



CITY OF MIAMI GARDENS ZONING AGENDA

Meeting Date: February 2, 2011
1515 NW 167th St., Bldg. 5, Suite 200,
Miami Gardens, Florida 33169
Phone: (305) 622-8000 Fax: (305) 622-8001
Website: www.miamigardens-fl.gov
Time: 7:00 p.m.

Mayor Shirley Gibson
Vice Mayor Aaron Campbell Jr.
Councilwoman Lisa C Davis
Councilman André Williams
Councilwoman Felicia Robinson
Councilwoman Sharon Pritchett
Councilman Oliver G. Gilbert III
City Manager Dr. Danny O. Crew
City Attorney Sonja K. Dickens
City Clerk Ronetta Taylor, MMC

City of Miami Gardens Ordinance No. 2007-09-115, requires all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay an annual fee of \$250.00. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence “City” action. “City” action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action. All not-for-profit organizations, local chamber and merchant groups, homeowner associations, or trade associations and unions must also register however an annual fee is not required.

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:**
2. **INVOCATION:**
3. **PLEDGE OF ALLEGIANCE:**
4. **APPROVAL OF MINUTES:**
4-A) December 1, 2010 – Regular Zoning Minutes
5. **AGENDA ORDER OF BUSINESS
(ADDITIONS/DELETIONS/AMENDMENTS) BUSINESS (Items shall be pulled from the Consent Agenda at this time):**

6. PRESENTATION(S)

6-A) Attorney Alan Krischer -Dolphin Water Park Presentation

7. CONSENT AGENDA

7-A) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA REAFFIRMING THE CITY COUNCIL’S DECISION TO APPROVE THE SEVEN (7) OPTIONAL AMENDMENTS TO THE CITY’S INTERLOCAL AGREEMENT FOR SCHOOL FACILITIES PLANNING AND TO REJECT AMENDMENT NO. 1 TO THE CITY’S INTERLOCAL AGREEMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

7-B) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA CANCELLING THE APRIL 6, 2011 ZONING MEETING; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

8. FIRST READING (ORDINANCE)/PUBLIC HEARING(S)

8-A) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE XIII OF CHAPTER 34 (“ZONING AND LAND DEVELOPMENT CODE”) TO CREATE SECTION 34-421 ENTITLED “HEAT ISLAND EFFECT-NON ROOF” AND TO PROVIDE REGULATIONS RELATING TO ENVIRONMENTALLY RESPONSIBLE METHODS FOR COOLING AND SHADING OF HARDSCAPES IN THE CITY OF MIAMI GARDENS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN ANDRÉ WILLIAMS)**

8-B) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AMENDING THE CITY’S LAND DEVELOPMENT REGULATIONS (LDRS) AS ADOPTED BY ORDINANCE NO. 2010-10-218; AMENDING SECTION 34-45, “DEVELOPMENT REVIEW COMMITTEE”; AMENDING SECTION 34-47, “GRANTING OF VARIANCES AND WAIVERS”; AMENDING SECTION 34-59, ALTERATION OR ENLARGEMENT OF**

NONCONFORMING STRUCTURE; AMENDING SECTION 34-62, “VESTED RIGHTS”; AMENDING SECTION 34-97, “IMPACT FEES”; AMENDING SECTION 34-219 “DESIGN STANDARDS”; AMENDING SECTION 34-227, “EXCAVATIONS”; AMENDING SECTION 34-287 “USE REGULATIONS, GENERALLY”; AMENDING SECTION 34-288 “USES PERMITTED WITH EXTRA REQUIREMENTS”; AMENDING SECTION 34-310 “ACCESSORY STRUCTURES”; AMENDING SECTION 34-311, “ACCESSORY USE TABLE”; AMENDING SECTION 34-312, “ADDITIONAL STANDARDS; AMENDING SEC. 34-389- COMMERCIAL, RECREATIONAL, BOAT, VESSEL PARKING IN RESIDENTIALLY ZONED PROPERTY RESTRICTED”; AMENDING SEC.34-390- COMMERCIAL, RECREATIONAL, BOAT VESSEL PARKING IN INDUSTRIAL ZONED PROPERTIES RESTRICTED”; AMENDING 34-432, “TABLE 1 DEVELOPMENT STANDARDS”; AMENDING SECTION 34-439 “IN GENERAL”; AMENDING 34-444 “LANDSCAPING, BUFFERING MINIMUM STANDARDS; AMENDING 34-445 “EXTRA STANDARDS, EXCEPTIONS; AMENDING SECTION 34-652, “SIGNS PERMITTED WITHOUT SIGN PERMIT”; AMENDING SECTION 34-670 “PROHIBITED SIGNS”; AMENDING SECTION 34-733, “MASTER USE LIST DEFINITIONS”; MORE PARTICULARLY DESCRIBED HERETO AS EXHIBIT “A;” PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

9. ORDINANCE(S) SECOND READING/PUBLIC HEARING(S)

None.

10. RESOLUTION(S)/PUBLIC HEARING(S):

11. CITY MANAGER’S REPORT

12. ADJOURNMENT

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT RONETTA TAYLOR, CITY CLERK (305) 622-8003, NOT LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDING. TDD NUMBER 1-800-955-8771.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8003.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR

SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Please turn-off all beepers and cellular telephones to avoid interrupting the council meeting.



City of Miami Gardens Zoning Agenda Cover Memo

Zoning Board Meeting Date: <i>(Enter X in box)</i>	February 2, 2011		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
				X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
		X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
					X		
Funding Source:	N/A		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
						X	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	N/A			
		X					
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy:			
	X						
Sponsor Name	Danny Crew, City Manager		Department:	Planning and Zoning			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA REAFFIRMING THE CITY COUNCIL'S DECISION TO APPROVE THE SEVEN (7) OPTIONAL AMENDMENTS TO THE CITY'S INTERLOCAL AGREEMENT FOR SCHOOL FACILITIES PLANNING AND TO REJECT AMENDMENT NO. 1 TO THE CITY'S INTERLOCAL AGREEMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

Council will recall that there has been extensive conversation regarding this item, including presentations by Miami-Dade County Public School staff members. On December 1, 2010 the City Council passed a motion(s) to

**ITEM 7-A) CONSENT AGENDA
RESOLUTION
School Facilities Planning**

(1) approve all of the seven non-substantive Optional Amendments and (2) rejected Amendment No. 1 to the City's Interlocal Agreement (ILA) for School Facilities Planning.

Current Situation

The City Council's motion to adopt all seven of the Optional non-substantive amendments and reject Amendment 1 is now followed by a resolution confirming Council's decision. The Resolution will be provided to the School Board.

Analysis

The following is a summary of the proposed (7) seven optional non-substantial changes:

1. Section 9.2 (a) Capacity Methodology and Formula for Availability

Requires a review of the four Geographic Areas within one year of the effective date of the ILA.

Explanation - During a public school concurrency review of a proposed residential project, the School District first looks at the locally impacted schools for a determination of school capacity available to serve the proposed project. If capacity is not available. The District looks at the adjoining school boundaries within the same Geographic Area. If capacity is not available at the locally impacted schools or the adjoining schools in the same Geographic Area of the project, the project will be denied unless new facilities are constructed to meet the need. The County has been subdivided into four quadrants namely Northwest, Northeast, Southwest and Southeast. Miami Gardens falls in the Northeast geographic quadrant.

2. Section 9.2 (b) Level of Service Standard

Requires Miami-Dade Public Schools to submit an annual report to municipalities.

Explanation – This requirement is a new requirement where the School District must report annually by September 30 of each year to the municipalities regarding the schools which do not meet Level of Service Standards and all annual projects related to school capacity that were due to be completed by the date of the annual report.

This information is currently available through the School District; but is not required to be distributed to impacted municipalities. This change will require the School District to send out an annual report every year. This promotes the intergovernmental coordination policy aspects contained in the City's Comprehensive Development Master Plan (CDMP). Pursuant to County ILA, this requirement implementation has already begun and the School District has submitted the said report to all municipalities on September 30, 2010.

3. Section 9.2 (c) Concurrency Service Areas (CSA)

All amendments to CSA must be in accordance with ILA.

Explanation - This change states that amendments to Concurrency Service Areas (CSA) must be in accordance with the amendment provisions and normal amendment process contained in the Interlocal Agreement.

4. Section 9.2 (d) Student Generation Multipliers

Amends the process for developing Student Generation Multipliers and removes requirement of adoption into CDMP.

Explanation – Currently Miami-Dade Public Schools utilizes Miami-Dade County population numbers in addition to School Board statistics to derive at Student Generation Multipliers. The amendment specifies that the new Student Generation Multipliers will be derived utilizing actual student addresses cross referenced with their unit types. This method will be more refined compared to the existing method. Miami-Dade Public Schools will be using this new methodology regardless of the outcome of the amendments.

5. Section 9.2 (f) Proportionate Share Mitigation

- i. Any proportionate share mitigation must be approved by the School Board

Explanation - Further clarifies the School Board's policy in accepting mitigation for school related impacts by developers. This amendment specifically states that the School Board must approve any proposed proportionate-share-mitigation plan as the Consensus ILA is silent on this issue.

- ii. Add Charter Schools as mitigation option

Explanation – Clarifies that charter school may be offered as mitigation option, but solely at the discretion of the School Board.

City of Miami Gardens is part of the sub-committee assigned to develop criteria for the School Board to consider charter school as mitigation option. The sub-committee's proposed recommendations will be submitted to Miami-Dade Public Schools Interlocal Agreement Staff Working Group (SWG). The SWG will consider the recommendations in their April 2011 meeting and forward to the School Board for final adoption at their next meeting.

6. Section 9.3 Updates to Public School Concurrency

Certain actions to be taken when the School Board closes an existing school or modifies, or delays a school facility project planned in the first three years of the Public School Facilities Work Plan.

Explanation - This change proposes that although the School Board may change its 5-year plan, it can do that under very special circumstances only. The second part of this amendment adds language that emphasizes the impact of potential school closings and the methodology to be utilized in the event a development approval was based on the condition of a school which was later closed by the School District. This amendment is not specified in the Consensus ILA.

7. Section 22 Taking and Vested Rights

Re-emphasizes what is already contained in the Consensus ILA that nothing in the ILA shall be construed or applied to affect a permanent or temporary taking of private property in violation of citizen's rights contained in the Florida Constitution or the U.S. Constitution.

The following is a summary of the proposed (non-optional) Amendment No. 1

Unanimity versus 2/3 vote

Explanation - The Consensus ILA currently provides that any future amendments to the ILA must be approved by unanimous vote. The Miami-Dade County ILA on the other hand would allow an amendment to the ILA to become effective only upon approval by Miami-Dade County, the School Board and only two-thirds (2/3) of the non-exempt municipalities as opposed to all non-exempt municipalities. This amendment requires all municipalities to take action on it. Unless all non-exempt municipalities agree to this change unanimously, the modification will not take effect.

Recommendation:

Staff recommends that the City Council adopt a Resolution confirming a motion to approve all seven Optional Amendments and reject Amendment No. 1 to the City's Interlocal Agreement (ILA) for School Facilities Planning.

RESOLUTION NO. 2011_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA REAFFIRMING THE CITY COUNCIL'S DECISION TO APPROVE THE SEVEN (7) OPTIONAL AMENDMENTS TO THE CITY'S INTERLOCAL AGREEMENT FOR SCHOOL FACILITIES PLANNING AND TO REJECT AMENDMENT NO. 1 TO THE CITY'S INTERLOCAL AGREEMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council previously approved a motion to approve all seven (7) of the Optional Substantive Amendments to the Interlocal Agreement for School Facilities Planning ("ILA") and rejected Amendment No. 1, which would require that all future amendments to the ILA must be approved by unanimous consent, and

WHEREAS, the School Board is requesting that a formal resolution be submitted by the City Council as to its decision,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens hereby reaffirms the City Council's decision to approve the seven (7) optional amendments to the City's Interlocal Agreement for School Facilities Planning, and rejecting Amendment No. 1 to the City's Interlocal Agreement.

Section 3: EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON _____, 2011.

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SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: _____

VOTE: _____

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell	_____ (Yes)	_____ (No)
Councilwoman Lisa Davis	_____ (Yes)	_____ (No)
Councilman Oliver Gilbert, III	_____ (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (No)



**City of Miami Gardens
Zoning Agenda Cover Memo**

Zoning Board Meeting Date:	February 2, 2011		Item Type:	Resolution	Ordinance	Other	
			<i>(Enter X in box)</i>			x	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading		2 nd Reading	
		X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
					X		
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
	NA					X	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	NA			
		x					
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i>			
		x					
			Enhance Organizational	<input type="checkbox"/>	N/A		
			Bus. & Economic Dev	<input type="checkbox"/>			
			Public Safety	<input type="checkbox"/>			
			Quality of Education	<input type="checkbox"/>			
			Qual. of Life & City Image	<input type="checkbox"/>			
			Communication	<input type="checkbox"/>			
Sponsor Name	Dr. Danny Crew, City Manager		Department:	Planning and Zoning			

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA CANCELLING THE APRIL 6, 2011 ZONING MEETING; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

A majority of the City Council will be attending Dade County Days in Tallahassee on April 6th and 7th of this year. This function involves all of the municipalities lobbying the state's legislature. Representatives of municipalities participate in two (2) all day sessions that include attending a legislative session, meeting the governor and presenting the City's legislative priorities. Normally the Miami Gardens City Council attends this function. As of this date, several have indicated their desire to attend.

Because there do not appear to be critical zoning items that are time sensitive for the April 6th Zoning Meeting, cancelling the meeting in light of the anticipated lack of quorum seems appropriate.

Proposed Action:

Staff recommends that the City Council adopt a resolution to cancel the April 6, 2011 Zoning Meeting.

**ITEM 7-B) CONSENT AGENDA
RESOLUTION
Canceling the April 6, 2011 Zoning Meeting**

RESOLUTION NO. 2011_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA CANCELLING THE APRIL 6, 2011 ZONING MEETING; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a Zoning meeting is currently scheduled for April 6, 2011 at 7:00 p.m., and

WHEREAS, Dade County Days in Tallahassee is scheduled for April 6th and April 7th, 2011, and

WHEREAS, at Dade County Days, Council members participate in legislative sessions, meet with the Governor, and present the City's legislative policies, and

WHEREAS, it is anticipated that a majority of the City Council will be attending Dade County Days, and

WHEREAS, as such, staff recommends the adoption of a Resolution to cancel the Zoning Meeting scheduled for April 6, 2011,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2: CANCELLATION OF MEETING: The City Council of Miami Gardens hereby cancels the Zoning meeting scheduled for April 6, 2011 at 7:00 p.m.

Section 3: EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON _____, 2011.

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SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: _____

VOTE: _____

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell	_____ (Yes)	_____ (No)
Councilwoman Lisa Davis	_____ (Yes)	_____ (No)
Councilman Oliver Gilbert, III	_____ (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (No)



**City of Miami Gardens
Agenda Cover Memo**

Council Meeting Date:	February 2, 2011		Item Type:	Resolution	Ordinance	Other	
					x		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading:	1st Reading		2nd Reading	
		x		x			
			Public Hearing:	Yes	No	Yes	No
				x			
Funding Source:			Advertising Requirement:	Yes		No	
				x			
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	N/A			
		x					
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy			
	x		Enhance Organizational <input type="checkbox"/>	Objective: Enhance overall quality of life for residents and businesses of CMG.			
			Bus. & Economic Dev <input type="checkbox"/>				
			Public Safety <input type="checkbox"/>				
			Quality of Education <input type="checkbox"/>				
			Qual. of Life & City Image <input checked="" type="checkbox"/>				
			Communcation <input type="checkbox"/>				
Sponsor Name	Councilman Andre' Williams		Department:	Mayor and Council			

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE XIII OF CHAPTER 34 ("ZONING AND LAND DEVELOPMENT CODE") TO CREATE SECTION 34-421 ENTITLED "HEAT ISLAND EFFECT-NON ROOF" AND TO PROVIDE REGULATIONS RELATING TO ENVIRONMENTALLY RESPONSIBLE METHODS FOR COOLING AND SHADING OF HARDSCAPES IN THE CITY OF MIAMI GARDENS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

Summary

The City of Miami Gardens is committed to doing its part to reduce energy consumption. One mechanism for doing this is to reduce the heat island effect from hardscapes in the City. It has been shown that elevated temperatures from heat island effects in urban areas result in

**ITEM 8-A) ORDINANCE
FIRST READING/PUBLIC HEARING
Heat Island Effect-Non Roof**

increased energy consumption for cooling; increased greenhouse gas emissions associated with building and vehicle usage; and deterioration in air quality. Hardscape management methods, such as tree planting, shading and use of reflective light colored paving materials, will contribute to decreasing the urban heat island effect, which can thereby reduce the energy consumption of buildings.

The City Council previously adopted Resolution No. 2008-27-714 whereby the City Council committed to implemented measures to become a “green local government.” Councilman Andre’ Williams is proposing that the City Council enact this Ordinance in an effort to mitigate the urban heat island effect within the City thereby improving the energy consumption in new commercial structures.

Proposed Action:

Councilman Williams is recommending that the City Council adopt the attached Ordinance.

Attachment:

Smart Growth Heat Island Brochure

ORDINANCE NO. 2011 ____

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3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
4 OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE
5 XIII OF CHAPTER 34 (“ZONING AND LAND
6 DEVELOPMENT CODE”) TO CREATE SECTION 34-421
7 ENTITLED “HEAT ISLAND EFFECT-NON ROOF” AND TO
8 PROVIDE REGULATIONS RELATING TO
9 ENVIRONMENTALLY RESPONSIBLE METHODS FOR
10 COOLING AND SHADING OF HARDSCAPES IN THE CITY
11 OF MIAMI GARDENS; PROVIDING FOR ADOPTION OF
12 REPRESENTATIONS; REPEALING ALL ORDINANCES IN
13 CONFLICT; PROVIDING A SEVERABILITY CLAUSE;
14 PROVIDING FOR INCLUSION IN CODE; PROVIDING AN
15 EFFECTIVE DATE
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17 WHEREAS, the City of Miami Gardens is committed to doing its part to
18 reduce energy consumption, and

19 WHEREAS, one mechanism for doing this is to reduce the heat island
20 effect from hardscapes in the City, and

21 WHEREAS, the United States Environmental Protection Agency advises
22 that it has been shown that elevated temperatures from heat island effects in
23 urban areas result in increased energy consumption for cooling; increased
24 greenhouse gas emissions associated with building and vehicle usage; and
25 deterioration in air quality, and

26 WHEREAS, hardscape management methods, such as tree planting,
27 shading and use of reflective paving materials, will contribute to decreasing the
28 urban heat island effect, which can thereby reduce the energy consumption of
29 buildings, and

30 WHEREAS, City Council previously adopted Resolution No. 2008-27-714
31 whereby the City Council committed to implement measures to become a “green
32 local government”, and

33 WHEREAS, Councilman Andre’ Williams is proposing that the City Council
34 enact this Ordinance in an effort to mitigate the urban heat island effect within the
35 City thereby improving the energy consumption in new commercial structures,

36 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
37 CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

38 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing
39 Whereas paragraphs are hereby ratified and confirmed as being true, and the same
40 are hereby made a specific part of this Ordinance.

41 Section 2. AMENDMENT: Article XIII of Chapter 34 of the City’s Zoning
42 and Land Development Code is hereby amended to add Section 34-421 as follows:

43 Sec. 34-421. Heat Island Effect - Non-Roof

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45 A. Intent

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47 The requirements of this ordinance are intended to reduce the “heat island effect”
48 from hardscapes in the City of Miami Gardens and to consequently reduce
49 energy consumption and electric bills for buildings within the City.

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51 B. Definitions

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53 1. Hardscape means the nonliving portions of a building's landscaping, such
54 as roads, sidewalks, courtyards and parking lots.

55 2. Heat Island Effect is an elevated temperature over an urban area when
56 compared to rural areas, typically caused by the increased presence of
57 dark, heat-absorbing materials, such as asphalt and dark roofs in urban
58 areas.

59 3. Solar reflectance is the fraction of solar energy reflected by a material.

60 4. Pervious Pavement System is a porous surface system with a stabilized
61 base that allows water from precipitation and other sources to pass
62 directly through, thereby reducing the runoff from a site, allowing

groundwater recharge, and naturally cooling the surface through evaporation of water from pavement voids or from beneath.

C. Applicability

The provisions of this section are applicable in all zoning designations. All newly constructed buildings and/or replacement of greater than fifty (50) percent of site hardscape shall comply with these requirements, provided that single family, duplex and townhouse dwelling units are exempt from these requirements. All new and replacement hardscape shall be reviewed by the Planning & Zoning Department for compliance with this Ordinance.

D. Solar reflectance

Solar reflectance shall be determined as follows:

a. For parking lot roofing covering materials, all roof exterior surfaces and building materials used to comply with Section 34-421(D) shall have a minimum solar reflectance as specified in Sections 34-421(D) when (i) tested in accordance with American Society for Testing and Materials (“ASTM E1918”), (ii) tested with a portable reflectometer at near ambient conditions, (iii) labeled by the Cool Roof Rating Council, or (iv) labeled as an Energy Star qualified roof product. Any product that has been rated by the Cool Roof Rating Council or by Energy Star shall display a label verifying the rating of the product.

b. For paving materials, all paving materials used to comply with Section 34-421(D) shall have a minimum solar reflectance as specified in Sections 34-421(D) when (i) tested in accordance with ASTM E903 or ASTM E1918, (ii) tested with a portable reflectometer at near ambient conditions, or (iii) default values of solar reflectance for listed materials may be used as follows:

TABLE INSET:

<u>Material Solar</u>	<u>Reflectance</u>
<u>Typical new gray concrete</u>	<u>0.35</u>
<u>Typical weathered gray concrete</u>	<u>0.20</u>
<u>Typical new white concrete</u>	<u>0.70</u>
<u>Typical weathered white concrete</u>	<u>0.40</u>
<u>New asphalt</u>	<u>0.05</u>
<u>Weathered asphalt</u>	<u>0.10</u>

E. Requirements

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Sites with new construction shall be required to comply with the following:

- (a) Provide any combination of the following strategies for fifty percent (50%) of the site hardscape:
 - (i) Shade from solar panels or roofing materials with a solar reflectance of at least 0.30
 - (ii) Shade from trees within five (5) years of occupancy
 - (iii) Paving materials with a solar reflectance of at least 0.30
 - (iv) Pervious pavement system; OR

- (b) Place a minimum of fifty-percent (50%) of parking spaces under cover (defined as underground, under deck, under roof, or under building). Any roof used to shade or cover parking must have a solar reflectance of at least 0.30.

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Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

139 Section 6. EFFECTIVE DATE: This Ordinance shall become effective
140 immediately upon its final passage.

141 PASSED ON FIRST READING ON THE _____ DAY OF _____,
142 2011.

143 PASSED ON SECOND READING ON THE _____ DAY OF _____,
144 2011.

145
146 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
147 MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE _____ DAY OF
148 FEBRUARY, 2011.

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150 _____
151 SHIRLEY GIBSON, MAYOR
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153

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155 **ATTEST:**
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158 _____
159 RONETTA TAYLOR, MMC, CITY CLERK
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161 PREPARED BY: SONJA K. DICKENS, ESQ., CITY ATTORNEY
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163 SPONSORED BY: COUNCILMAN ANDRE' WILLIAMS
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166 Moved by: _____
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167 Second by: _____
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169 **VOTE:** _____
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171 Mayor Shirley Gibson _____ (Yes) _____(No)
172 Vice Mayor Aaron Campbell, Jr. _____ (Yes) _____(No)
173 Councilwoman Lisa Davis _____ (Yes) _____(No)
174 Councilman Oliver Gilbert, III _____(Yes) _____(No)

175	Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
176	Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
177	Councilman Andre' Williams	_____ (Yes)	_____ (No)
178			



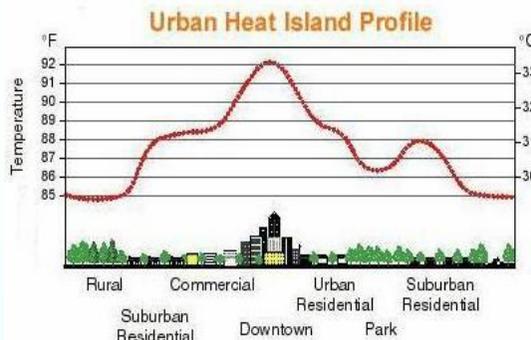
Smart Growth and Urban Heat Islands

Development patterns of the last 50 years have had both positive and negative impacts on communities across the country. One concern has been steadily increasing urban temperatures due to the effects of “urban heat islands.” A heat island is an umbrella of air, often over a city or built-up area, that is warmer than the air surrounding it.

The urban heat island profile shown here demonstrates that heat islands are typically most intense over dense urban areas. The profile also shows how parks and other vegetated sections within a downtown area may help to reduce heat islands.

In general, summertime heat islands raise air conditioning demand, air pollution levels (particularly smog), and greenhouse gas emissions. They also increase the incidence of heat-related illness and mortality. In fact, in an average year, approximately 1,100 Americans die from extreme heat -- the leading weather-related killer in the United States. ²

Heat islands augment this public health threat by directly increasing temperature and indirectly raising ground-level ozone concentrations. Those at significant risk from extreme heat and ozone exposure include the elderly, children, and individuals with pre-existing respiratory disease. Residents who live in homes with dark-colored roofs and no air conditioning may also be more vulnerable than the general population.



Source: EPA 1992 ¹

Because urban design plays a large role in heat island formation, smart growth development strategies provide an opportunity to reduce heat islands.

Smart growth is development that enhances both a community’s economy and environment through strategies to help citizens make informed decisions about how and where they want to grow.

In addition to mitigating the heat island effect, smart growth provides a framework for increasing regional environmental protection, enhancing community character, and strengthening local economies. Here are four smart growth solutions that can achieve these goals:

- **Reducing off-street parking and using porous paving materials:** Surface parking lots replace natural vegetation with pavements that transfer heat to the surroundings. Providing on-street parking and planning compact, pedestrian-oriented development promotes transportation choices and can minimize the size and number of parking lots.
- **Planting, preserving, and maintaining trees and vegetation:** Trees and vegetation contribute to the beauty, distinctiveness, and material value of communities by incorporating the natural environment into the built environment. In addition, they cool surrounding areas by increasing evapotranspiration – a natural process that draws heat from the air to convert water in the leaf structure to water vapor. Planted adjacent to homes and buildings, trees provide shade, cool the interior, and reduce air conditioning energy demand. Trees and vegetation planted along medians and sidewalks can decrease evaporative emissions from cars and filter pollution from the air. Rooftop gardens, or green

Everyone wins. Residents get better homes, lower energy bills, and cooler neighborhoods with plenty of green space. Narrower streets and a shorter pipeline means lower installation costs, so the developer gets a subdivision that’s cheaper to build. And the City ends up with less streets to maintain and a standard for future development that maintain the community’s existing high quality of life.

J.D. Hightower, City Planner for Escalon, CA

Currents – An Energy Newsletter for Local Governments January/February 1999

roofs, can also mitigate urban heat islands while increasing the energy efficiency and attractiveness of commercial and residential buildings.

● **Promoting infill and higher-density development:**

Development within existing communities can preserve open space and help offset heat islands and their consequences. A 2001 report found that for every acre of brownfield redevelopment, 4.5 acres of open space is preserved. Additional research found that compact development contributes less heat energy to the surrounding air than low-density dispersed growth patterns.³

● **Increasing public education and outreach:**

Heat island mitigation strategies should reflect local variation in the built environment, as well as local preferences and attitudes. Policies should be tailored to meet these needs, based on stakeholder input, and effectively communicated to the public. Committees formed to address urban heat mitigation should include representatives from citizen groups, local government, non-governmental organizations, universities, and others concerned about how the community grows. A lead organization should be appointed to disseminate information to the community, solicit feedback, and incorporate issues and concerns

Case Study

Chicago is a leader in urban forestry and heat island mitigation. The city has adopted an **open space impact fee ordinance** that requires new residential development to contribute a proportionate amount of open space or recreational facilities, or to pay fees that ensure community residents of continued access to greenspace. Chicago also replaced a 10,080 ft² conventionally paved alley with a **light-colored permeable gravel pave system**, which has eliminated chronic flooding without requiring the installation of a sewer system. In addition, between 1991 to 1998 Chicago planted **over 500,000 trees** and achieved a citywide tree count of 4.1 million. Chicago's Bureau of Forestry now plants a minimum of 5,000 new trees per year and plans to install -- in addition to 120 miles of existing median planters -- **280 miles of new median planters by 2005**. In June 2001, Chicago amended its **energy code** to include **requirements for reflective or green roofs**. See: <http://www.cityofchicago.org/Environment/>

into action plans. Working together, communities can address urban heat islands while enhancing the quality and character of their neighborhoods.

Resources

For more information on heat islands, see www.epa.gov/heatisland, www.hotcities.org, and <http://eetd.lbl.gov/HeatIsland>.

For more information on smart growth, see www.smartgrowth.org and www.epa.gov/smartgrowth. Additional information on the relationship between the environment and the built environment can be found in "Our Built and Natural Environments: A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality." EPA 231-R-01-002.

¹ "Cooling Our Communities – A Guidebook On Tree Planting and Light-Colored Surfacing" U.S. Environmental Protection Agency 22P-2001, January 1992.
² Kalkstein, LS, 1993. Health and Climate Change: Direct Impacts in Cities. *The Lancet* 342:1397-99.
³ Stone, B., and M.O. Rodgers. 2001. "Urban Form and Thermal Efficiency: How the Design of Cities Influences the Urban Heat Island Effect." *Journal of the American Planning Association* 67 (2) 186-198.

To learn more about Smart Growth and the Smart Growth Network, please go to <http://www.smartgrowth.org>.

Office of Air and Radiation (MC 6205J)
 Office of the Administrator (MC 1808)
 EPA 430-F-03-001

"EPA's mission is to protect public health and the environment. EPA works with state and local decision makers to evaluate, promote, and implement integrated, common-sense strategies that capitalize on public health and air quality improvements, while encouraging economic growth. Studies have demonstrated that mitigating heat islands provide clear environmental and financial benefits including improved local and global air quality, reduced heat-related illness and death, and increased energy savings."



City of Miami Gardens Zoning Agenda Memo

Zoning Board Meeting Date:	February 2, 2011		Item Type: <i>(Enter X in box)</i>	<input type="checkbox"/> Resolution	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading		2 nd Reading	
		x			x		
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement:	Yes		No	
				x			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:				
	X						
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy: Strategy 3.1 Adopt enhanced landscape and streetscape standards that create a higher quality environment for new development and redevelopment.			
	X						
Sponsor Name:	Dr. Danny Crew, City Manager		Department:	Planning and Zoning Department			

Short Title:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS (LDRS) AS ADOPTED BY ORDINANCE NO. 2010-10-218; AMENDING SECTION 34-45, "DEVELOPMENT REVIEW COMMITTEE"; AMENDING SECTION 34-47, "GRANTING OF VARIANCES AND WAIVERS"; AMENDING SECTION 34-59, ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURE; AMENDING SECTION 34-62, "VESTED RIGHTS"; AMENDING SECTION 34-97, "IMPACT FEES"; AMENDING SECTION 34-219 "DESIGN STANDARDS"; AMENDING SECTION 34-227, "EXCAVATIONS"; AMENDING SECTION 34-287 "USE REGULATIONS, GENERALLY"; AMENDING SECTION 34-288 "USES PERMITTED WITH EXTRA REQUIREMENTS"; AMENDING SECTION 34-310 "ACCESSORY STRUCTURES"; AMENDING SECTION 34-311, "ACCESSORY USE TABLE"; AMENDING SECTION 34-312, "ADDITIONAL STANDARDS; AMENDING SEC. 34-389- COMMERCIAL, RECREATIONAL, BOAT, VESSEL PARKING IN RESIDENTIALLY ZONED PROPERTY RESTRICTED"; AMENDING SEC.34-390- COMMERCIAL, RECREATIONAL, BOAT VESSEL PARKING IN INDUSTRIAL ZONED PROPERTIES RESTRICTED"; AMENDING 34-432, "TABLE 1 DEVELOPMENT STANDARDS"; AMENDING SECTION 34-439 "IN GENERAL"; AMENDING 34-444 "LANDSCAPING, BUFFERING MINIMUM STANDARDS; AMENDING 34-445 "EXTRA STANDARDS, EXCEPTIONS; AMENDING SECTION 34-652, "SIGNS PERMITTED WITHOUT SIGN PERMIT"; AMENDING SECTION 34-670 "PROHIBITED SIGNS"; AMENDING SECTION 34-733, "MASTER USE LIST DEFINITIONS"; MORE PARTICULARLY DESCRIBED HERETO AS EXHIBIT "A;" PROVIDING FOR THE

**ITEM 8-B) ORDINANCE
FIRST READING/PUBLIC HEARING
Amending the City's LDR**

ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background

At the meeting on April 7, 2010 the City Council adopted the Land Development Regulations (LDRs) with direction to staff to return in ninety (90) days with recommendations to address concerns raised by numerous attorneys and property owners, referred to as “stakeholders” herein. After several subsequent meetings with the stakeholders, staff returned to Council on July 7, 2010 with recommendations for amendments to the LDRs. Council deferred the LDR amendments to allow staff and stakeholders to address additional concerns, in particular the landscape/buffer and knee-wall requirements. Stakeholders requested that the workshops be scheduled after summer vacations.

Current Situation

At this time Staff is bringing back to Council the proposed LDR amendments (Exhibit “A”). It should be noted that the proposed amendments have incorporated numerous suggestions made by stakeholders derived over the course of several workshops with Staff.

The following are the dates of the workshops and a summary of the items discussed:

- October 6, 2010 Workshop: City staff presentation focused on landscape and knee-wall requirements. The presentation is attached as Exhibit “B.”
 - Stakeholders questioned how the landscape requirements could be imposed on existing development without disrupting existing site plans and causing expensive redevelopment.
 - Administrative Guidelines will establish standard operating procedures and criteria when imposing the new landscape requirements upon existing development.
- October 20, 2010 Workshop: Staff provided:
 - Additional text amendments including phased landscape implementation similar to signage.
 - Draft Administrative Guidelines including cost cap guidelines. See attached Exhibit “C.”
- November 17, 2010 Workshop:
 - All agreed to use the term Certificate of Landscape “Conformity” instead of “Nonconformity.”
 - Limit the height of knee walls for safety but allow new development to match existing knee walls already in existence. Also, the knee-wall requirement was lessened for existing development.
- December 15, 2010 Workshop: Draft LDR amendments were provided
 - Agreed to require the City Council to approve Administrative Guidelines by resolution (at second reading, the March 2, 2011 Zoning Meeting).
 - Outside storage provisions for industrial areas need to insure that pallets and similar objects utilized for loading will not be construed as outside storage of merchandise.
- January 19, 2011 Workshop: Draft LDR amendments and Administrative Guidelines were provided to stakeholders on June 11. The only additional changes suggested by the stakeholders were as follows.

- Several minor recommended LDR changes included changing the effective date for landscape conformity to March 1, 2011 instead of initial adoption of the LDRs on April 7, 2010.
- The Public Works Department discussed how the City would assist individual properties to allow parking in the swale areas.
- The Code Compliance Division noted improved occupational license (BTR) processing and provided a list of overdue BTR's.

In addition to the recommended LDR amendments and the draft Administrative Guidelines, an Executive Summary attached as Exhibit "D" summarizes each of the workshops held with stakeholders, providing greater details on the items raised and Staff concessions made to the proposed language in the LDR. Additionally, all stakeholders were advised of Staff's intention to bring said amendments to Council for first reading approval at the February 2, 2011 Zoning Meeting.

Also, the stakeholders requested that the first year fee discounts for landscape plans and permitting be extended one year from the anticipated date of adoption of these LDR amendments, March 2, 2011. This request is consistent with the effective date for landscape compliance and will be forthcoming as a resolution to amend the LDR Fee Schedule at the March 2 Zoning Meeting, the anticipated second reading of these LDR amendments.

Proposed Action:

City Staff recommends Council approval on first reading of the Ordinance amending the Land Development Regulations.

Attachments:

- Exhibit "A", Proposed Amendments to the Land Development Regulations
- Exhibit "B", October 6, 2010 Workshop Presentation
- Exhibit "C", Standard Operating Procedure: Administrative Guidelines for Reviewing for Certificate of Landscape Conformity
- Exhibit "D", Executive Summary of LDR/Zoning Code Proposed Amendments

ORDINANCE NO. 2011 ____

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3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
4 MIAMI GARDENS, FLORIDA AMENDING THE CITY'S LAND
5 DEVELOPMENT REGULATIONS (LDRS) AS ADOPTED BY
6 ORDINANCE NO. 2010-10-218; AMENDING SECTION 34-45,
7 "DEVELOPMENT REVIEW COMMITTEE"; AMENDING SECTION
8 34-47, "GRANTING OF VARIANCES AND WAIVERS";
9 AMENDING SECTION 34-59, ALTERATION OR ENLARGEMENT
10 OF NONCONFORMING STRUCTURE; AMENDING SECTION 34-
11 62, "VESTED RIGHTS"; AMENDING SECTION 34-97, "IMPACT
12 FEES"; AMENDING SECTION 34-219 "DESIGN STANDARDS";
13 AMENDING SECTION 34-227, "EXCAVATIONS"; AMENDING
14 SECTION 34-287 "USE REGULATIONS, GENERALLY";
15 AMENDING SECTION 34-288 "USES PERMITTED WITH EXTRA
16 REQUIREMENTS"; AMENDING SECTION 34-310 "ACCESSORY
17 STRUCTURES"; AMENDING SECTION 34-311, "ACCESSORY
18 USE TABLE"; AMENDING SECTION 34-312, "ADDITIONAL
19 STANDARDS; AMENDING SEC. 34-389- COMMERCIAL,
20 RECREATIONAL, BOAT, VESSEL PARKING IN RESIDENTIALLY
21 ZONED PROPERTY RESTRICTED"; AMENDING SEC.34-390-
22 COMMERCIAL, RECREATIONAL, BOAT VESSEL PARKING IN
23 INDUSTRIAL ZONED PROPERTIES RESTRICTED"; AMENDING
24 34-432, "TABLE 1 DEVELOPMENT STANDARDS"; AMENDING
25 SECTION 34-439 "IN GENERAL"; AMENDING 34-444
26 "LANDSCAPING, BUFFERING MINIMUM STANDARDS;
27 AMENDING 34-445 "EXTRA STANDARDS, EXCEPTIONS;
28 AMENDING SECTION 34-652, "SIGNS PERMITTED WITHOUT
29 SIGN PERMIT"; AMENDING SECTION 34-670 "PROHIBITED
30 SIGNS"; AMENDING SECTION 34-733, "MASTER USE LIST
31 DEFINITIONS"; MORE PARTICULARLY DESCRIBED HERETO
32 AS EXHIBIT "A;" PROVIDING FOR THE ADOPTION OF
33 REPRESENTATIONS; REPEALING ALL ORDINANCES AND
34 RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY
35 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
36

37 WHEREAS, on April 7, 2010, the City Council adopted the Land
38 Development Regulations (LDRs) with direction to staff to return in ninety (90)
39 days with recommendations to address concerns raised by certain property
40 owners and their attorneys, and

1 WHEREAS, after several subsequent meetings with the stakeholders,
2 staff returned to Council on July 7, 2010, with recommendations for amendments
3 to the LDRs, and

4 WHEREAS, the City Council deferred the LDR amendments to allow staff
5 and the property owners to address additional concerns, in particular the
6 landscape/buffer and knee-wall requirements, and

7 WHEREAS, City staff is bringing back to Council the proposed LDR
8 amendments, which incorporate numerous suggestions made by the property
9 owners over the course of several workshops with Staff,

10 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
11 CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

12 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing
13 Whereas paragraphs are hereby ratified and confirmed as being true, and the same
14 are hereby made a specific part of this Ordinance.

15 Section 2. ADOPTION OF AMENDMENTS TO LAND DEVELOPMENT
16 REGULATIONS: The City Council of the City of Miami Gardens hereby adopts
17 those certain Amendments to the Land Development Regulations attached hereto
18 as Exhibit "A" and incorporated herein by reference.

19 Section 3. CONFLICT: All ordinances or Code provisions in conflict
20 herewith are hereby repealed.

21 Section 4. SEVERABILITY: If any section, subsection, sentence,
22 clause, phrase or portion of this Ordinance is for any reason held invalid or
23 unconstitutional by any court of competent jurisdiction, such portion shall be

1 deemed a separate, distinct and independent provision and such holding shall
2 not affect the validity of the remaining portions of this Ordinance.

3 Section 5. INCLUSION IN CODE: It is the intention of the City
4 Council of the City of Miami Gardens that the provisions of this Ordinance shall
5 become and be made a part of the Code of Ordinances of the City of Miami
6 Gardens and that the section of this Ordinance may be renumbered or relettered
7 and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or
8 such other appropriate word or phrase, the use of which shall accomplish the
9 intentions herein expressed.

10 Section 6. EFFECTIVE DATE: This Ordinance shall become effective
11 immediately upon its final passage.

12 PASSED ON FIRST READING ON THE _____ DAY OF _____,
13 2011.

14 PASSED ON SECOND READING ON THE _____ DAY OF _____,
15 2011.

16

17 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
18 MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE _____ DAY OF
19 _____, 2011.

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SHIRLEY GIBSON, MAYOR

ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY:

Moved by: _____

Second by: _____

VOTE: _____

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell, Jr.	_____ (Yes)	_____ (No)
Councilwoman Lisa Davis	_____ (Yes)	_____ (No)
Councilman Oliver Gilbert, III	_____ (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (No)

Proposed Land Development Regulations Amendments

Note: underline denotes additions; ~~strikeouts~~ denotes deletions.

Sec. 34-45- Development Review Committee (DRC).

(c)

Duties and responsibilities. The development review committee shall have the following duties and responsibilities:

(7)

Review and approve all plans for development in GP Government Properties District. ~~except for facilities owned by the city, in which case the DRC will make recommendations to the city council.~~

Sec. 34-47- Granting of variances and waivers.

(h)

Criteria for granting variances. Upon appeal or direct application in specific cases to hear and grant applications for non-use variances and waivers of this chapter, when authorized, the zoning appeals board may grant approval, approval with conditions of the application upon showing by the applicant that the non-use variance or waiver that all the following have been met: maintains the basic intent and purpose of the zoning, subdivision and other regulations set forth in this chapter, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. ~~No showing of hardship to the land is required.~~

(1)

The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally.

(2)

The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.

(3)

The alleged difficulty or hardship was not deliberately created to establish a use or structure which is not otherwise consistent with this Code.

(4)

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.

(5)

The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.

- (6) The variance request is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (7) The granting of the variance request will be in harmony with the general intent and purpose of these regulations and the comprehensive plan;
- (8) Nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and the permitted use of lands, structures, or buildings in other zoning districts, shall not be considered grounds for the authorization of a variance; and
- (9) Financial hardship is not the only evidence of a hardship considered in the authorization of a variance.

Sec. 34-59- Alteration or enlargement of nonconforming structure.

(c) *Certificate of ~~legal nonconformity~~.* A property owner may file an application to the administrative official for a certificate of legal compliance of nonconformity determination. Such determination shall be made by the administrative official after consideration and review of plans that demonstrate that the development is or will be improved to the best extent physically possible to comply with all applicable regulations of this chapter. Best extent possible shall mean, but not be limited to, the extent to which compliance with a code requirement does not create, result, or increase another nonconformity. The administrative official may also grant a certificate of legal nonconformity upon a determination by said official that the financial costs of compliance will unreasonably exceed the public benefits of compliance. The City shall establish administrative guidelines for the review and issuance of a certificate of legal conformity for site improvements that become non-conforming as of the effective date of adoption of the land development regulations. Said guidelines may be revised, amended, and modified administratively from time to time.

(d) *Certificate of Legal Conformity for Landscape and Buffer Requirements.* A property owner may file an application to the administrative official for a certificate of legal conformity determination as to compliance with the provisions of Article XIV. Minimum Landscape and Buffering Requirements; Fences; Walls; Hedges. Such determination shall be made by the administrative official after consideration and review of plans that demonstrate that the development is or will be improved to the best extent physically possible to comply with all applicable regulations of this chapter. Best extent possible shall mean, but not be limited to, the extent to which compliance with a code requirement does not create, result, or increase another nonconformity. The administrative official may also grant a certificate of legal conformity upon a determination by said official that the financial costs of compliance will unreasonably exceed the public benefits of compliance. The City shall establish administrative guidelines for the review and issuance of a certificate of legal conformity for landscape and buffer requirements that become inconsistent as of the effective date of adoption of the land development regulations. Said administrative guidelines may be revised, amended, and modified from time to time, subject to approval by Resolution by the City Council.

Sec. 34-62- Vested rights.

(1)

Exceptions for vested rights determination. Nothing in this chapter shall be construed or applied to abrogate the vested right of a property owner to complete development where it is determined that the property owner demonstrates each of the following:

a.

The provisions of this chapter, and any amendments hereto, shall not affect development which has obtained a final development order from the city after January 1, 2009, but before adoption hereof of the LDRs and is otherwise exempted in accordance with the provisions of subsection (3) of this section;

b.

That the property is a single-family residential lot, duplex, or townhouse unit that has been granted a non-use variance or waiver of this chapter prior to the effective date of the adoption of the Land Development Regulations.

(2)

Vested rights determination. Except as provided in subsection (1) of this section, any property owner claiming to have vested rights under this section must file an application in a form approved by the administrative official for a vested rights determination within one year two (2) years after the initial effective date of this chapter (as to any claim of vested rights prior to initial adoption) or within one (1) year after an amendment of this chapter (as to any claim of vested rights arising after the initial adoption of this chapter and prior to the amendment). The application shall be accompanied by a fee, and contain a sworn statement as to the basis upon which the vested rights are asserted together with documentation required by the city and other documentary evidence supporting the claim. The administrative official shall review the application and based upon the evidence submitted shall make a determination within 90 days as to whether the property owner has established vested rights.

Sec. 34-97 – Impact fees.

(a)

Levy and purpose. In order to defray the cost of new or expanded parks and recreation, library, general government, police and fire and rescue services and equipment attributable to new construction, impact fees are levied on such construction in accordance with the provisions of this division.

(a) Short Title. This section shall be known and may be cited as the “City of Miami Gardens Impact Fees ordinance”.

(b) Authority and Applicability.

(1) The City of Miami Gardens hereby adopts by reference Miami-Dade County Ordinance Number 88-112 “Miami-Dade County Road Impact Fee Ordinance”; Ordinance Number 90-59 “Park Impact Fee Ordinance” ; Ordinance Number 90-31 “Police Services Impact Fee Ordinance” ; Ordinance Number 90-26 “Miami-Dade County Fire and Emergency Medical Services Impact Fee Ordinance”; Ordinance No. 95-79 “Educational Facilities Impact Fee Ordinance.”

(2) The City of Miami Gardens shall apply and collect the parks and police impact fees pursuant to the above cited Miami-Dade County ordinances. All other impact fees shall be administered and collected by Miami-Dade County.

Page 34 of 71

- (3) The City of Miami Gardens shall collect all applicable impact fees at the time of issuance of a building permit and shall issue a receipt of the fees to the applicant.
 - (4) The City Council of City of Miami Gardens has the authority to adopt this section pursuant to Chapters 163 and 380, Florida Statutes.
 - (5) This chapter shall be applicable to land development in the entirety of City of Miami Gardens.
- (c) Levy and purpose.
- (1) This section is intended to implement and be consistent with the City of Miami Gardens Comprehensive Development Master Plan adopted pursuant to Chapter 163, Florida Statutes.
 - (2) The purpose of this section in regulating development is to ensure that all new development bears its proportionate share of a portion of the capital cost of public services of roadway capacity improvements, water, sewer, solid waste, parks, police, fire and rescue services and schools necessary to allow adequate level of service. The city council may, from time to time, revise the amounts of the impact fees by resolution.

Sec. 34-219- Design Standards.

(3) Vacation and abandonment of rights-of-ways, alleys, and/or platted easements, and non-platted easements.

a.

Procedure. The vacation and abandonment of any rights-of-way, alleys and/or platted easements, and the reversion thereof to abutting property owners shall be accomplished only through the platting procedure as set forth in Section 34-214.

b.

Non-platted easements. Vacation and abandonment of non-platted easements shall only be required to comply with requirements set forth in subsection (c)(5) below and subject to the review criteria set forth in subsection (4) below. Approval of such vacation and abandonment of non-platted easements shall be by resolution of the City Council.

c.

Requirements. All tentative plats involving vacation and abandonment shall be reviewed for compliance with all technical requirements of this section, and including the following criteria:

1. No tentative plat will be considered which includes only rights-of-way or easements to be vacated and closed. The properties on each side of the rights-of-way or easements to be vacated and closed shall be included in the plat, and all abutting property owners shall join in the plat and the disposition of the rights-of-way or easements shown.
3. Where the subdivider requests the vacation and abandonment of a portion of the right-of-way connecting two streets, the subdivider shall provide a cul-de-sac specified in this article "Design standards." The cul-de-sac shall be located fully within the property being platted. All property owners abutting the right-of-way between the two streets shall join in the abandonment of the plat and shall disclaim all right, title and interest in the portion of the right-of-way being abandoned.
4. Where the subdivider requests the vacation and abandonment of a portion of an alley, the subdivider shall provide on his/her property, suitable access from the

closed end of the alley to the nearest public street, or streets, as may required. All property owners abutting the alley shall join in the plat.

5. Written consent to vacate and close the platted private easement(s), platted public easement(s) and/or platted emergency access easement(s) of the holder(s) of the easement(s), and for non-platted easements, (ii) written releases from all benefited specified individuals or public or private entities, or a certification that no such benefited individuals or public or private entities exist within the easement(s), and (iii) recommendations of approval from the police, public works, fire-rescue, planning and zoning, and building departments. The written consent that must be obtained from the holders of the easements, must specify that the holders of the easements consents to the vacation of the easements, must specify whether the holders of the easements have granted any type of interest in the easements to a third party, and must specify the third party's identity. In the event that a third party does have an interest in the easements, the applicant must also obtain the third party's written approval to vacate and close the easements. In addition, the applicant must submit an ownership and encumbrance search report prepared by a title company of the area encompassed by the easements that is to be vacated.

d.

Criteria for review. Further consideration for vacations and abandonment. In addition to review for technical compliance, the Development Review Committee (DRC) shall also consider the request for vacation and abandonment with respect to the following:

1. Whether it is in the public interest to vacate or abandon the right-of-way or easement?
2. Whether, the right-of-way or easement is being used including use by public service vehicles such as trash and garbage trucks, police, fire and/or other emergency vehicles?
3. The adverse effect on the ability to provide police, fire or emergency services
4. Whether the vacation or abandonment negatively affects pedestrian and vehicular circulation in the area?

Sec. 34-227- Excavations

(b)

Exceptions. No special exception use approval shall be required for excavations for the following purposes:

(1)

The foundation of a building or any structure to be constructed immediately after such excavations. All excavations shall be refilled after construction of such foundation in a manner which will prevent accumulation of stagnant water or other hazard.

(2)

Swimming pools.

(3)

Water hazard in a bona fide golf course.

(4)

Canals which are part of the county or South Florida Water Management District canal system.

(5)

Reflecting ponds and water features with a maximum depth of six feet of water so long as said amenities are completely lined with impervious material, a horizontal five-foot safety shelf is provided around the perimeter of the reflecting pond or water feature at an elevation where not more than 18 inches of water is provided on the shelf area and so long as backsloping or a perimeter berm is provided to prevent overland stormwater runoff from entering the water body.

(6)

Retention drainage areas subject to first obtaining site plan approval from the Planning and Zoning Department.

Sec. 34-287- Uses regulations, generally.

(i)

Permitted use table. The following permitted use table, supplemented by the Master Use List and Use Definitions set forth in appendix A in section 34-733, shall be used to determine the zoning district in which a given use may be established. In the event of conflict between the use table in this section and appendix A in section 34-733, the administrative official shall render an interpretation as to which prevails.

LEGEND

"P" means the use is permitted in the corresponding zoning district.

"SE" means the use is subject to special exception approval requirements and procedures.

□ means the use is prohibited in the corresponding zoning district

See additional requirements and criteria for specific uses set forth in section 34-288 and master use list, appendix A in section 34-733.

Table 1: Permitted Uses											
Zoning Districts/Uses	R-1	R-2	R-15, R-25, R-50	NC	PCD	OF	I-1	I-2	PD	AU	GP

Public And Institutional Type Uses											
Water plant, waste water plant	<input type="checkbox"/>	<u>P</u>									

Sec. 34-288- Uses permitted with extra requirements.

(32)

Places of assembly. Places of assembly are subject to the following standards:

a.

Minimum lot area: one-half net acre.

b.

Minimum spacing of principal building from residentially zoned property: fifty (50) feet; seventy-five (75) feet spacing from a residential building.

(29)

Liquor package store. Shall comply with all licensing, spacing and other regulations set forth in Article V for sale of alcoholic beverages.

Sec. 34-310- Accessory uses and structures.

e.

Dimensional requirements. All accessory uses, buildings and structures, shall comply with dimensional standards as set forth in Article XI, Table 1, and elsewhere for accessory structures. Where the accessory structure dimensional requirements are found to be non-applicable, the dimensional requirements of the principal structure shall apply.

Sec. 34-311- Accessory use table.

The following accessory use table shall be used to determine the required zoning district of which a use may be established. Unless otherwise stated, setback and spacing regulations shall be in compliance with Section 34-432 Table I Article II of this chapter. Additional standards shall be complied with for the establishment of the accessory use.

Accessory Use Generalized Table by Zoning District											
Zoning district/ accessory use and structures	R-1	R-2	R-15, R-25, R-50	NC	PCD	OF	I-1	I-2	PD	AU	GP
<u>Awnings, canopies, carports, roof overhangs, balconies, architectural structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	N/A

Sec. 34-312- Additional uses and building standards

The following standards shall be complied with for the establishment of the accessory use and structure:

(18)

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Unattached garages, carports. May be provided as accessory to principal use meeting the all accessory structure requirements of the underlying zoning district.

(20)

Outdoor storage commercial, industrial, nonresidential uses. Outdoor storage of merchandise in all commercial, industrial and non residential uses shall be subject to the following standards, unless the use is specifically regulated in the applicable district or additional standard of this section.

a.

Outdoor storage of merchandise shall be permitted only when incidental, accessory, and customary to the use located on the premises.

b.

The storage area shall not be located in any of the required setbacks or yards.

c.

The stored merchandise shall be within an area surrounded by walls, slotted fence, or buildings, and shall not protrude above the height of the enclosing walls, fences or buildings meeting the approval of the Administrative Official; these provisions shall not apply to industrial uses.

d.

Outdoor storage of material used for road construction when:

1.

The storage of construction materials and equipment is for use on property with an active building permit. lot is directly adjacent to the roadway under construction;

2.

The material is stored for no longer than 90 days unless approved by the administrative official for a period not to exceed an additional 90 days;

e.

Pallets and other similar temporarily and customarily stored items located in loading areas shall not be considered merchandise or subject to outdoor storage requirements.

~~Incidental outdoor storage. Incidental outdoor storage where permitted, of merchandise in all commercial, industrial and non residential districts shall be subject to the following standards, unless the use is specifically regulated in another district or section.~~

~~1.~~

~~Outdoor storage of merchandise shall be permitted only when incidental to the use located on the premises.~~

~~2.~~

~~The storage area shall not be located in any of the required setbacks or yards.~~

~~3.~~

~~The stored merchandise shall be within an area surrounded by walls or buildings, and shall not protrude above the height of the enclosing walls or buildings.~~

~~f.~~

~~Outdoor storage of material used for road construction when:~~

~~1.~~

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~~The lot is directly adjacent to the roadway under construction;~~

~~2.~~

~~The material is stored for no longer than 90 days unless approved by the administrative official for a period not to exceed an additional 90 days;~~

~~3.~~

~~The lot meets the requirements of Natural Resource Protection Regulations.~~

(32)

Awnings, canopies, carports, roof overhangs, balconies, architectural structures. The following minimum standards shall apply:

a.

Awnings. On residential buildings thereof awnings shall not encroach more than five and half (5.5) feet into the required yard setback area, and shall not protrude closer than two (2.0) feet from any property line. On non-residential buildings awnings shall not encroach more than nine (9) feet into the required yard setback area, and shall not protrude closer than two (2.0) feet from any property line.

b.

Canopies. Canopies shall be permitted to encroach into the required yard setback area providing they are no closer than two (2.0) feet from any property line.

c.

Carports. When attached to the principal structure and constructed of a masonry material, carports shall maintain the same yard setbacks as required for the principal structure. When detached and constructed of fabric, aluminum or other non-masonry material carports shall maintain a minimum yard area setback as set forth in Article XI, Table 1.

d.

Roof overhangs and balconies. On all buildings, roof overhangs and balconies shall not encroach more than four (4.0) feet into the required yard setback area, and shall not protrude closer than two (2.0) feet from any property line.

e.

Architectural features. On single family residential, duplex, or townhouse unit lots, architectural features shall not encroach into the required yard setback areas more than seventy five percent (75%) of the required yard setback areas. Such features shall not exceed more twenty percent (20%) of the building height.

Sec. 34-389- Commercial, recreational, boat, vessel parking in residentially zoned property restricted.

(e)

~~Commercial vehicles shall not may be parked or stored in a front yard or setback unless only if the surface consists of a smooth nondusting surface including concrete, paver-blocks, turfstone, asphalt, tile and brick and complies with the standards specified by the city engineering and public works department. All other vehicles shall not may be parked or stored in a side or rear setback or yard unless on a grass surface, the surface thereof consists of grass or other nondusting surface as specified in this section.~~

Sec.34-390- Temporary commercial, recreational, boat vessel parking in industrial zoned properties restricted.

Except as permitted in Sec. 34-391 ~~the temporary~~ parking of commercial vehicles in industrially zoned areas shall be permitted subject to compliance with the following:

- (a) The vehicle shall have a valid motor vehicle, truck registration, heavy truck or any and all other required motor vehicle registration with the state;
- (b) The vehicle shall be operable;
- (c) The vehicle shall be parked in a designated and paved private parking space;
- (d) The vehicle shall not encroach on rights-of-way, sidewalk or landscaped areas;
- (e) A valid overnight parking permit from the city shall be obtained for ~~such vehicle~~ the subject property.

Sec. 34-432- Table of development standards.

The following are generalized development standards categorized by standards and by zoning districts. These standards are minimum requirements, unless otherwise regulated in this Section that all development shall comply with.

>Table 1. Development Standards			
Zoning Districts			
R-1, Single-Family (See Figures 11-1, 11-2 for illustrations)	R-2, Two-Family; R-15, Multiple-Family; R-25, Multiple-Family R-50, Multiple-Family	R-15, Multiple-Family; R-25, Multiple-Family; R-50, Multiple-Family	
Single-family Detached	Two Family	Townhouse	Multiple-family
Lot and Density Parameters			
Minimum Dimensions Per Development Site	Not applicable	10,000 sf	10,000 sf
Lot frontage, Minimum (interior lots)	75 ft.	96 <u>85 ft.(block)</u> <u>22 ft. individual interior lot;</u>	100 ft.
Lot frontage, Minimum (corner lots and townhome end lots)	82 <u>75 ft.</u>	<u>37 ft individual lot</u>	100 ft
Lot Area (net), Minimum	7,500 sf	2,200 sf interior lot; 3145 <u>3700 sf. for corner and end lots</u>	10,000 sf
Density, Maximum (net)	Up to 6 du/ac	Up to 15 du/ac	R-15 up to 15 du/ac R-25 up to 25 du/ac R-50 up to 50 du/ac
Lot coverage and Permitted Impervious areas			
Lot Coverage Principal building	40% max.	70 max. per lot	60 max.
Required Front yard	50% max. impervious area	90 max. impervious area	Not applicable
Lot Coverage Accessory building within required rear yard)	30% max.	30% max.	Not applicable

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Rear yard	70% max. impervious area	70 % max. impervious area	Not applicable
Maximum Height			
Principal Building(s)	35 ft./2 stories	40 ft/3 stories	R-15: 40 ft./3 stories R-25: 50 ft./4 stories R-50: 120 ft./10 stories
Accessory Building (s)	14 ft.	14 ft.	20 ft.
Principal Building Size, Setbacks and Spacing			
Building Length (maximum)	Not applicable	155 ft.	Greater than 150 ft. requires administrative approval for massing and articulation
Front Setback (minimum)	25 ft.	20 ft.	25 ft.
Rear setback (minimum)	25 ft.	15 ft.	25 ft.
Interior Side Setback (minimum)	7.5 ft. min. or 10% of lot width whichever is greater <u>but not less than 5 ft.</u>	15 ft.	15 ft.
Side Street Setback (minimum)	15 ft.	15 ft.	20 ft.
Spacing Between Principal Buildings (minimum)	Not applicable (only 1 dwelling per lot)	45 ft. <u>20 ft. without openings; 30 ft. with openings</u>	45 ft. <u>20 ft. without openings; 30 ft. with openings</u>
Accessory Building Setbacks and Spacing			
Front Setback (minimum)	<u>75 ft.</u>	<u>75 ft.</u>	<u>25 ft.</u>
Rear Setback (minimum)	5 ft	5 ft.	5 ft.
Interior Side Setback (minimum)	7.5 ft.	5 ft.	15 ft.
Side Street Setback (minimum)	20 ft.	20 ft.	20 ft.
Between Accessory Building & any other Building (minimum)	10 ft.	10 ft.	20 ft.
Carport Setbacks			
Front (minimum)	5 ft.	5 ft.	5 ft.
Rear (minimum)	5 ft.	5 ft.	5 ft.
Interior Side (minimum)	5 ft.	5 ft.	5 ft.
Side Street (minimum)	5 ft.	5 ft.	10 ft.
Swimming Pool Setbacks			
Front setback (minimum)	<u>75 ft.</u>	<u>75 ft. individual lot</u> <u>25 ft. on common area</u>	<u>25 ft.</u>
Rear (minimum)	7.5 ft.	7.5 ft.	10 ft.
Interior Side (minimum)	10 ft.	10 ft.	10 ft.
Side Street (minimum)	20 ft.	20 ft.	25 ft.
Screen Enclosure Setbacks			
Rear (minimum)	6 ft.	6 ft.	5 ft.
Interior Side (minimum)	5 ft.	7.5 ft.	7.5 ft.

Side Street (minimum)	15 ft.	15 ft.	20 ft.
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Table 2: Commercial, Industrial and Mixed-Use Districts				
	Zoning Districts			
	NC, Neighborhood Commercial OF, Office	I-1, Industrial (Light)	I-2, Industrial (Heavy)	PCD, Planned Corridor Development
Lot and Density Parameters				
Lot frontage, Minimum	50 feet	125 ft	75 ft	150 ft
Lot area (net), Minimum	5, 000 sf	10,000 sf	10,000 sf	45,000 <u>10,000</u> sf
Principle Building Setbacks and Spacing				
Front Setback	10 ft. (minimum)	20 ft. (minimum)	20 ft. (minimum)	Two options: 15 ft. (build-to); or 25 ft (minimum)
Rear Setback (minimum)	10 ft.	20 ft.	20 ft.	10 ft. by right 7.5 ft with incentive bonus
Interior Side Setback (minimum)	<u>25ft.—NC (where abutting residential use); 10 ft. from non-residential</u>	7.5 ft.—OF	0 ft.	10 ft. by right 0 ft. with incentive bonus

Sec. 34-439- In general.

(b)

Applicability; and compliance of nonconforming developments. The landscaping and buffering requirements of this article shall apply to all development within the city. Existing Nonconforming developments that become non-conforming at the effective date of adoption of the Land Development Regulations shall be subject to compliance as follows:

(1)

Existing Nonconforming development that becomes nonconforming as for the landscaping and buffering regulations of this article as of the effective date of the adoption of this article may maintain legally nonconforming status for a period of five years, at which time all landscaping and buffering requirements not in compliance with this article shall be a violation of this chapter, with the exception of the following:

a.

Existing developments that becoming nonconforming as to the landscaping and buffering regulations of this article as of the effective date of the adoption of this article that due to physical site limitations or other physical hardships cannot comply with the adopted regulations may be found to be in compliance, subject to obtaining certificate of legal nonconformity for landscaping and buffering requirements, as set forth in section 34-59(d)

- b. Developments that have obtained a vested rights determination.
- c. Developments that have obtained a ~~determination of nonconformity~~ certificate of legal conformity for landscaping as set forth in section 34-59(c), for the provision of the required irrigation in compliance to this article, of which compliance to the best extent possible to all landscape and buffering areas required has been met in order to bring the property into conformance of this article.
- d. Single-family residences, duplex residences, and townhouse residences that were built and obtained a certificate of occupancy prior to the effective date of adoption of the ~~ordinance from which this chapter is derived~~ Land Development Regulations.
- e. Industrial developments in the I-1, and I-2 districts legally existing at the adoption of this LDRs shall comply with all landscaping and buffering requirements of this article, except that the total number of shade trees as required in section 34-444 Table 1, Landscape and Buffering Standards Generalized Table Developments shall be twenty two (22) shade trees per net acre. Additionally, such developments shall not be required to comply with the landscape islands in off-street parking areas requirement.

(2)

Existing developments that become non-conforming as of the effective date of adoption of the Land Development Regulations shall submit plans to the City for landscape plan and buffering approval within three (3) years from March 1, 2011; obtain landscape approval or obtain a certificate of landscape and buffering conformity as outlined in 34-439 (b)(1)(a) within four (4) years from March 1, 2011; and shall be in full compliance as approved by the landscape plan approval and/or certificate of landscape and buffering conformity within five (5) years from March 1, 2011.

Sec. 34-444- Landscape, buffering, minimum standards.

(f)

Generalized minimum landscape and buffering table. The following table shall be used as general interpretation of the required minimum landscape and buffering standards for the underlying zoning district that all development shall comply with. Further regulations for specific uses may be found under each zoning district regulations that shall be complied.

Table 1: Minimum Landscape And Buffering Standards Generalized Table

Zoning district/ requirement	landscape	R-1	R-2	R-15 50	R-25	R-	NC	PCD *	OF	I- 1***	I- 2***	PD **	AU	GPOV
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*** denotes exceptions in the I-1, I-2 zoning districts as set forth in section 34-439(b)(1)(e)

Sec. 34-445- Extra standards, exceptions.

(4)

Knee wall, off-street parking areas required. When an off-street parking area is located within 25 feet of an abutting right-of-way, in addition to the required continuous greenbelt of shrubs and hedging, a knee wall shall be installed within the required landscape buffer. Said wall shall comply with the following:

- a. May vary in height between two and three feet.
- b. May be fragmented, staggered, and/or meander, or continuous.
- c. Shall not obstruct any safe sight distance triangle.
- d. Shall be of a compatible architectural design, material, color of the principal building on the property.
- e. Lighting may be provided in accordance to the light standards of this section, but in no event shall lighting be used to create an attraction, distraction, or provide a commercial signage intent to the wall.
- f. A continuous landscape berm at an average height of three feet from grade may be permitted in lieu of the required knee wall.
- g. Exception. The knee wall requirement set forth in this section shall only apply to properties that have off-street parking areas abutting a major, minor, or principal arterial and minor arterial roadways, as depicted on the City's adopted Comprehensive Development Master Plan map FLU-I-7. ~~in which event, the requirement shall apply to parking areas abutting all rights-of-way.~~

Sec. 34-652- Signs permitted without sign permit.

The exemption from a sign permit shall not be construed to waive or otherwise exempt compliance with the Florida Building Code, other provisions of this article, or other applicable technical codes.

(1)

Signs exempt from permit requirements. The following signs may be installed, altered, erected, constructed, posted, painted, maintained, or relocated, without a permit from the city or payment of a sign permit fee:

~~n.~~

~~Spot/Search light signs. Spot light signs, subject to compliance with provisions set forth in this article.~~

Sec. 34-670 – Prohibited signs.

~~ee.~~

~~Temporary banner signs after January 7, 2011.~~

Sec. 34-733- Master use list and use definitions.

(a)

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This list includes activities customary to the use. Uses not specifically listed as permitted, or found to be similar or customary with permitted uses, shall be prohibited.

(b)

This use list shall include all those related uses, but shall be limited to the list of related uses. In the determination of uses not specifically listed, the administrative official shall make the determination as to the appropriate category or deem the use prohibited.

(c)

The following definitions are provided for convenience. In case of conflict with the definitions in section 34-288, section 34-288 shall prevail.

APPENDIX A. MASTER USE LIST AND USE DEFINITIONS

Use	Related Uses	Definition
<u>Place of assembly</u>	<u>Auction House</u> <u>Banquet Hall</u> <u>Funeral Homes</u> <u>Places of religious assembly</u> <u>Private club, not public</u> <u>Theater, (movie, performing arts)</u> <u>Meeting Halls</u> <u>Fraternal Lodges</u> <u>Museums</u> <u>Libraries</u> <u>Art galleries</u> <u>Theaters</u> <u>Concert halls</u> <u>Planetariums</u>	<u>Any place where people collectively gather for a communal purpose. Public assemblies shall include all of the related uses on the left. Places of public assembly shall not include public schools, restaurants, or public facilities operated by a governmental entity.</u>

Miami Gardens
*Land Development
Regulations Workshop*
October 6, 2010





OUR CITY'S VISION:

Bring the "Gardens"
Back to Miami Gardens!

IN THE PUBLIC DOMAIN

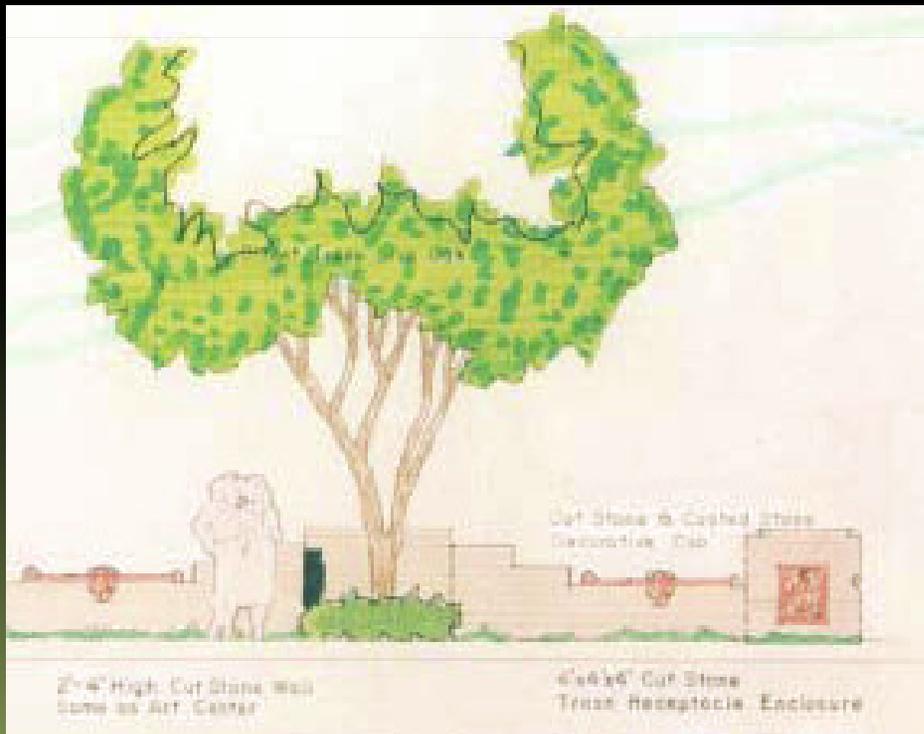


NEW PRIVATE SECTOR MAJOR ARTERIALS

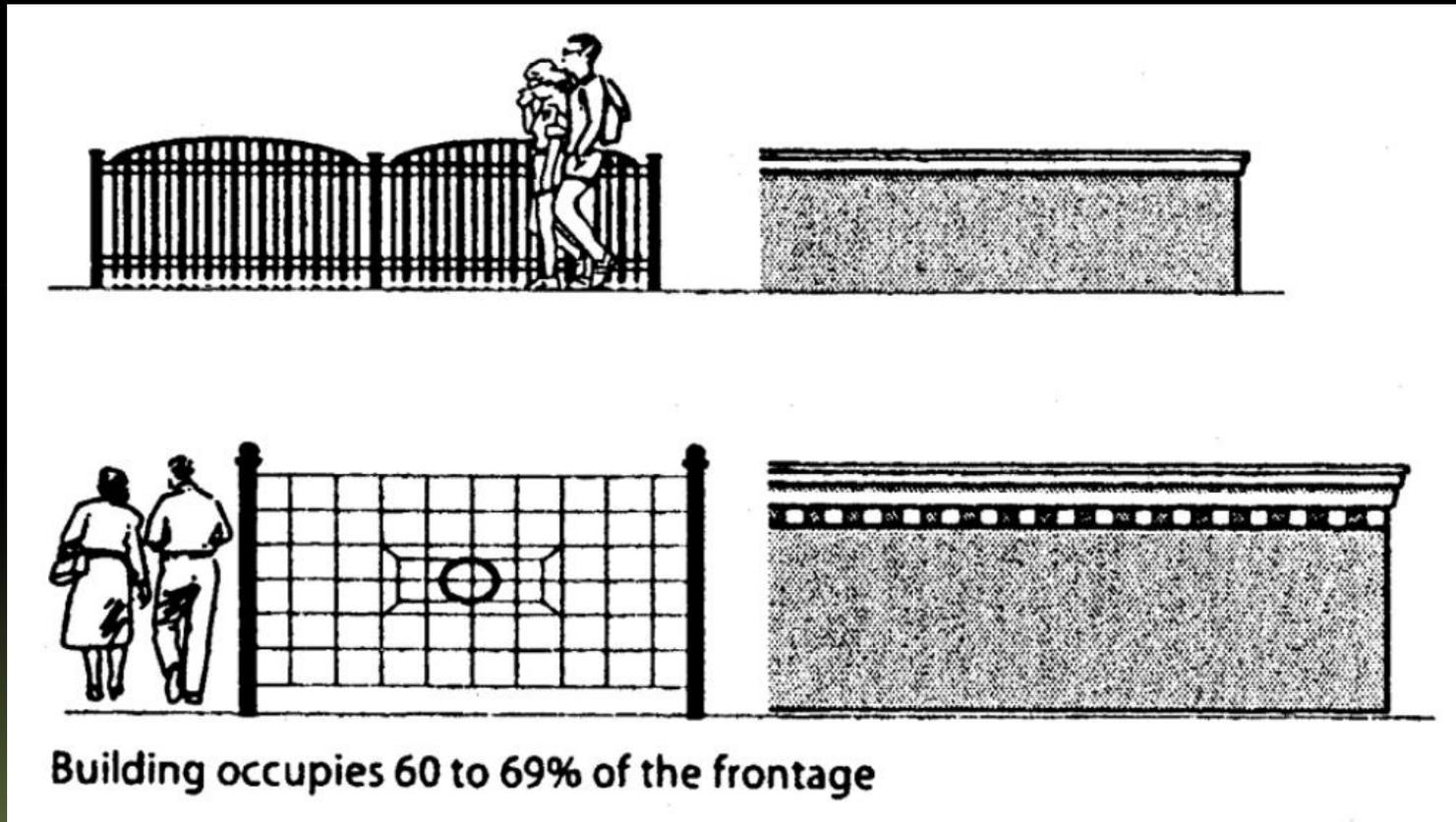
- *Street Trees - Royal Palms*
- *Shrubbery*
- *Sidewalks*
 - *Pressed Pavement*
 - *10 Feet in Width*
- *Knee-walls to buffer off-street parking.*

Knee-wall Concept from Central Florida:

- Applies to Parking Adjacent to Road
- Buffers visual impact of parked vehicles
- Frames the street
- Adds design element



City of Miramar's SR-7 Corridor Requirements Alternative to Buffer Parking Areas



NW 27th Avenue



NW 2nd Avenue Royal Palms, Staggered Knee- Walls, Pressed Pavement Sidewalk



NW 2nd Avenue



Sidewalk in Back.

NW 167 Street and NW 13 Avenue



MAJOR LDR ISSUE:

- Knee-wall Requirement on Major Arterials
- For Existing Development

NW 167th Street



NW Second Avenue



NW Second Avenue

The same site,
looking south,
then north.



Existing Development

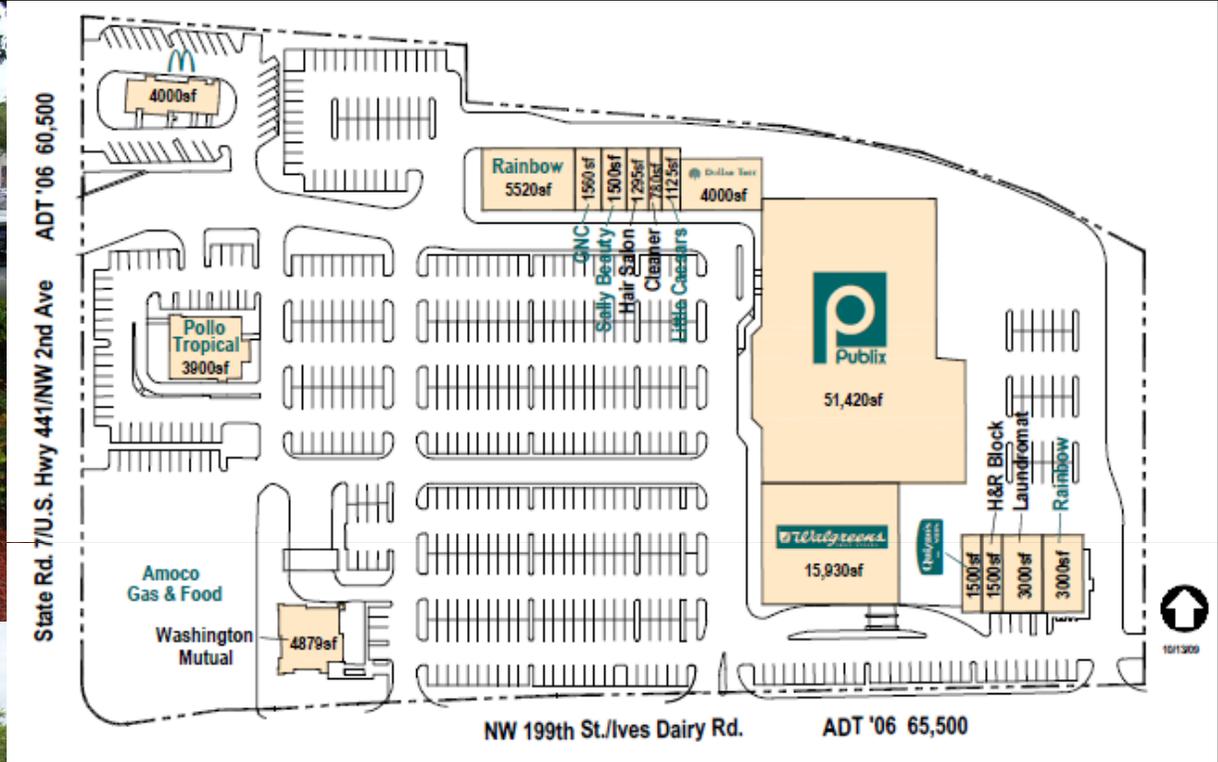
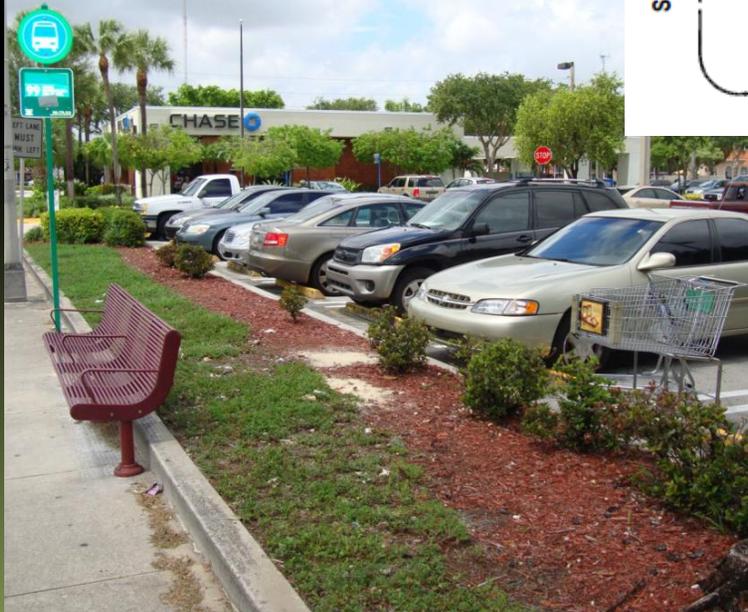


NW 183 Avenue

SAFETY OF KNEE-WALLS

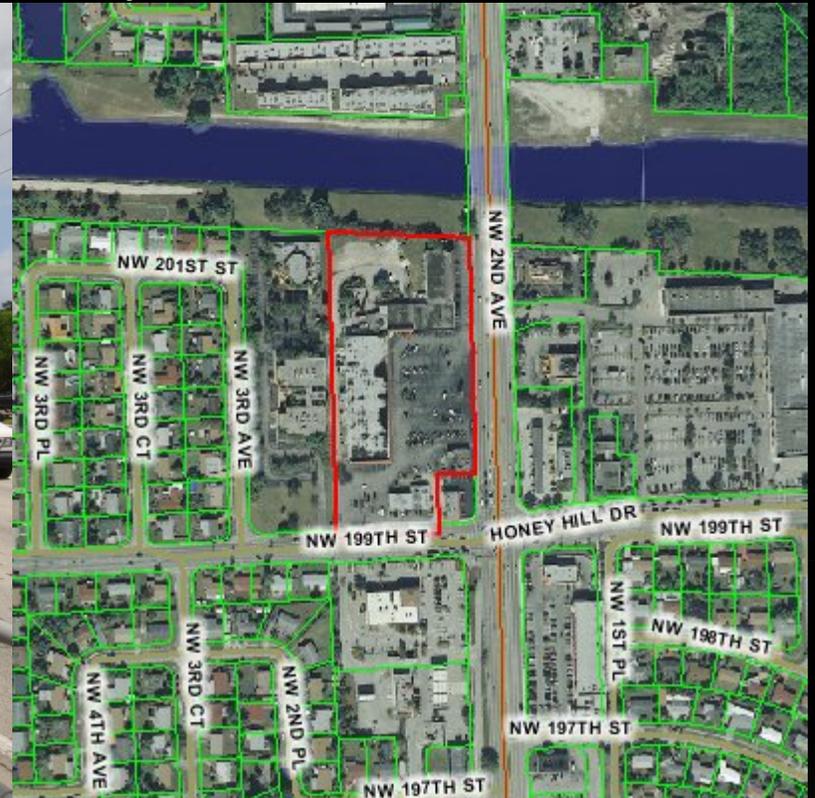
- CEPTED (Crime Prevention Through Environmental Design)
- OK if under 2 ½ feet/30" in height
per Miami Gardens Police Department

Example: Ives Dairy Plaza



Frontage	Area
363'	NW 2 Avenue
906'	NW 199 Street
-280'	7 Driveways (40' each)
989'	Total Arterial Frontage
494'	50% with Knee-wall
\$ 29,670.00	Cost Based on \$60/linear foot

Example: Ives Dairy Crossing



Frontage	Area
600	NW 2 Avenue
258	NW 199 Street
-160	4 Driveways (40')
698	Total Arterial Frontage
349	50% with Knee-wall
\$20,940.00	Cost Based on \$60/linear foot

POLICY OPTIONS for EXISTING DEVELOPMENT

KNEE-WALLS

- Limit the knee-wall to 50% of frontage
- Limit knee-walls to ingress/egress points
- “Either-Or” Option: Choose shrubs or knee-walls as “accents”
- Exempt certain unique arterial road segments from knee-wall requirement such as NW 13th Avenue
- Remove knee-wall requirement

**COMMENTS/QUESTIONS
POLICY OPTIONS**

MIAMI GARDENS PLANNING AND ZONING DEPARTMENT STANDARD OPERATING PROCEDURE <i>Draft for Discussion Purposes Only</i>			
Drafted January 20, 2011	Administrative Guidelines for Landscape and Buffer Regulation Implementation	Date of Issue March 2, 2011	Zoning Code Article XIV
Adopted by Miami Gardens City Council Resolution No. _____			Pages 3

General: The five year compliance deadline reflects City Council policy and commitment to upgrade landscape of existing as well as future development. This five year deadline applies to commercial, industrial and other nonresidential properties. **Compliance deadlines for landscape requirements are: March 1, 2014 to submit a Landscape Plan, March 1, 2015 to have an approved Landscape Plan, and March 1, 2016 to comply with the approved Landscape Plan.**

The following administrative guidelines are to be utilized as standard operating procedure when requiring already-developed properties to comply with the landscape requirements contained in Article XIV. Minimum Landscape and Buffering Requirements; Fences; Walls; Hedges of Chapter 34, the Zoning Code:

1. **Compliance:** The 5 year compliance deadline for landscape requirements is April 7, 2015. All uses and structures are “grandfathered” except for landscape requirements (and signs) (assuming the uses and structures were conforming/lawfully existing upon adoption of the code).
2. **Landscape Plans and Certificate of Legal Conformity:** The owner must submit a Landscape Plan to comply with landscape requirements. If the site cannot comply for any reason, including but not limited to financial feasibility, the owner should then apply for a Certificate of Legal Conformity to administratively determine which minimum requirements can and must be fulfilled “to the best extent possible.” The Certificate of Conformity runs with the land.
3. **Cost Cap/Financial Feasibility Guidelines:** Recognizing the potential costs of implementing landscape and other requirements on existing properties and businesses, the City shall insure that landscape implementation balances the value of the property with the necessary improvements to comply with the code. The City further recognizes that retrofitting sites should not create an undue burden for property owners. Therefore, a cost cap guideline shall be based on the appraised value of the property in relationship to the cost of landscape improvements. The specific standard shall be one percent of total appraised value based on the latest assessed valuation by the Miami-Dade County Property Appraiser. It should be recognized that this is a guideline and that staff will work with the owner to maximize landscape compliance with the owner’s resources. Customary soft costs of up to 5% of the total cost for compliance may include landscape architecture and similar services as well as the cost of permitting.
4. **Landscape Priorities:** Given limited resources and ability to retrofit existing sites, the City’s landscape priorities are as follows, in order of importance:

- a. Street Trees/Royal Palms – The Royal Palm tree requirement applicable to Arterial Roadways does not overlap or otherwise count towards meeting Shade Tree requirements.
 - b. Landscape buffers abutting rights of ways
 - c. Knee-walls/shrubs
5. Incentives and Grants: The City will provide information to applicants and insure the applicants' awareness of the availability of financial incentives through the City including but not limited to façade grants.
 6. Arterial Roadways, Knee-walls and Related Requirement Applicability: For clarity, knee-wall and other landscape requirements related to designated Arterial roadways include the following road segments:
 1. NW 2 Avenue/US Highway 441/State Road 7
 2. NW 27 Avenue
 3. State Road 826/Palmetto Expressway/Adjacent Frontage Roads (NW 167th Street)
 4. NW 57 Avenue
 5. NW 47 Avenue North of Palmetto Expressway
 6. NW 37 Avenue
 7. NW 215 Street/County Line Road between NW 27 Avenue and NW 2 Avenue
 8. NW 199 Street
 9. NW 183 Street/Miami Gardens Drive
 10. Florida Turnpike
 7. Minimal Knee-wall Requirement for Retrofitting Existing Development: The City recognizes that all elements of the streetscape and landscape requirements cannot be met by existing development. Therefore, a 10% criteria on Arterial frontage will be applied in order to encourage the use of knee-walls along at least 10% of the property's parking and traffic circulation frontage to an Arterial, as accents at driveway/access points and other focal point areas as desired. Driveways are not included in the calculation of frontage requiring the knee-wall feature. This feature will insure city-wide consistency.
 8. Tree Fund: Regarding new development or expansions greater than 25% of gross floor area, when the applicant utilizes the Tree Fund as an alternative to providing required landscape, such funds shall be utilized within close proximity of the site. Close proximity means generally within a subdivision or adjacent to the development. Generally, funds should be utilized within ¼ mile (1,312 feet) of the site. The intent of this provision is to insure a reasonable benefit to the applicant. The City's Public Works Department administers this provision.
 9. Sidewalk Pavement Treatment and Expanded 10-Foot Wide Sidewalks: In general, sidewalk pressed pavement applications and dedication of additional sidewalk width shall not be required for legally non-conforming uses.
 10. Existing Conflicts with Landscape Requirements: The City recognizes that there will be innumerable individual situations and potential conflicts with landscape requirements. When such conflicts occur, the City will insure that existing and established landscape is maintained, even though it may not meet specific requirements of the new regulations. In general, the City will not require established trees to be removed.
 - a. Existing Powerlines and Other Similar Utility Conflicts: When existing powerlines or other immovable utilities may conflict with the eventual height or growth of proposed/required landscape, the applicant may substitute other tree types as approved by the City.
 - b. Safety: Safety issues may be considered with regards to the placement of landscape material.
 11. Parking Versus Landscape: Reducing the number of parking spaces to accommodate landscape in a manner that eliminates required parking shall be discouraged.

12. Disagreements: If the applicant disagrees with the Administrative Official, the Applicant may, in writing, request that the City Manager or his designee arbitrate such disagreement at no cost to the applicant. If such disagreement cannot be resolved informally, the Applicant can appeal the decision to the City Council pursuant to the process included in the Zoning Code.



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Exhibit D

Executive Summary of Land Development Regulation Process From Before April 7, 2010 Adoption Through December 15, 2010 Workshop

Changes Made Prior to Adoption: - Prior to the April 7 adoption of the Land Development Regulations (LDRs), the following amendments were made in response to concerns by stakeholders and their representatives:

- **Buffering Knee Wall Landscape Feature:** Limited to parking areas abutting Arterials, not required on local streets.
- **Single Family Residence Landscape:** Exempted single family, duplex, and townhouse residential from five (5) year landscape compliance.
- **Modification of Conditions:** Clarified wording to modify and release conditions of Declarations of Restrictive Covenants.
- **Previous Approvals:** Clarified that previous approvals remain in full force after adoption.
- **Purpose and Intent of Landscape Grandfather Clause:** Clarified that landscaping is vested for five (5) years.
- **Development Approval:** Clarified expiration provisions of development approval.
- **Conflicting Regulations:** Clarified the repeal of existing and conflicting regulations.
- **Vested Rights for Single Family:** Removed the requirements for vested rights for single family residences.

At April 7, 2010 Adoption Hearing: Council directed that additional recommendations by businesses and their representatives will be reviewed and brought back for action. The LDRs will always be a working document that will require periodic amendments.

Following the April 7, 2010 Adoption Hearing - On May 7, 2010 a summary of concerns previously raised by stakeholders was provided with an open request to submit additional concerns. No new concerns were submitted. A summary of issues and staff's recommended amendments for the July 7, 2010 Zoning Meeting was provided to stakeholders on June 7, 2010.

July 7, 2010 Zoning Meeting: As directed by Council at the adoption hearing of April 7, 2010 the following amendments to the Land Development Regulations were recommended by staff at the July 7, 2010 Zoning Meeting:

- **Reduce shade tree requirement for existing industrial developments for compliance in five (5) years:** Reduce from twenty eight (28) per net acre to twenty two (22) per net acre for **existing** industrial developments.
- **Eliminated Landscape Island and related Shade Tree Requirement in Industrial Areas for existing development.**
- **Other amendments:** To address historical use of the Miami-Dade County code and to improve administration of the LDRs.
- **Follow-up:** Council directed staff to hold additional follow-up workshops to consider the knee-wall and landscape requirements prior to adopting additional LDR changes.

Workshops: A series of five (5) workshops has lead to additional recommended refinements to the LDRs as well as new Administrative Guidelines to provide working criteria for applying the new landscape requirements to **existing development** as well as clarifying the City's policies. Topics and actions taken at those workshops are summarized as follows:

October 6, 2010 Workshop

- Staff presented a Powerpoint presentation focusing on landscape and knee-wall requirements. Contrast between newly developed sites and older properties without landscape explained the City's desire to improve both the public realm, i.e., the City's major boulevard landscape projects with private land development.
- Stakeholders questioned how the landscape requirements could be imposed on existing development without disrupting existing site plans and causing expensive redevelopment.
- Numerous additional specific concerns, topics and ideas were expressed including but not limited to:
 - Developing and adopting Administrative Guidelines to establish standard operating procedures when imposing the new landscape criteria upon existing development;
 - Modifying or eliminating certain requirements for existing development such as landscape islands in industrial areas;
 - Developing a financial cap guideline to insure that the cost of retrofit improvements will be reasonable in relationship to the property's value.
 - Additional topics included:
 - Tree fund as an alternative to providing landscape – where will the funds be used?

- Are there other examples of retroactive landscape code provisions?
- Question about Red Road, the height of potential palms conflicting with the power lines; existing trees.
- Subjectivity of requirements/the LDR's flexible, "best extent possible" wording versus extensive objective criteria.
- What happens if the applicant disagrees with the administrative interpretation?
- Regarding the Certificate on Nonconformity, everyone is "grandfathered" except for landscape (and signs).
- How were parking standards derived? Similar to MD Code to prevent nonconformities.
- Various suggestion regarding knee-walls, a tiered system, cash in lieu of, etc.
- The sidewalk paver requirement needs to delineate between new and existing development.
- What will the city do with sites that have no landscape? Require improvement with landscape strips when feasible and reasonable. The City Council has indicated that "status quo" is not sufficient.
- Questions about number of trees per acre and related landscape requirements.
- If the City requires reconfiguration of the site, adding landscape islands, etc., there needs to be a limit. Suggestion: Put a maximum amount or cap, based on a small percentage of the assessed value of the property, on the retrofit landscape compliance improvements.
- The City will utilize incentives, façade grants, etc.
- The City will develop administrative guidelines and welcomes suggestions.
- Suggestion: Create a special tax district for industrial properties so the owner can get some benefit from the expenditure.
- Swales in industrial area are being used as parking. Can there be some way to utilize them? This is a major concern because Code Enforcement is enforcing/citing people in the park. There are some tenants who really need additional parking. City: The City desires to consider a more comprehensive redevelopment plan for the park. Then a review of each street, the specific needs, and what is best overall for the City can be considered. The City wants to partner with both the Sunshine and the Palmetto industrial parks.
- Define Net Acres: It includes the property, without right-of-way.
- Knee-wall applicability: Knee-walls are not required on 13th Avenue. Other than the peripheral arterials, there are no arterials within the industrial parks.
- Renovations and Landscape Requirement Applicability: Requirements apply only if there is over a 25% expansion. Landscape requirements do not apply to interior renovations.

October 20, 2010 Workshop

- Proposed Text Amendments to Landscape Requirements:
 - Phase the 5 year landscape compliance requirement for existing development: submit Landscape Plan within 3 years; approved Landscape Plan within 4 years. Compliance with 5 years, from April 7, 2010 (LDR Adoption).
 - The Administrative Official shall develop and promulgate reasonable, written Administrative Guidelines to provide certainty in the retroactive implementation of landscape requirements. o Incorporate the term "Certificate of Conformity" and provide a specific section of the code for landscape conformity.
 - Limit knee-walls to 2 ½ feet in height for safety purposes for new knee-walls.
 - Clarify wording from the knee-wall "exception" provision that requires knee-walls for parking areas adjacent to major and minor arterials, not to parking areas abutting all rights-of-way.
- Draft Retrofit Landscape and Buffer Implementation Administrative Guidelines:
 - Landscape Plans and Certificate of Landscape Conformity Process defined and clarified.
 - Cost Cap/Financial Feasibility Guidelines: A cost cap guideline shall be 1% (one percent) of total appraised value.
 - Landscape Priorities Defined:
 - #1: Street Trees and Royal Palms
 - #2: Landscape buffers abutting rights of ways
 - #3: Knee-walls/shrubs
 - Incentives and Grants: Insure awareness of availability of financial incentives to applicants.
 - Arterial Roadways and Knee-walls Applicability: 10 arterial road segments listed for clarity.
 - Minimal Knee-wall Requirement for Retrofitting Existing Development: 10% of Arterial frontage.
 - Tree Fund: Such funds should be utilized within ¼ mile (1,312 feet) of the site.
 - Sidewalk Pavement Treatment and Expanded 10-Foot Wide Sidewalks: Not required for non-conforming uses.

- Existing Landscape Conflicts with Landscape Requirements: Do not require established trees to be removed.
 - Safety issues may be considered with regards to the placement of landscape material.
 - Parking Versus Landscape: Don't reduce required parking spaces to accommodate landscape.
 - Disagreements: Applicant may appeal to the City Manager or his designee at no charge.
- Retrofit Landscape Requirements: Example of Broward County retrofit landscape requirements provided.

November 17, 2010 Workshop

- Additional LDR Amendment Refinements:
 - Incorporate the term, Certificate of Landscape Conformity. This will be limited to landscape and will not affect nonconforming buildings or uses.
 - Limit the knee-wall height for safety purposes for new knee-walls; permit new knee-walls to match existing and adjacent knee-walls on the same site.
- Additional Administrative Guideline Refinements:
 - Included in the 1% cost cap guideline: customary soft costs of up to 5% of the total compliance improvement cost for landscape architecture and similar services.
 - Clarified that the Royal Palm tree requirement applicable to Arterial Roadways does not overlap or otherwise count towards meeting Shade Tree requirements.
 - Relative minimal knee-wall requirements for retrofitting existing development, driveways are not included in the calculation of frontage requiring the knee-wall feature.
 - Safety issues may be considered with regards to the placement of landscape material.
- Landscape Fees: Extend first year discounts for one year from date of LDR amendments.

December 15, 2010 Workshop

- Additional LDR Amendment Refinements:
 - Administrative Guidelines shall be adopted by resolution by the City Council.
 - A separate code section for Landscape Conformity shall be provided, different from the section on conformity covering other items such as building setbacks. A draft section was provided by one of the stakeholders' attorneys and incorporated by staff into the proposed LDR Amendments.
 - The outside storage provisions for industrial areas shall be clarified to insure that pallets and similar objects utilized for loading will not be construed as outside storage of merchandise.
 - Outside storage in industrial areas may be located behind fences with slats and landscape in addition to the existing requirement, which is the same as the Miami-Dade Code, that requires a concrete wall.

January 19, 2011 Workshop

- Several minor recommended LDR changes included:
 - Changing the effective date of landscape conformity to March 1, 2011 so that compliance will be due in 2016.
 - Clarifying that commercial vehicle parking on industrial properties can be by "spaces or areas" to recognize that large semi-tractor trailers often do not have individually marked parking spaces.
- The Public Works Department discussed how the City would be willing to work with and assist individual properties to allow parking in the swale areas of the rights-of-way. This would include appropriate improvements including drainage. A willingness to apply for grants was noted.
- The Code Compliance Division answered questions and noted how the much improved occupational license (BTR) processing. They handed out a list of delinquent BTR's which was reviewed by many of the stakeholders who are landlords.