

**Exhibit "C" (to 11-00380ap2)**

**Amended Regulating Plan**

(Updated document for Second Reading)



AMENDMENTS TO MIAMI 21			
ORDINANCE	DATE APPROVED	DESCRIPTION	LEGISLATIVE ID
13279	7/28/2011	Special Area Plan for Brickell CitiCentre	11-00380ap
<del>13369</del> TBD	<del>3/28/2013</del> TBD	Special Area Plan Amendment for Brickell City Centre to add N2 block	<del>11-00380ap1</del> TBD
<u>TBD</u>	<u>TBD</u>	<u>Special Area Plan Amendment for Brickell City Centre to add One BCC block</u>	<u>11-00380ap2</u>

**SAP BRICKELL CITY CENTRE**

The Brickell City Centre is a mixed-use project in the heart of Brickell situated on ~~five~~four main parcels totaling approximately ~~11.510~~ acres. The site is generally bounded by Brickell Avenue to the East, Southwest 1st Avenue to the West, Southeast 5th Street to the North and Southwest 8th Street to the South, ~~Miami, Florida, and~~ further described in SAP-1.1.

**SAP 1.1 Legal Description**

**Site 1: Brickell City Centre North**

Subject Property Legal Description:

LOTS 1 THROUGH 6, THE WEST HALF OF LOT 7, AND LOTS 9-14, BLOCK 107S, OF PATTERSON AND OLIVE SUBDIVISION, ACCORDING TO THE MAP OR PLAT BOOK B, AT PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PARCEL CONVEYED BY RIGHT-OF-WAY DEED RECORDS IN OFFICIAL RECORDS BOOK 26161, PAGE 1547, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

**Site 2: Brickell City Centre East**

Subject Property Legal Description: PARCEL I:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND 15, IN BLOCK 106S, OF S.L. & J.B. PATTERSON AND J.F. AND B.T. OLIVE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, AT PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LESS:

THOSE PORTIONS OF LOTS 1, 9, 10, 11, 12, 13, 14, AND 15, BLOCK 106S, OF THE S.L. & J.B. PATTERSON AND J.F. AND B.T. OLIVE SUBDIVISION, ACCORDING TO THE PLAT BOOK THEREOF AS RECORDED IN PLAT BOOK B, AT PAGE 77, OF THE PUBLIC RECORDE OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 38, TOWNSHIP 54 SOUTH, RANGE 41 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE RUN N02°16'51" W ALONG THE WESTERLY BOUNDARY OF SAID LOTS 9 AND 1, FOR A DISTANCE OF 299.90 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY BOUNDARY OF SAID LOT 1; THENCE RUN N87°47'15" E ALONG SAID NORTHERLY BOUNDARY OF LOT 1 FOR A DISTANCE OF 30.03 FEET TO A POINT OF CUSP AND CURVATURE OF A CIRCULAR CURVE

CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 25.00 FEET AND A TANGENT BEARING OF S87°35'49" W; THENCE TURNING 180°, RUN WESTERLY, SOUTHWESTERLY AND SOUTHERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 90°04'06" FOR AN ARC LENGTH OF 39.30 FEET TO A POINT

OF TANGENCY ON A LINE THAT IS 5.00 FEET EASTERLY AND PARALLEL WITH THE WESTERLY BOUNDARY OF SAID LOTS 1 AND 9; THENCE RUN S02°16'51" E ALONG SAID LINE THAT IS 5.00 FEET EASTERLY AND PARALLEL TO SAID WESTERLY BOUNDARY OF LOTS 1 AND 9, FOR A DISTANCE OF 234.80 FEET TO THE POINT OF BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°07'20" FOR AN ARC DISTANCE OF 39.32 FEET TO THE POINT OF TANGENCY AND A POINT ON A LINE THAT IS 15.00 FEET NORTHERLY AND PARALLEL WITH THE SOUTHERLY BOUNDARY OF SAID LOTS 9, 10, 11, 12, 13, 14, AND 15; THENCE RUN N87°35'49" E ALONG SAID LINE THAT IS 15.00 FEET NORTHERLY AND PARALLEL TO THE SOUTHERLY BOUNDARY OF LOTS 9, 10, 11, 12, 13, 14, AND 15, FOR A DISTANCE OF 319.95 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID LOT 15; THENCE RUN S02°16'51" E ALONG SAID EASTERLY BOUNDARY OF SAID LOT 15, FOR A DISTANCE OF 15.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE RUN S87°35'49" W ALONG SAID SOUTHERLY BOUNDARY OF LOTS 9, 10, 11, 12, 13, 14, AND 15, FOR A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING.

**Site 3: Brickell City Centre West**

SUBJECT PROPERTY LEGAL DESCRIPTION PARCEL I:

LOTS 1, 2, 3 IN BLOCK S3S, OF AMENDED PLAT BOOK 38A AND THE NORTH 1/2 OF BLOCK 53S CITY OF MIAMI, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 1, AT PAGE 74, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

LOTS 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, AND 24, IN BLOCK 53S, OF MAP OF MIAMI-DADE COUNTY, FLORIDA; LESS THE SOUTH 10 FEET OF THE WEST 55 FEET OF SAID LOT 22 AND LESS THE SOUTH 10.00 FEET OF SAID LOTS 16,17, 19, 20, AND 21.

LESS:

THAT PORTION OF LOT 22, BLOCK 53S, OF THE MAP OF MIAMI-DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, AT PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE

COUNTY, FLORIDA., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF S.W. 8TH STREET WITH THE WESTERLY RIGHT OF WAY OF S. MIAMI AVENUE AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS FOR SECTION 87120-2513; THENCE RUN SOUTH 87°42'43" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET AND A TANGENT BEARING OF NORTH 87°42'43" EAST; THENCE RUN NORTHEASTERLY, NORTHERLY, AND NORTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°59'34" FOR A DISTANCE OF 39.27 FEET TO THE POINT OF TANGENCY AND A POINT OF SAID WESTERLY RIGHT OF WAY LINE; THENCE RUN SOUTH 02°16'51" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING,

PER RIGHT OF WAY DEDICATION, RECORDED IN OFFICIAL RECORDS BOOK 12159, PAGE 482 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL II:

THE EAST 50 FEET OF LOTS 10, 11, AND 12 IN BLOCK 53A, AMENDED PLAT OF BLOCKS 38A AND THE NORTH HALF OF BLOCK 53S CITY OF MIAMI, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, AT PAGE 74, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL III:

THE EAST 50 FEET OF LOTS 13, 14, AND 15, BLOCK 53S, MAP OF MIAMI, DADE COUNTY, FLA., ACCOURDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, AT PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 10 FEET THEREOF.

**Site 4:** Brickell City Centre One BCCPlaza

SUBJECT PROPERTY LEGAL DESCRIPTION:

~~LOTS 5, 6, 8 1/2, 9, 10 AND 11, BLOCK 106A, AMENDED MAP OF BRICKELL ADDITION TO THE MAP OF MIAMI, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B", PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THEREFROM A PORTION OF THE SOUTH 10 FEET OF SAID LOT 9 (AS DEEDED TO THE CITY OF MIAMI IN~~

~~OFFICIAL RECORDS BOOK 10551, PAGE 1004, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA), SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~BEGINNING AT THE MOST SOUTHWESTERLY CORNER OF SAID LOT 9, SAID POINT OF BEGINNING BEING ALSO ON THE NORTH RIGHT OF WAY LINE OF S.E. 8TH STREET; THENCE, ALONG THE WEST LINE OF SAID LOT 9, N 0°07' 30" EAST FOR 10.00 FEET TO ITS INTERSECTION WITH THE NORTH BASE BUILDING LINE OF SAID S.E. 8TH STREET; THENCE ALONG SAID BASE BUILDING LINE, EAST FOR 10.61 FEET TO ITS INTERSECTION WITH THE NORTHWESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 106A; THENCE, ALONG SAID SOUTH LINE OF SAID BLOCK 106A, S 74° 39' 31" EAST FOR 37.80 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID S.E. 8TH STREET; THENCE, ALONG SAID RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF SAID LOT 9, WEST FOR 47.08 FEET TO THE POINT OF BEGINNING.~~

~~SAID LAND LYING IN SECTION 1, TOWNSHIP 54 SOUTH, RANGE 41, MIAMI DADE COUNTY, FLORIDA.~~

Lot 1, Less the Easterly 5 feet thereof, Block 106A, of MARY BRICKELL'S ADDITION TO THE MAP OF MIAMI, according to the Plat thereof, as recorded in Plat Book "B", Page 113, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

Lots 2, Less the Easterly 5 feet thereof, and all of Lots 3, 4, 12, 13, Block 106A, of MARY BRICKELL'S ADDITION TO THE MAP OF MIAMI, according to the Plat thereof, as recorded in Plat Book "B", Page 113, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

Lots 14 and 15, of Block 106A, of MARY BRICKELL'S ADDITION TO THE MAP OF MIAMI, according to the Plat thereof, as recorded in Plat Book "B", Page 113, of the Public Records of Miami-Dade County, Florida;

LESS AND EXCEPT therefrom that part thereof conveyed to the City of Miami for street and sidewalk purpose pursuant to that Warranty Deed recorded in Official Records Book 1790, Page 604, of the Public Records of Miami-Dade County, Florida, and being more particularly therein described as follows: Beginning at the Northeasterly corner of Lot 15, Block 106A, of the AMENDED MAP OF BRICKELL'S ADDITION TO THE MAP OF MIAMI, according to the Plat thereof, as recorded in Plat Book "B", at Page 113, of the Public Records of Miami-Dade County, Florida; thence run Southwardly along the Easterly line of Lots 15 and 14 of said Block 106A for a distance of 138 feet, more or less, to the Southeasterly corner of said Lot 14; thence run Westwardly along the

Southerly line of said Lot 14 for a distance of 30 feet to a point; thence run Eastwardly, Northeastwardly and Northwardly along the arc of a curve to the left, having a radius of 25 feet, through a central angle of 89°59'50" with an arc distance of 39.27 feet to a point of tangency; thence run Northwardly along a line 5 feet West of and parallel with the Easterly line of said Lots 14 and 15 for a distance of 113 feet to a point of intersection with the Northerly line of said Lot 15; thence run Easterly along the Northerly line of said Lot 15 for a distance of 5 feet to the Point of Beginning.

Said lands situate, lying and being in Miami-Dade County, Florida.

AND TOGETHER WITH:

Lots 5, 6, 8, 8 1/2, 9, 10 and 11, Block 106A, "AMENDED MAP OF BRICKELLS ADDITION TO THE MAP OF MIAMI", according to the Plat thereof as recorded in Plat Book "B", Page 113 of the Public Records of Dade County, Florida, LESS therefrom a portion of the South 10 feet of said Lot 9 (as deeded to the City of Miami in Official Records Book 10551, Page 1004, of the Public Records of Dade County, Florida), said portion being more particularly described as follows:

BEGINNING at the most Southwesterly corner of said Lot 9, said point of beginning being also on the North Right-of-Way Line of S.E. 8th Street; thence, along the West Line of said Lot 9, N.0°07'30"E. for 10.00 feet to its intersection with the North Base Building Line of said S.E. 8th Street; thence, along said Base Building Line, East for 10.61 feet to its intersection with the Northwesterly extension of the South Line of Block 106A; thence, along said South Line of said Block 106A, S.74°39'31 "E. for 37.80 feet to a point on the Northerly Right-of-Way Line of said S.E. 8th Street; thence, along said Right-of-Way Line and along the South Line of said Lot 9, West for 47.08 feet to the POINT of BEGINNING.

**Site 5:** Brickell City Centre N2

**SUBJECT PROPERTY LEGAL DESCRIPTION:**

LOTS 1 THROUGH 7, IN BLOCK 108 SOUTH, OF S.L. & J.B. PATTERSON AND J.F. & B.T. OLIVE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PARCEL CONVEYED BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 11810, PAGE 2274, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



## SAP 1.4 Regulating Plan for Brickell City Centre

## BRICKELL CITY CENTRE

Brickell City Centre is a mixed-use project in heart of the Brickell situated on five (5) parcels totaling approximately ~~11.510~~ acres. The site is located along S. Miami Avenue and bounded by S.W. 8th Street to south, S.E. 5 Street to the north, approximately S.W. 1st Avenue to the west, and approximately Brickell Avenue to the east.

The project, as proposed, will consist of two-levels of underground parking totaling approximately ~~1,9341,850~~ spaces to support approximately ~~725,000~~~~650,000~~ s.f. of open-air, destination and neighborhood serving retail across four levels, including a high-end food market. The proposed underground parking has been designed to internalize circulation and limit the impact of vehicular traffic on the adjacent roadway system. The internal circulation is achieved through the connection of the ~~five~~~~four~~ (54) underground garages at the Basement 02 level via driveways beneath S. Miami Avenue, S.E. 6th Street, ~~and S.E.W.~~ 7th Street and the MetroMover right-of-way between the BCC East and One BCC blocks.

In addition to the retail component, Brickell City Centre's ("BCC") program includes the development of approximately 1,4001,105 residential units in ~~four~~~~three~~ (43) towers, three of which are approximately 40 +/- stories in height on the BCC North, West and N2 parcels and the fourth tower, 80 stories tall, is located on the One BCC parcel. A hotel and service apartment building, consisting of approximately ~~265290~~ hotel rooms and ~~8975~~ service apartment units, is proposed for the BCC East parcel and a 120-room hotel is planned for the mixed-use tower on the One BCC block. An additional ~~3,1232,000~~ parking spaces will be provided above grade to support these uses.

BCC also proposes the development of approximately ~~960,000~~~~945,000~~ s.f. of office space across the entirety of the ~~11.510~~ acre site. A ~~140,000~~~~128,000~~ s.f. office tower (8 +/- stories) is proposed for BCC West, with a twin medical office/wellness center of approximately ~~145,000~~~~178,000~~ s.f. (8 +/- stories) on BCC East. Finally, ~~an office tower of~~ approximately ~~675,000~~~~733,000~~ s.f. of office is proposed in the mixed-use tower on the One BCC parcel, which will ~~to~~ replace the office buildings which currently houses Eastern National Bank, Northern Trust and Miami Today, located immediately east of the 8th Street MetroMover station.

In addition to the above-listed programmatic elements, the project contemplates a number of significant features designed to enhance the public realm. Foremost among such elements is the climate ribbon that serves as unifying theme for the project, connecting the various parcels of Brickell City Centre and the project to the Miami River. The climate ribbon will provide protection from the elements to patrons traveling along the open air corridors of the retail center and across the pedestrian connections that will serve to unify the site above the street. It is anticipated that the ribbon will also serve to generate electric power for the facility through the incorporation of solar panels, as well assist with collection of rainfall that can be used for various water features on-site. The development of the One BCC parcel will bring the climate ribbon over the top of the 8<sup>th</sup> Street MetroMover station to the front door of Brickell Avenue.

Additional contemplated public improvements anticipated by the project include landscaping upgrades to the area under the MetroMover guideway for its use as a linear park that would enhance [the](#) Brickell community's connection with the Miami River. The project also anticipates making significant improvements to the 8th Street MetroMover station that would serve to integrate the station with the project, improve station access, enhance MetroMover ridership, and provide a multi-modal connection to the planned City of Miami Brickell Trolley line.

### **BRICKELL CITY CENTRE GOALS**

A driving force behind Brickell City Centre is a desire to create a walkable urban center within the Brickell area that will reduce carbon dioxide emission and promote energy conversation. The plan incorporates improved street and transit connections that encourage pedestrian enjoyment and mass transit use through increased tree canopy, use of green building techniques, and enhancements to existing mass transit facilities.

The development goals include:

- A compact, pedestrian oriented and mixed use project designed to increase the use of current and proposed transit service.
- Facilitate the organized growth of downtown infill redevelopment ensuring that Miami remains the focus of the region's economic, civic, and cultural activities.
- Provide a diversity of uses distributed throughout the Special Area Plan area which enables a variety of economic activity, workplace, residences and Civic Space types.
- Orient civic and public gathering spaces to reinforce community identity.
- Design buildings and landscape that contribute to the physical definition of Thoroughfares as civic places.
- Develop a proper framework that successfully accommodates automobiles while respecting the pedestrian and the special form of public spaces.
- Ensure that private development contributes to infrastructure and enriches a pedestrian and transit friendly public and private realm of the highest quality.

The following new or revised terms shall only apply within the area designated as part of the Brickell City Centre Special Area Plan. Any regulation not modified herein shall be subject to the requirements of the Miami 21 Code and any other applicable regulation.

## 1.1 DEFINITIONS OF BUILDING FUNCTION: USES

### LODGING

**Serviced Apartments:** A group of lodging units that are available for lease or rent by transient guests for a period of not more than 180 days, share amenities, and are operated in conjunction with a Hotel.

### CIVIL SUPPORT

**Public Parking:** A structured parking facility available to the general public for parking motor vehicles. The term Public Parking shall not include the use of surface parking lots for the parking of motor vehicles.

## 1.2 DEFINITIONS OF TERMS

**Climate Ribbon:** A framed Structure, which is open on its sides, fixed and self-supporting and which may be located over private property or within the Public Right-of-Way.

**Design Guidelines:** Plans, drawings, and diagrams submitted as part of the SAP.

**Display Window:** A window of a Commercial establishment facing a Frontage used to display merchandise for sale on site and shall have sufficient dimensions to display products. Display Window(s) may not be used for the display of posters or other adverting materials unless accompanied by the product being offered.

**Open Space:** Any parcel or area of land or water essentially unimproved by permanent Buildings, open to the sky and/or covered by a Climate Ribbon; such space shall be reserved for public or private Use. Open Spaces may include Parks, Greens, Squares, Courtyards, Gardens, Playgrounds, paseos (when designed predominantly for pedestrians), pedestrian paths or associated landscaped areas, and those areas covered by a Climate Ribbon.

**Parking, Off-Street:** Any land area designed and used for parking motor vehicles including parking garages, driveways and garages serving residential uses, but excluding areas of Thoroughfares and surface parking lots.

**Pedestal:** Also known as podium. For ~~phase I of~~ the Brickell City Centre Special Area Plan parcels BCCN, BCCW and BCCE, that portion of a Building up to a maximum of 129 feet and for the One BCC and N2 parcels ~~phase II~~, that portion of a Building up to a maximum of 160 feet (10 stories) as depicted in the approved SAP plans and Design Guidelines.

**Regulating Plan:** Modifications of the underlying Miami 21 Transect Zone regulations for the Lots included in this SAP.

**Retail Ribbon Sign:** A sign emitting an illuminated message, image, design or combination thereof that is created electronically by any light source, LED (light emitting diodes) bare electric bulbs, luminous tubes, fiber optics, or any other combination of light sources creating a message. A Retail Ribbon Sign is classified as a Wall Sign. A Retail Ribbon Sign is not considered an Animated Sign or Flashing Sign.

**Special Area Plan (SAP):** Also known as the Brickell City Centre project.

**Special Area Plan Permit (SAP Permit):** A permit issued by the City which authorizes Development within an approved SAP.

**Terminated Vista:** A location at the axial conclusion of a Thoroughfare or Pedestrian Passage. A Building located at a Terminated Vista designated on a Special Area Plan is required to be designed in response to the axis.

### 3.3 LOTS AND FRONTAGES

**3.3.6** For new Buildings in Established Setbacks Areas, the Established Setback shall be maintained except as modified in the Brickell City Centre Special Area Plan. (See also Article 4, Diagram 10) Galleries and Arcades may be permitted within the First Layer in Established Setback Areas and shall not encroach the Public Right-of-Way except by Special Area Plan. Where a Gallery or Arcade is permitted, the Established Setback shall only be maintained if a Gallery or Arcade is provided. Where a Gallery or Arcade is not provided, the setback for the underlying Transect Zone shall be maintained.

Established Setback Areas include:

**a. Brickell Financial**

1. Boundary: All properties on Brickell Avenue between SE 15th Road and the Miami River.

*Brickell Avenue Setback: Thirty (30') feet except the Southeast corner of the One BCC building which fronts Brickell may encroach into the 30' Brickell Avenue Setback by up to five (5') feet; Side and Rear: ~~TenFifteen~~ (10'15') feet;*

### 3.13 SUSTAINABILITY

#### 3.13.1 General

##### BCC LEED Certification

BCC shall be certified by the United States Green Building Council (USGBC) as a Leadership in Energy and Environmental Design - Neighborhood Development (LEED-ND) project. Upon completion of the SAP process and prior to the construction of not more than 75% of the total square footage of the approved BCC project, the project shall obtain LEED-ND Stage 2 pre-certification in accordance with the LEED 2009 Rating System Stages of Certification adopted



by the USGBC. Following approval of the LEED-ND Stage 2 pre-certification, the owner shall transmit a copy of the certificate issued by the USGBC confirming the pre-certification of BCC.

At the time BCC applies for and obtains a building permit for any portion of the approved project, the applicant shall provide the City with the following:

- a. A LEED checklist;
- b. Proof of LEED registration; and
- c. An affidavit affirming the applicant's intent to ensure that the project is certified by the USGBC, at a minimum, as LEED Silver.

Upon completion of each of the approved BCC phases and issuance of certificates of occupancy for the same, the project shall apply for LEED-ND Stage 3 certification. Following successful completion of the certification process, BCC will obtain a certification plaque for public display and ensure that BCC is listed as a LEED-ND certified project on the USGBC website. At minimum, development within the SAP shall meet LEED-ND Silver certification.

### 3.14 PUBLIC BENEFITS PROGRAM

3.14.2 Upon providing a binding commitment for the specified public benefits as provided in Section 3.14.3 below, the proposed development project shall be allowed to build within the restrictions of the specific Transect Zone, up to the bonus Height and FLR as established in this Section. ~~The only s~~ Square footage ~~allowed above the maximum Height is that~~ achieved through the bonus program via the Brickell City Centre SAP Public Benefits can be placed anywhere within the SAP.

3.14.3 The proposed bonus Height and FLR shall be permitted in exchange for contribution to the City for the following public benefits: affordable/workforce housing, Public Parks and Open Space, Green Buildings, Brownfields, and Civic Space or Civil Support space, ~~and Brickell City Centre SAP Public Benefits.~~ The City shall establish a Miami 21 Public Benefits Trust Fund for the cash contributions for Affordable/ Workforce Housing, Public Parks and Open Space, and Green Building certification shortfall penalty made under this section. The City Commission, upon the manager's recommendation, shall annually decide the allocation of funds from the Trust Fund collected under this section. All cash contributions thus allocated by the Commission to support affordable/ workforce housing shall be deposited in the Affordable Housing Trust Fund for expenditures pursuant to the guidelines adopted by the City Commission. All cash contributions thus allocated by the Commission to support Parks and Open Space shall be deposited in the Parks and Open Space Trust Fund, set forth in Chapter 62 of the City Code, to be expended in accordance with the guidelines outlined therein.

3.14.4 For the purposes of the public benefits program, the following criteria shall apply:

~~e. Brickell City Centre Public Benefits. Buildings within the Brickell City Centre Special Area Plan are eligible for the maximum bonus height and Floor Lot Ratio benefits due to the public improvements that the Brickell City Centre Special Area Plan encompasses. Such public improvements include:~~

- ~~• MetroMover Station enhancements~~
- ~~• MetroMover Station lease costs~~
- ~~• MetroMover Plaza~~
- ~~• Pedestrian path under MetroMover~~
- ~~• 6<sup>th</sup> Street roundabout~~
- ~~• Below grade connections at Miami Ave, 7<sup>th</sup> Street, 6<sup>th</sup> Street~~
- ~~• Above grade connections at Miami Ave & 7<sup>th</sup> Street~~
- ~~• Easement costs for above and below grade connections~~
- ~~• Tree relocation~~

~~The total costs of the public benefits for the Project are above and beyond the monetary payment which would be required under the Public Benefits Trust Fund regulations of Miami 21.~~

~~Upon application for a building permit for the One BCC building, Swire shall provide evidence of progress or completion of all of the above public benefits.~~



Article 4, Table 5 BUILDING FUNCTION: PARKING AND LOADING

SHARED PARKING STANDARDS		
SHARING FACTOR		
Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
COMMERCIAL		COMMERCIAL

The shared Parking Standards Table provides the method for calculating shared parking for buildings with more than one Use type. It refers to the parking requirements that appear in Table 4.

The parking required for any two Functions on a Lot is calculated by dividing the number of spaces required by the lesser of the two uses by the appropriate factor from this Table and adding the result to the greater use parking requirement.

For instance: for a building with a Residential Use requiring 100 spaces and a Commercial Use requiring 20 spaces, the 20 spaces divided by the sharing factor of 1.2 would reduce the total requirement to 100 plus 17 spaces. For uses not indicated in this chart on a mixed use lot a sharing factor of 1.1 shall be allowed. Additional sharing is allowed by Warrant. Additional sharing is allowed by SAP Permit.

OFF-STREET PARKING STANDARDS			
ANGLE OF PARKING	ACCESS AISLE WIDTH		
	ONE WAY TRAFFIC SINGLE LOADED	ONE WAY TRAFFIC DOUBLE LOADED	TWO WAY TRAFFIC DOUBLE LOADED
90	23 ft	23 ft	23 ft
60	12.8 ft	11.8 ft	19.3 ft
45	10.8 ft	9.5 ft	18.5 ft
Parallel	10 ft	10 ft	20 ft

Standard stall: 8.5 ft x 18 ft minimum

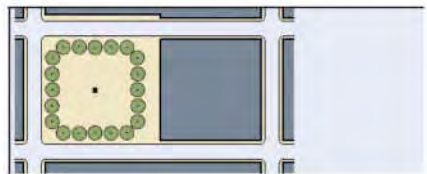
- Driveways shall have a minimum of 10 feet of paved width of a one-way drive and 20 feet for a two-way drive for parking area providing 10 or more stalls.
- Pedestrian entrances shall be at least 3 feet from stall, driveway or access aisle.
- Allowable slopes, paving, and drainage as per Florida Building Code.
- Off-street Parking facilities shall have a minimum vertical clearance of 7 feet. Where such a facility is to be used by trucks or loading Uses, the minimum clearance shall be 12 feet Residential and 15 feet Commercial and Industrial.
- Ingress vehicular control devices shall be located so as to provide a minimum driveway of 20 feet in length between the Base Building Line and dispenser.
- For requirements of parking lots, refer to Article 9 and the City of Miami Off-street Parking Guides and Standards.

LOADING BERTH STANDARDS	T5, T6, CS, CI-HD & CI	DISTRICT	NOTES																												
RESIDENTIAL*	From 25,000 sf to 500,000 sf		Berth Types Residential*: 200 sf = 10 ft x 20 ft x 12 ft Commercial**: 420 sf = 12 ft x 35 ft x 15 ft Industrial***: 660 sf = 12 ft x 55 ft x 15 ft  * Residential loading berths shall be setback a distance equal to their length. For the N2 block, residential loading berths shall be setback a minimum of ten (10) feet.  ** Commercial berth may be substituted by 2 Residential berths. 2 Residential berths may be substituted by 1 Commercial berth.  *** 1 Industrial berth may be substituted by 2 Commercial berths. 2 Commercial berths may be substituted by 1 Industrial berth.  A required Industrial or Commercial loading berth may be substituted by a Commercial or Residential loading berth, by SAP Permit, if the size, character, and operation of the Use is found to not require the dimensions specified and the required loading berth dimension could not otherwise be provided according to the regulations of this Code.  <a href="#">The total number of required loading berths for the One BCC block shall be seven (7) industrial size loading berths and eight (8) Commercial size loading berths.</a>  Loading Hours shall comply with conditions established by the Development Order.																												
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**Article 4, Table 7 CIVIC SPACE TYPES**

This table describes the standards for areas zoned as Civic Space (CS) and for Public Parks and Open Space provided by the Public Benefits Program.

Civic Space Types may be at multiple levels, landscaped and/or paved, open to the sky and shall be open to the public from 6:00 AM to 10:00 PM. The Civic Space at the NW corner of the One BCC block can be covered under a building. Civic Space Types may be publicly or privately owned. Open Space requirements for each zone are described in Article 5.

<p><b>Plaza:</b> An Open Space available for civic purposes and programmed activities. A Plaza shall be spatially defined by Building Frontages and may include street Frontages. Its landscape shall consist primarily of pavement and trees. <del>Plazas shall be located at the intersection of important Thoroughfares.</del> The minimum size shall be 1/8 acre and the maximum shall be 2 acres.</p>	
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## 5.6 URBAN CORE TRANSECT ZONES (T6)

### 5.6.1 Building Disposition (T6)

e. For the minimum Height, Facades shall be built parallel to the Principal Frontage Line as indicated in the Design Guidelines, ~~and~~ Regulating Plan and SAP Plans. In the absence of Building along the remainder of the Frontage Line, a Streetscreen shall be built co-planar with the Façade to shield parking and service areas. In the case of two (2) or three (3) Principal Frontages meeting at Thoroughfare intersections, the Building corner may recede from the designated Setback up to twenty percent (20%) of the Lot length.

f. At the first Story, Facades along a Frontage Line shall have frequent doors and windows; pedestrian entrances shall occur at a maximum of seventy five (75) feet and vehicular entries shall occur at a minimum spacing of sixty (60) feet unless approved by SAP Permit. Principal entrances to retail establishments shall be provided along 7th and 8th Streets and South Miami Avenue. Where a retail establishment is located on the corner of 7th or 8th Street and South Miami Avenue, only one (1) principal entrance shall be required. For the N2 block, pedestrian entrances can occur at a maximum of two hundred (200) feet and vehicular entries can occur at a minimum spacing of ten (10) feet.

i. For the One BCC block, a cross-block passage of 10 feet is required. For the N2 block, a cross-block passage is not required. Instead, pedestrian passages can be provided at the ends of the N2 block.

For the N2 block, setbacks for Buildings shall be provided as listed below:

- Principal Front Setback on 5th Street: 0' min.; 2' min. above 8th Story
- Principal Front Setback on 6th Street: 0' min.; 20' min. above 8th Story
- Secondary Front Setback on 1st Avenue: 0' min.; 10' min. above 8th Story

### 5.6.2 Building Configuration (T6)

b. Above the eighth floor (tenth floor for the One BCC block), the Building Floorplate dimensions shall be limited as follows:

- 30,000 square feet maximum for Residential and Hotel Uses (One BCC block only)
- 30,000 square feet maximum for Commercial Uses and for parking
- 250 feet maximum length for Residential Uses
- 250 feet maximum length for Commercial Uses

c. Encroachments shall be as follows: At the First Layer, cantilevered Awnings and entry canopies may encroach up to one hundred percent (100%) of the depth of the Setback and into the Right-of-Way, except as may be further allowed by Chapter 54 of the City Code. Above the

first Story, cantilevered balconies, bay windows, decorative features, and roofs may encroach up to three (3) feet (four (4) feet for the N2 block) of the depth of the Setback. Other cantilevered portions of the Building shall maintain the required Setback. Above the Pedestal no Encroachments are permitted, except that Facade components promoting energy efficiency such as shading and Screening devices that are non-accessible may encroach a maximum of three (3) feet.

**d.** For the N2 block, Galleries and Arcades (which includes cantilevered overhangs) can be ten (10) feet deep, can encroach 100% of the depth of the Setback and can overlap the whole width of the sidewalk to within four (4) feet of the curb on a Primary Frontage and sixteen (16) feet on a Secondary Frontage.

**f.** Loading and service entries shall be pursuant to the Design Guidelines of the Special Area Plan.

**h.** Mechanical equipment on a roof shall be screened by a parapet wall of a maximum height of twenty-five (25) feet or enclosure and shall conceal all equipment, except antennas, from lateral view. Where possible, equipment other than solar panels shall be enclosed or screened from overhead views.

#### **5.6.4 Parking Standards (T6)**

**a.** Parking shall be provided and accessed in accordance with the Design Guidelines of this Special Area Plan. The vehicular entrance of a parking Lot or garage on a Frontage shall have a continuous flush sidewalk crossing and pedestrian safety zones for curb cuts widths over thirty (30) feet.

All parking, including drop-off drives and porte-cocheres, open parking areas, covered parking, garages, Loading Spaces and service areas shall be located in accordance with the Design Guidelines of this Special Area Plan. All Screening utilized to visually shield or obscure the aforementioned areas shall be subject to the review and approval of the Planning Director.

#### **5.6.5 Architectural Standards (T6)**

**b.** The Facades on Retail Frontages shall be detailed as storefronts and shall, for the first ten (10) feet above the sidewalk elevation, contain windows or doorways of transparent glass covering at least 50% of the linear footage of each Building. The base of all transparent openings shall be no more than two (2) feet above the sidewalk. Display Windows may count up to twenty-five percent (25%) of the transparency requirement.

For the N2 block, the Facades on Retail Frontages shall be detailed as storefronts and shall contain windows or doorways of transparent glass in accordance with the Design Guidelines of this Special Area Plan.

MIAMI 21

ARTICLE 5. SPECIFIC TO ZONES

AS ADOPTED - APRIL 2013

ILLUSTRATION 5.6 URBAN CORE TRANSECT ZONES ~~T6-48B/BCC SAP~~

BUILDING DISPOSITION

LOT OCCUPATION

a. Lot Area	5,000 s.f. min.
b. Lot Width	100 ft min.
c. Lot Coverage	
- 1-8 Stories	80% max.
- Above 8 <sup>th</sup> Story	<del>18,000 sq. ft. max. Floorplate for Residential &amp; Lodging</del> 30,000 sq. ft. max. Floorplate for Office & Commercial
d. Floor Lot Ratio (FLR)	T6-48a: 11 / 50% additional Public Benefit T6-48b: 18 / 50% additional Public Benefit
e. Frontage at front Setback	<a href="#">as per BCC SAP Plans and Design Guidelines</a>
f. Open Space	10% Lot Area min.
g. Density	150 du/ac max.*

[30,000 sq.ft. max. Floorplate for Residential & Lodging for One BCC Block](#)

BUILDING SETBACK

a. Principal Front	10 ft. min.; 20 ft. min. above 8 <sup>th</sup> Story
b. Secondary Front	10 ft. min.; 20 ft. min. above 8 <sup>th</sup> Story
c. Side	0 ft. min.; 30 ft. min. above 8 <sup>th</sup> Story
d. Rear	0 ft. min.; 30 ft. min. above 8 <sup>th</sup> Story
e. Abutting Side or Rear T5	0 ft. min. 1 <sup>st</sup> through 5 <sup>th</sup> Story 10 ft. min. 6 <sup>th</sup> through 8 <sup>th</sup> Story 30 ft. min. above 8 <sup>th</sup> Story

BUILDING CONFIGURATION

FRONTAGE

a. Common Lawn	prohibited
b. Porch & Fence	prohibited
c. Terrace or L.C.	prohibited
d. Forecourt	permitted
e. Stoop	permitted
f. Shopfront	permitted (T6-48 L and T6-48 O only)
g. Gallery	permitted by Special Area Plan
h. Arcade	permitted by Special Area Plan

BUILDING HEIGHT

a. Min. Height	2 Stories
b. Max. Height	48 Stories
c. Max. Benefit Height	<a href="#">37 Stories (for One BCC block only)</a>

\* Or as modified in Diagram 9

## 6.5 Sign Standards - Brickell City Centre SAP

### 6.5.1 Intent

Brickell City Centre is a pedestrian oriented, mixed-use, urban development district (the “District”) that includes residential, retail, office and hotel uses which are serviced by a mass transit station and several lined parking garages. The District is envisioned as a hub for high-end retail which does not otherwise exist in the City of Miami. The retail and office components of the District will consistently serve large numbers of people, many of whom will drive to the District and park in one of the Project’s several lined parking garages. Others will walk or take mass transit to access the Project. In order for the District to function properly and seamlessly integrate into the Brickell neighborhood, pedestrians must be clearly directed to the mass transit station and retail areas and vehicles must be clearly directed to parking garages.

The intent of these sign regulations is to (1) move pedestrians and vehicle traffic in and out of the District safely and efficiently; (2) promote safe and efficient pedestrian traffic within the District; (3) promote efficient vehicle circulation to and from the parking garages within the District; and (4) identify the District to motorists along adjacent Thoroughfares

### 6.5.2 Signage Location, Types, and Aggregation.

- a. Signs within the Brickell City Centre SAP shall be permitted as set forth in Miami 21, unless modified by the Brickell City Centre Regulating Plan and Design Guidelines as set forth below. Signs within Pedestrian Passages, including directional signs containing layout of the retail space and location of retail tenants, which do not contain advertising material visible from the public right-of-way, shall not be regulated by the City.
- b. Signage placed on the Pedestal or along the District’s Retail Frontages shall be classified as:
  1. *Directional Signage:* Directional Signage may be located at the entrances to parking garages and at pedestrian entrances to the Project, as generally depicted on Pages C1.18 and A0.35 of the Design Guidelines. Directional Signage shall be designed to facilitate the movement of both vehicles and pedestrians and direct them to retail, restaurants, parking garages, and other Uses within the District. Directional Signs may range between forty (40) feet in length and four (4) feet in height up to a maximum of one hundred twenty five (125) square feet. Tenants’ names or logos shall not comprise more than 20% of the Area of Directional Signs. Additional regulations governing the location and specifications for Directional Signs may be adopted as part of a Master Sign Package.
  2. *Ground/Freestanding Signage:* Ground Signs shall not include Signs mounted on poles or posts in the ground. Ground Signs shall be located at Thoroughfare intersections and along the Principal Frontages, as generally

depicted on Pages C1.18 and A0.35 of the Design Guidelines. Signs should not be located within the Visibility Triangle as determined by Public Works or other regulatory agencies, unless it can be determined that such location will not adversely impact public safety. Signs shall be designed and placed in a manner to minimize impact to pedestrian circulation. Ground Signs shall be designed to identify the Project, communicate the District image, or specifically identify a major tenant. Ground signage shall be limited to five (5) signs per block, each with on more than two sign surfaces, neither of which shall exceed forty (40) square feet in Sign Area for each one hundred (100) feet of street Frontage. Permitted Sign Area may be cumulative, but no Sign surface shall exceed one hundred (100) square feet. The Maximum Height shall not exceed twenty (20) feet, including embellishments, as measured from the sidewalks on which the sign is placed. Additional regulations governing the location and specifications for Ground/Freestanding Signs may be adopted as part of a Master Sign Package.

3. *Wall Signage:* Wall Signage shall be located on the Pedestal above the first Floor and oriented toward the street for the purpose of identifying the District and retail tenants of the District. Wall signage can be accommodated on a maximum of twenty-seven percent (27%) of the Pedestal Face (measured by the vertical area from the finished floor elevation to the top of the Pedestal and the horizontal area from setback to setback). Each Pedestal Facade shall be entitled to a minimum of four (4) and a maximum of eight (8) Wall Signs; provided however, that as part of an SAP Permit for a Master Sign Package, the City may approve up to ten (10) Wall signs on a maximum of two (2) Pedestal Facades upon demonstration that the increased number of Wall signs is consistent with Article 4, Table 12 of the Miami 21 Code and the signage standards listed below. Signs located on the Pedestal Facade must be arranged in a manner where each sign acts independently preventing composition signage. Additional regulations governing the maximum size, number, location and specifications for individual Wall Signs may be adopted as part of a Master Sign Package.

a. **Retail Ribbon Signs: Retail Ribbons Signs shall be counted as Wall Signs for purposes of limiting the number and size of Retail Ribbon Signs. The content of Retail Ribbon Signs shall be limited to advertising for products and services available and events occurring on the premises where the Retail Ribbon Sign is located.**

4. *Tower Signage:* Tower signage shall identify the Project or the name of a major tenant occupying more than five percent (5%) of the Floor Area of the tower, excluding parking garages. Tower signage will be located on towers above the Pedestal, in the manner and maximum size depicted on

Pages C1.28 and A2.38 of the design guidelines. Each tower shall be entitled to two (2) tower signs. In the event that tower signs are not placed on a tower, such tower signs may be transferred to another tower at a ratio of 2 to 1; however in no event may any one tower be entitled to more than three tower signs.

- c. The location of signs shall be as generally depicted on Page C1.18 of the Design Guidelines. The final location of signs may vary if approved as part of a Master Sign Package.
- d. In addition to the signage types referenced in paragraph b. above, the signage types listed in Sec. 6.5.2.5.b.1., 2., and 3. shall also be permitted within the District, subject to the limitations identified therein.

### 6.5.3 Master Sign Package

- a. A Master Sign Package for the BCC SAP, or for individual blocks within the BCC SAP, may be submitted to the City for approval by SAP Permit. A Master Sign Package shall include the following: a plan view of each block indicating location of each sign type on each level, specifications for each sign type, and tenant sign restrictions.
- b. If a Master Sign Package is approved by SAP Permit, all signs which conform to the standards set forth therein shall not require an individual SAP Permit, and shall be permitted if in compliance with the Florida Building Code. If a master sign package is not adopted, or if an individual sign does not conform to the standards set forth in adopted Master Sign Package, such signage may only be approved by SAP Permit.

### 6.5.4 Signage Standards.

In addition to the standards in Article 4, Table 12 of the Miami 21 Code, the following standards shall be utilized by the Planning Director when evaluating whether a proposed master sign package or individual sign is consistent with the BCC SAP.

- a. The District shall provide locations on the commercial areas of the building facade that are specifically designed to accommodate changeable tenant signage. Structure, materials, detailing, and power sources shall be designed with consideration of signage installation requirements and shall be readily adaptable and reparable as tenant sign needs change.
- b. Sign illumination shall not be of high intensity. Locations for illuminated signage shall be oriented to the public right-of-way.
- c. Orientation of any illuminated sign or light source shall be directed or shielded to the extent practicable.

- d. Signs should be designed so as to fit within the architectural features of the facade and related elements and complement the District's architecture.
- e. Indirect and external light sources shall be the preferred option where lighting is required.
- f. Small-scale signs projecting from the building face, perpendicular to the public right-of-way, are appropriate for all pedestrian oriented streets.
- g. Graphic design for all signs should reflect consistency, simplicity, neatness, and minimum wording to minimize visual clutter and maximize legibility.
- h. In order to activate the plaza adjacent to the Metromover station, the City may permit iconic and unique signage on the eastern Pedestal Face of BCC East, as part of a Master Sign Permit.
- i. Sign colors should be limited in number and should be compatible with the facade. In most circumstances, dark backgrounds for signs are preferred over light backgrounds.

### 7.1.2 Permits

#### Brickell City Centre Development Review Process

The Brickell City Centre development review process is set forth below.

- a. SAP Permit.

All Development within the Project shall be approved by SAP Permit. In addition, all other permits necessary to develop Property within the Project, such as Warrants, Waivers, Variances, and Exceptions, shall be approved by SAP Permit and subject to the equivalent fee to those established in the Miami 21 Code and Chapter 62 of the City Code. The process and criteria for review and approval of an SAP Permit application is set forth below.

- 1. Review and approval process.
  - i. The Zoning Administrator shall review each submitted application for a SAP Permit for completeness within seven (7) days of receipt. Upon verification by the Zoning Administrator, the application shall be referred to the Planning Director. The Planning Director shall review each application for an SAP Permit for consistency with the Brickell City Centre Regulating Plan, Design Guidelines, Development Agreement, Miami 21 and the Miami Comprehensive Neighborhood Plan.

If the SAP Permit application involves a project in excess of two hundred thousand (200,000) square feet of floor area, it shall be referred to the Coordinated Review Committee, and it may be referred to the Urban Development Review Board. If the SAP Permit application involves a project equal to or less than two hundred thousand (200,000) square feet of floor area, it shall be reviewed by the Planning Director and the Zoning Administrator without need for review by the Coordinated Review Committee, unless the Planning Director determines that such review is necessary. If the application is referred, the committee or board shall review the application and provide its comments and recommendations to the Planning Director.

Where there is no referral to the Coordinated Review Committee, the Planning Director shall issue an intended decision within thirty (30) calendar days of a determination that the application is complete. Where there is referral to the Coordinated Review Committee, the Planning Director shall issue an intended decision within thirty (30) calendar days of the meeting of the Coordinated Review Committee. The applicant shall have seven (7) calendar days from receipt of the notice of the intended decision to request a conference with the Planning Director to discuss revisions or additional information regarding the application. Within ten (10) calendar days of the conference, or if no conference is requested, the Planning Director shall issue written findings and determinations regarding the applicable criteria set forth in this section and any other applicable regulations. The applicant and the Planning Director may mutually consent to an extension of the time for issuance of the final decision. The findings and determinations shall be used to approve, approve with conditions or deny the SAP Permit application.

- ii. The Planning Director shall approve, approve with conditions or deny the SAP Permit application. Approvals shall be granted when the application is consistent with the SAP, inclusive of its Regulating Plan, Design Guidelines, approved Development Agreement, the Miami 21 Code and the Miami Comprehensive Neighborhood Plan, as applicable. Conditional approvals shall be issued when the application requires conditions in order to be found consistent with the SAP, inclusive of its Regulating Plan, Design Guidelines, approved Development Agreement, the Miami 21 Code and the Miami Comprehensive Neighborhood Plan, as applicable. Denials of applications shall be issued if, after conditions and safeguards have been considered, the application still is inconsistent with the SAP, inclusive of its Regulating Plan,



Design Guidelines, approved Development Agreement, the Miami 21 Code and the Miami Comprehensive Neighborhood Plan, as applicable. The decision of the Director shall include an explanation of the Code requirements for an appeal of the decision. The Director shall include a detailed basis for denial of an SAP Permit.

- iii. An SAP Permit shall be valid for a period of two (2) years during which a building permit or Certificate of Use must be obtained. This excludes a demolition or landscape permit. A one (1) time extension, for a period not to exceed an additional year, may be obtained if approved by the Planning Director upon written request by the Applicant and subject to the equivalent fee to those established in the Miami 21 Code and Chapter 62 of the City Code.

2. Appeal of an SAP Permit to the Planning, Zoning and Appeals Board.

Applicant may file an appeal of the determination of the Planning Director which shall be *de novo* and taken to the Planning, Zoning and Appeals Board. An appeal shall be filed with the Hearing Boards Office within fifteen (15) calendar days of the posting of decision by the Planning Director on the City's website. The Board shall determine whether the Permit is upheld or rescinded.

The ruling of the Planning, Zoning and Appeals Board may be further appealed to the City Commission, *de novo* and must be filed with the Office of Hearing Boards within fifteen (15) calendar days of the Board's issuance of its ruling. The filing of the appeal shall state the specific reasons for such appeal, together with payment of any required fee.

3. Modifications to a previously approved SAP Permit

All applications for modifications of an approved SAP Permit shall be submitted in writing to the Zoning Administrator explaining the need for corrections and accompanied by payment of the fee established by the adopted fee schedule. Except for minor modifications, the permit may be amended only pursuant to the procedures and standards established for its original approval. The Zoning Administrator shall review criteria established in the Miami 21 Code to determine the degree of the modification.

All minor modifications shall be referred to the Planning Director for review and compliance with the Regulating Plan, Design Guidelines, approved Development Order, the Miami 21 Code and the Miami Comprehensive Neighborhood Plan, as applicable. If found to be in

compliance, the Planning Director shall grant the application for minor modification.

### **9.5.3 Trees**

**b.** 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 fifteen (15) feet and a minimum caliper of three (3) inches at time of planting, and shall be provided along all roadways at a maximum average spacing of thirty (30) feet on center, except as otherwise provided in this Article. Where the aforementioned spacing requirement cannot be met, deviations from this standard shall be permitted so long as the total number of street trees provided equals the total number of street required by the thirty (30) feet spacing requirement. The thirty (30) foot average spacing requirement for multiple single family units 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. 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.

### **9.5.5 Minimum Number of Trees**

Where a conflict exists, the requirement imposing the higher standard shall apply.

**o.** Street trees of a species typically grown in Miami-Dade County which have a minimum clear trunk of four (4) feet, an overall height of not less than twenty (20) feet, and a minimum caliper of five (5) inches at the time of planting, shall count toward the minimum number of required trees at a ratio of 4 Street Trees-to-1 required Tree.

### **9.5.6 Shrubs**

**a.** All shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Shrubs shall be provided at a ratio of ten (10) per required tree. Ground cover may be provided in lieu of shrubs at a ratio of two ground cover plants to one shrub. No less than Thirty (30) percent of the shrubs shall be native species and no less than fifty (50) percent shall be low maintenance and drought tolerant. Eighty (80) percent of the shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.