.8, pertaining to expansion of existing commercial structures, has been deleted as obsolete. The section was derived from Ord. No. 74-24, § 1, adopted April 16, 1974.

Sec. 33-253.9. - Plan review standards.

- (A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board within thirty (30) days of the date the project was denied approval in writing. Appeals will be heard as expeditiously as possible. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding area. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.
- (B) Exhibits which the applicant shall submit to the Department of Planning and Zoning shall include, but not be limited to the following:
 - (1) Schematic site plans at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
 - (a) Proposed commercial floor area.

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

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

- (C) The following checklist of criteria shall be utilized as a guide by the Department and by the appropriate board, upon appeal, in the review process.
 - (1) Planning studies. Design or planning studies completed by the Department and submitted to the County Commission that include recommendations for development patterns or site plan criteria which would apply to the development proposal under review shall be utilized in the site plan review process.
 - (2) Exterior spatial relationships. The three-dimensional air-space volume created by the arrangement of structures and landscape shall produce spatial relationships that function with the intended use of the project and are compatible with the development or zoning in the adjoining area.
 - (3) Landscape. Landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes and provide shade.
 - (4) Buffers. Buffering elements that provide a logical transition to adjoining, existing or permitted uses shall be provided.
 - (5) Scale. Scale of proposed structures shall be compatible with surrounding existing or permitted uses or shall be made compatible by the use of the buffering element.
 - (6) Signs and outdoor lighting. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with the building design and the surrounding landscape.
 - (7) Roof installation and facilities. All permitted installations housing mechanical equipment located on the roof shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and be harmonious with the building design.
 - (8) Circulation. Pedestrian and auto circulation shall be separated insofar as practicable and all circulation systems shall adequately serve the needs of the project and be compatible and functional with circulation systems outside the development. When head-in parking is located directly adjacent to a storefront, an anti-ram fixture with a minimum Department of State protection rating of K4 shall be placed along the outer edge of the sidewalk to visually and physically separate the vehicular and pedestrian areas. Installations must include a landscaping/planting component to mitigate the visual impacts of the anti-ram fixture. The anti-ram fixture shall be continuous with reasonable breaks provided to allow for pedestrian access and compliance with the Americans with Disabilities Act.
 - (9) Parking areas. Building wall extensions, plantings, berms or other innovative means shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Code of Miami-Dade County.

- (10) Service areas. Service areas which may be provided shall be screened and so located as not to be visible from view.
- (11) Visual screening for decorative walls. In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
- (a) Wall with landscaping. The wall shall be setback two and one-half (2½) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one (1) or more of the following planting materials:
 - (1) Shrubs. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (2) Hedges. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (3) Vines. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
 - (b) Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.
- (12) Window Height. When head-in parking is located directly adjacent to a storefront, ground floor windowsills shall be placed at a minimum height of 24 inches and a maximum of 48 inches above grade.

(Ord. No. 74-24, § 1, 4-16-74; Ord. No. 95-19, § 11, 2-7-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 95-223, § 1, 12-5-95; Ord. No. 96-127, § 17, 9-4-96; Ord. No. 98-125, § 21, 9-3-98; Ord. No. 99-38, § 12, 4-27-99; Ord. No. 12-47, § 3, 7-3-12)