



## CITY OF MIAMI GARDENS ZONING AGENDA

**Meeting Date: March 2, 2011**  
1515 NW 167<sup>th</sup> St., Bldg. 5, Suite 200,  
Miami Gardens, Florida 33169  
Phone: (305) 622-8000 Fax: (305) 622-8001  
Website: [www.miamigardens-fl.gov](http://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  
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) February 2, 2011 – 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)**

**7. CONSENT AGENDA**

**7-A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE FINAL PLAT SUBMITTED BY FLORIDA MEMORIAL UNIVERSITY FOR PROPERTY GENERALLY LOCATED AT 15800 N.W. 42<sup>ND</sup> AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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 ACCEPTING THAT CERTAIN DEDICATION OF A DRAINAGE AND ACCESS EASEMENT FROM L.P. EVANS MOTORS WPB, INC. ON PROPERTY GENERALLY LOCATED AT 1200 N.W. 167<sup>TH</sup> STREET, ATTACHED HERETO AS EXHIBIT "A"; 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 CERTAIN DISTRICTS WITHIN 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) (Deferred from February 2, 2011)**

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

**9-A) 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) (1<sup>st</sup> Reading – February 2, 2011)**

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

**10-A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AMENDING THE CITY’S REVENUE MANUAL REGARDING LANDSCAPE DISCOUNT FEES IN ACCORDANCE WITH EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**10-B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION SUBMITTED BY ST. THOMAS UNIVERSITY FOR A VARIANCE OF**

**SECTION 34.660.3(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW A ENTRANCE FEATURE WALL SIGN PLACED 45.0' ABOVE GRADE ON A ARCHITECTURAL TOWER WHERE ONLY 6.0' ABOVE GRADE IS PERMITTED FOR ENTRANCE FEATURE WALL SIGNS; A VARIANCE OF SECTION 34-660.6(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW A ENTRANCE FEATURE WALL SIGN TO BE LOCATED 575.0' FROM AN ENTRANCEWAY WHERE MAXIMUM SPACING OF 25.0' FROM AN ENTRANCEWAY IS PERMITTED; A VARIANCE OF SECTION 34-660.2(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW FOUR (4) ENTRANCE FEATURE WALL SIGNS WHERE A 64 SQUARE FEET WALL SIGN IS PERMITTED, FOR PROPERTY LOCATED AT 16401 N.W. 37<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**10-C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING A REQUEST BY FLORIDA MEMORIAL UNIVERSITY FOR A WAIVER OF ONE-HALF (1/2) OF THE PARKS AND RECREATION IMPACT FEE FROM THREE HUNDRED, THIRTEEN THOUSAND, SEVEN HUNDRED EIGHTY-TWO DOLLARS AND 60/100 (\$313,782.60), TO ONE HUNDRED FIFTY-SIX THOUSAND, EIGHT HUNDRED NINETY-ONE DOLLARS AND 30/100 (\$156,891.30), IN ACCORDANCE WITH SECTION 34-97 OF THE CITY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

## **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 Memo

|   |                                |   |   |  |                         |
|---|--------------------------------|---|---|--|-------------------------|
| Zoning Board Meeting Date:                | March 2, 2011                  | Item Type: <i>(Enter X in box)</i>                      | Resolution<br>X                                 | Ordinance  | Other                   |
| Fiscal Impact:<br><i>(Enter X in box)</i> | Yes                            | No  | Ordinance Reading:<br><i>(Enter X in box)</i>   | 1 <sup>st</sup> Reading  | 2 <sup>nd</sup> Reading |
|   |                                | x   | Public Hearing:<br><i>(Enter X in box)</i>      | Yes  | No                      |
|   |                                |   |   | X  | Yes                     |
|   |                                |   |   |  | No                      |
| Funding Source:                           | <i>(Enter Fund &amp; 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:  |                         |
|   | X                              |   | Enhance Organizational <input type="checkbox"/> | 2.5.1 Adopt revised Zoning Code/Land Development Regulations by 2009, including the incorporation of new sign code |                         |
|   |                                | Bus. & Economic Dev <input checked="" 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 Department   |                         |

**Short Title:**

RESOLUTION NO. 2011 \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE FINAL PLAT SUBMITTED BY FLORIDA MEMORIAL UNIVERSITY FOR PROPERTY GENERALLY LOCATED AT 15800 N.W. 42<sup>ND</sup> AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

**Background**

The approval of a Final Plat is required in compliance with Section 34-209, *Subdivisions, Excavations, and Address Assignment* of the City's Land Development Regulations. After City Council approval is granted the Final Plat must be reviewed and approved by Miami-Dade County and recorded in the Plat Book and Page of the Official Records of Miami-Dade County. The recordation of the Plat is required for the City's issuance of a Certificate of Occupancy.

**ITEM 7-A) CONSENT AGENDA  
RESOLUTION  
Final Plat submitted by  
Florida Memorial University**

## Current Situation

The Final Plat for Florida Memorial University has been reviewed by the City's surveyor and has been found to be in compliance with Section. 177.081(1) Florida Statutes and Chapter 28, Subdivisions of the Miami-Dade County Code, and has been reviewed by Zoning for compliance with the City's Land Development Regulations as well as the specific conditions of the Florida Memorial University Planned Development rezoning.

## **Proposed Action:**

Staff recommends City Council approval of the attached resolution approving the Final Plat for "Florida Memorial University" subject to the following condition:

1. That all applicable impact fees due to the City of Miami Gardens be paid prior to the City signing the Final Plat.

## **Attachments:**

- EXHIBIT "A" FINAL PLAT
- LETTER OF COMPLIANCE FROM CITY SURVEYOR

RESOLUTION NO. 2011\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE FINAL PLAT SUBMITTED BY FLORIDA MEMORIAL UNIVERSITY FOR PROPERTY GENERALLY LOCATED AT 15800 N.W. 42<sup>ND</sup> AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Florida Memorial University, has submitted an application for approval of a final plat in accordance with Section 34-209 of the City of Miami Gardens Land Development Code, and

WHEREAS, the City's surveyor has reviewed the Final Plat and finds it to be in compliance with Section 34-209 of the City's Code, Section 177.081(1) Florida Statutes and Chapter 28, Subdivisions of the Miami Dade County Code, and

WHEREAS, the City's Zoning Department has reviewed the Final Plat and finds that it complies with Section 34-209 of the City's Land Development Code,

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 approves the Final Plat for Florida Memorial University, for property generally located at 15800 N.W. 42<sup>nd</sup> Avenue, more particularly described in Exhibit "A" attached hereto.

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

31 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI  
32 GARDENS AT ITS ZONING MEETING HELD ON \_\_\_\_\_, 2011.

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SHIRLEY GIBSON, MAYOR

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40 **ATTEST:**

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RONETTA TAYLOR, MMC, CITY CLERK

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

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

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52 Moved by: \_\_\_\_\_

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54 **VOTE:** \_\_\_\_\_

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56 Mayor Shirley Gibson \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

57 Vice Mayor Aaron Campbell \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

58 Councilwoman Lisa Davis \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

59 Councilman Oliver Gilbert, III \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

60 Councilwoman Felicia Robinson \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

61 Councilman Andre' Williams \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

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# FLORIDA MEMORIAL UNIVERSITY

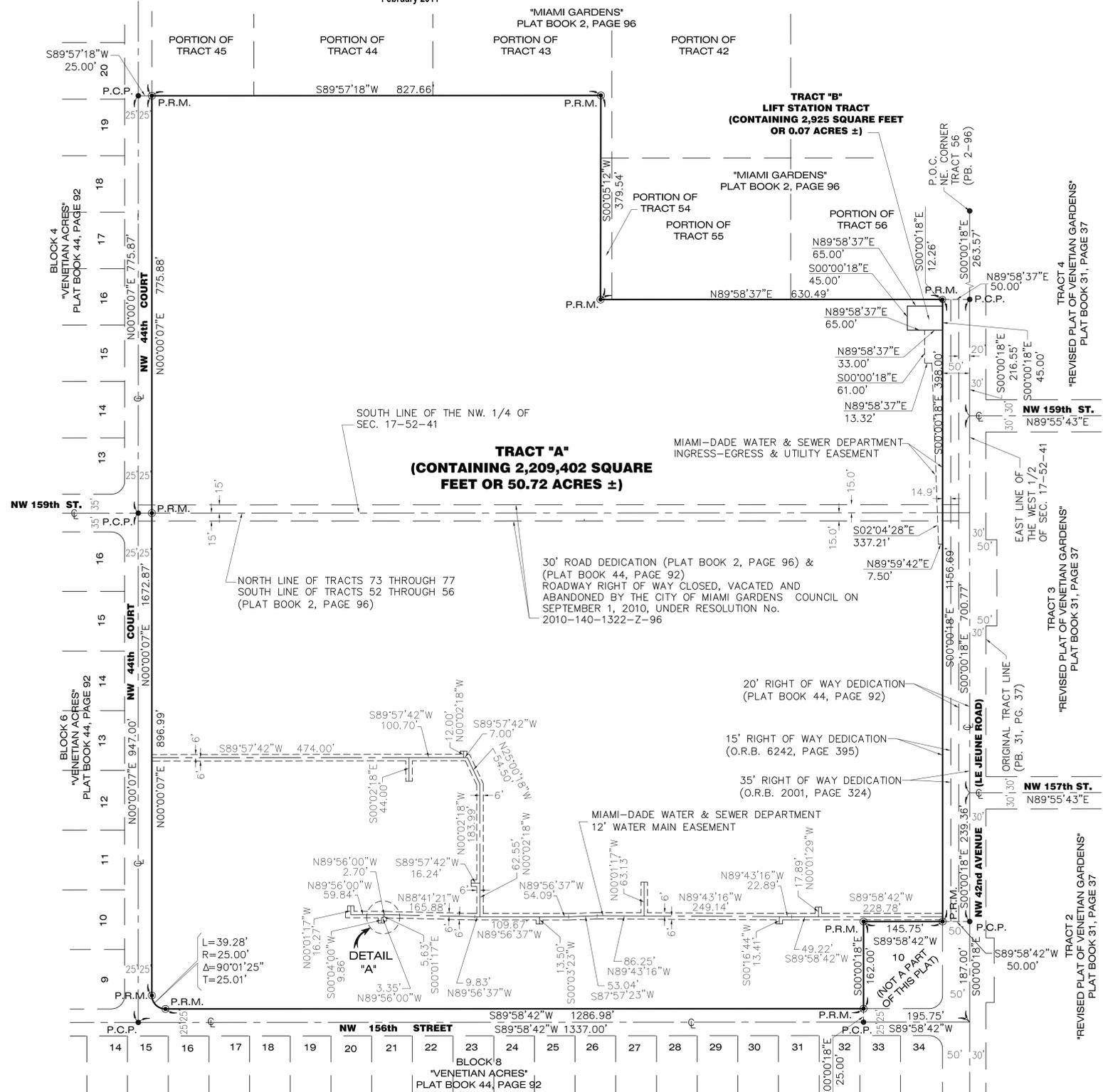
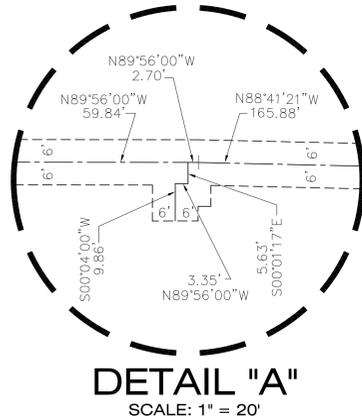
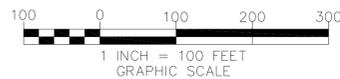
A REPLAT OF A PORTION OF TRACTS 43 THROUGH 45, 52, 53, 54 THROUGH 56, 73 THROUGH 76, 77 AND 84 THROUGH 88 OF THE PLAT OF MIAMI GARDENS, IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 41 EAST; MIAMI-DADE COUNTY, FLORIDA RECORDED IN PLAT BOOK 2 AT PAGE 96 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND LOTS 1 THROUGH 9 IN BLOCK 7 OF VENETIAN ACRES, RECORDED IN PLAT BOOK 44 AT PAGE 92 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID LANDS LYING AND BEING IN THE CITY OF MIAMI GARDENS, MIAMI-DADE COUNTY, FLORIDA

PREPARED BY:



**HADONNE**  
LAND SURVEYORS & MAPPERS  
1985 N.W. 88th Court • Suite 202  
Doral, Florida 33172  
Phone: 305-266-1188  
February 2011

P.B. \_\_\_\_\_ PG. \_\_\_\_\_



- SURVEYOR'S NOTES:**
- BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED VALUE OF S00°00'18"E, ALONG THE CENTERLINE OF NW 42nd AVENUE (LEJEUNE ROAD).
  - ⊕ = DENOTES CENTERLINE
  - P.R.M. = DENOTES PERMANENT REFERENCE MONUMENT
  - P.C.P. = DENOTES PERMANENT CONTROL POINT
  - R = DENOTES CURVE RADIUS
  - L = DENOTES CURVE ARC LENGTH
  - Δ = DENOTES CURVE CENTRAL ANGLE
  - U.E. = DENOTES UTILITY EASEMENT
  - Sq. Ft. = DENOTES SQUARE FEET
  - PB. = DENOTES PLAT BOOK
  - PG. = DENOTES PAGE
  - O.R.B. = DENOTES OFFICIAL RECORDS BOOK

NOTICE IS HEREBY GIVEN THAT THERE ARE CERTAIN RECORD INSTRUMENTS THAT AFFECT THE SUBJECT PROPERTY. THESE DOCUMENTS ARE LISTED AS FOLLOWS:

10' UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY, AS RECORDED IN OFFICIAL RECORDS BOOK 19489 AT PAGE 1546, MIAMI-DADE COUNTY RECORDS.

GRANT OF EASEMENT IN FAVOR OF MIAMI-DADE WATER & SEWER AUTHORITY, AS RECORDED IN OFFICIAL RECORDS BOOK 11663 AT PAGE 974, MIAMI-DADE COUNTY RECORDS.

GRANT OF EASEMENT IN FAVOR OF METROPOLITAN DADE COUNTY, AS RECORDED IN OFFICIAL RECORDS BOOK 13738 AT PAGE 2227, MIAMI-DADE COUNTY RECORDS.

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**RECORDING STATEMENT:**

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_ AT \_\_\_\_\_, IN BOOK \_\_\_\_\_ OF PLATS, AT PAGE \_\_\_\_\_ OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THIS PLAT COMPLIES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

**HARVEY RUVIN, CLERK OF CIRCUIT COURT**

BY: \_\_\_\_\_ DEPUTY CLERK

Z:\0604\_4255\_NW 159th Street\Map\Yrns Plat\0604 Final Plat.dwg 2/14/2011 9:21:02 AM EST



February 16, 2011

To: City of Miami Gardens  
1515 NW. 167<sup>th</sup>. Street Suite 200  
Miami, Florida, 33169

Attn: Cyril Saiphoo, Zoning Administrator

Re: FLORIDA MEMORIAL UNIVERSITY – Final Plat

Mr. Saiphoo,

This letter is to confirm that the above referenced Final Plat for the property located at the intersection of NW. 156th Street and NW. 44th Court the same being prepared by: HADONNE Land Surveyors, has been reviewed by a Professional Surveyor and Mapper in our firm, under contract to the City of Miami Gardens, in accordance with Chapter 177.081, Florida Statutes. Based on that review, we are recommending that said Final Plat be approved.

Please feel free to contact me further for any other questions,

\_\_\_\_\_  
Silvia Nuin P.S. & M. #5982  
for Manuel G. Vera & Associates, Inc.



## City of Miami Gardens Zoning Agenda Memo

|   |                                |    |  |  |           |                         |     |
|---|--------------------------------|----|--|--|-----------|-------------------------|-----|
| Zoning Board Meeting Date:                | March 2, 2011                  |    | Item Type: <i>(Enter X in box)</i>   | Resolution<br>X                            | Ordinance | Other                   |     |
| Fiscal Impact:<br><i>(Enter X in box)</i> | Yes                            | No | Ordinance Reading:<br><i>(Enter X in box)</i>  | 1 <sup>st</sup> Reading                    |           | 2 <sup>nd</sup> Reading |     |
|   |                                | x  |  | Public Hearing:<br><i>(Enter X in box)</i> | Yes       | No                      | Yes |
| Funding Source:                           | <i>(Enter Fund &amp; 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:<br>Enhance Organizational <input type="checkbox"/><br>Bus. & Economic Dev <input type="checkbox"/><br>Public Safety <input type="checkbox"/><br>Quality of Education <input type="checkbox"/><br>Qual. of Life & City Image <input type="checkbox"/><br>Communication <input type="checkbox"/> | N/A  |           |                         |     |
|   | X                              |    |  |  |           |                         |     |
| Sponsor Name:                             | Dr. Danny Crew, City Manager   |    | Department:  | Planning and Zoning Department             |           |                         |     |

### Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING THE DEDICATION OF A DRAINAGE AND ACCESS EASEMENT FROM L.P. EVANS MOTORS WPB, INC., ON PROPERTY GENERALLY LOCATED AT 1200 N.W. 167 STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

### Staff Summary:

#### Background

As a requirement of the approval the stormwater drainage facilities for the Mercedes Benz auto dealership a drainage and access easement must be granted to the City to allow the right of access to install, construct, inspect, alter, maintain, operate, and repair the stormwater drainage facilities. The property owner, L.P. Evans Motors WPB, Inc. is dedicating an approximate 75.5' X 17.5' (1320 sq.ft.) drainage easement and access easement to the City of Miami Gardens for this purpose.

**ITEM 7-B) CONSENT AGENDA  
RESOLUTION  
Drainage and Acces Easement  
from L.P. Evans Motors WPB, Inc.**

Mercedes Benz Drainage Easement Dedication

RD-2011-00001

## **Current Situation**

The dedication of the drainage and access easement has been reviewed and approved by the Public Works Department and requires City Council approval for the acceptance and execution for recordation in the Public Records of Miami-Dade County.

## **Proposed Action:**

Staff recommends City Council approval of the attached resolution accepting the dedication of the drainage and access easement from L.P. Evans Motors WPB, Inc.

## **Attachments:**

- EXHIBIT "A" Legal Description of Easement

RESOLUTION NO. 2011\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA ACCEPTING THAT CERTAIN DEDICATION OF A DRAINAGE AND ACCESS EASEMENT FROM L.P. EVANS MOTORS WPB, INC. ON PROPERTY GENERALLY LOCATED AT 1200 N.W. 167<sup>TH</sup> STREET, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as a requirement of the approval of the stormwater drainage facilities for the Mercedes Benz auto dealership, located at 1200 N.W. 167<sup>th</sup> Street, L.P. Evans Motors, WPB, Inc. is required to dedicate a Drainage and Access Easement to the City, and

WHEREAS, the property owner is dedicating an approximate 75.5' x 17.5' Drainage and Access Easement to the City of Miami Gardens for this purpose, and

WHEREAS, the dedication has been reviewed and approved by the Public Works Department and requires the City Council's approval and acceptance for recordation in the public records of Miami-Dade County,

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 accepts that certain dedication of a drainage and access easement from L.P. Evans Motors WPB, Inc. on property generally located at 1200 N.W. 167<sup>th</sup> Street, attached hereto as Exhibit "A".

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

32 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI  
33 GARDENS AT ITS ZONING MEETING HELD ON \_\_\_\_\_, 2011.

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**ATTEST:**

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RONETTA TAYLOR, MMC, CITY CLERK

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

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

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Moved by: \_\_\_\_\_

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**VOTE:** \_\_\_\_\_

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Mayor Shirley Gibson \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

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Vice Mayor Aaron Campbell \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

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Councilwoman Lisa Davis \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

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Councilman Oliver Gilbert, III \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

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Councilwoman Felicia Robinson \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

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Councilman Andre' Williams \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

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\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF EASEMENT**

**DESCRIPTION:**

A PORTION OF LOT 1, BLOCK 1, SUNSHINE STATE INDUSTRIAL PARK SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGE 75 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 88.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH ALONG SAID WEST LINE, A DISTANCE OF 75.80 FEET; THENCE N89°04'23"E, A DISTANCE OF 16.82 FEET; THENCE S00°55'37"E, A DISTANCE OF 76.08 FEET; THENCE WEST, A DISTANCE OF 18.05 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN MIAMI-DADE COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

**NOTES:**

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO A RECORD BEARING OF NORTH ALONG THE WEST LINE BLOCK 1, SUNSHINE STATE INDUSTRIAL PARK SECTION ONE.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON OCTOBER 21, 2010. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 2



**CAULFIELD & WHEELER, INC.**  
 CIVIL ENGINEERING - LAND PLANNING  
 LANDSCAPE ARCHITECTURE - SURVEYING  
 7301A W. PALMETTO PARK ROAD - SUITE 100A  
 BOCA RATON, FLORIDA 33433  
 PHONE (561)-392-1991 / FAX (561)-750-1452

DAVID P. LINDLEY  
 REGISTERED LAND  
 SURVEYOR NO. 5005  
 STATE OF FLORIDA  
 L.B. 3591

|           |          |
|-----------|----------|
| DATE      | 11/11/10 |
| DRAWN BY  | DPL      |
| F.B./ PG. | N/A      |
| SCALE     | AS SHOWN |
| JOB NO.   | 5653UE1  |

**SUNSHINE STATE INDUSTRIAL PARK SECTION ONE  
 DRAINAGE EASEMENT  
 SKETCH OF DESCRIPTION**



**GRAPHIC SCALE**  
(IN FEET)  
INTENDED DISPLAY SCALE  
1 INCH = 40 FEET

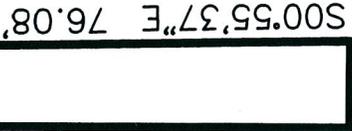
LOT 3

LOT 2

LOT 1

N89°04'23"E

16.82'



NW 13TH AVENUE  
(70' RIGHT-OF-WAY)  
NORTH 75.80'

NORTH 88.25'  
WEST LINE OF BLOCK 1  
(BEARING BASIS)

BLOCK 1  
SUNSHINE STATE INDUSTRIAL PARK  
SECTION ONE  
PLAT BOOK 76, PAGE 75  
MIAMI-DADE COUNTY RECORDS

POINT OF COMMENCEMENT  
S.W. CORNER OF LOT 1, BLOCK 1  
SUNSHINE STATE INDUSTRIAL PARK SECTION ONE  
PLAT BOOK 76, PAGE 75  
MIAMI-DADE COUNTY RECORDS

SHEET 2 OF 2



**CAULFIELD & WHEELER, INC.**  
CIVIL ENGINEERING - LAND PLANNING  
LANDSCAPE ARCHITECTURE - SURVEYING  
7301A W. PALMETTO PARK ROAD - SUITE 100A  
BOCA RATON, FLORIDA 33433  
PHONE (561)-392-1991 / FAX (561)-750-1452

|           |          |
|-----------|----------|
| DATE      | 11/11/10 |
| DRAWN BY  | DPL      |
| F.B./ PG. | N/A      |
| SCALE     | AS SHOWN |
| JOB NO.   | 5653DE   |

**SUNSHINE STATE INDUSTRIAL PARK SECTION ONE  
DRAINAGE EASEMENT  
SKETCH OF DESCRIPTION**

This document prepared by:  
(and return to:)  
Warren R. Craven  
Craven Consulting, Inc.  
2221 N.E. 41<sup>st</sup> Street  
Lighthouse Point, FL 33064

Folio No. 34-2114-007-0010

**GRANT OF DRAINAGE AND ACCESS EASEMENT**

THIS GRANT OF DRAINAGE AND ACCESS EASEMENT ("Easement") is made and executed effective this        day of *FEBRUARY*, 2011, by **L.P. EVANS MOTORS WPB, INC.**, a Florida corporation, having a place of business at 200 S.W. 1<sup>st</sup> Avenue, Fort Lauderdale, Florida 33301 ("Grantor") and **CITY OF MIAMI GARDENS**, a local unit of government and of the State of Florida, whose address is 1050 N.W. 163<sup>rd</sup> Drive, Miami Gardens, Florida 33169 ("Grantee").

FOR AND IN CONSIDERATION OF the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby grants unto the Grantee, its agents, successors and assigns, a non-exclusive drainage easement together with the right of ingress, egress and access to install, construct, reconstruct, inspect, alter, maintain, operate and repair the stormwater drainage facilities and all necessary appurtenances thereto (hereinafter collectively the "Easement") with respect to the real property legally described on Exhibit "A" attached hereto and incorporated here by this reference (hereinafter the "Easement Land").

GRANTEE BY ACCEPTANCE OF THIS EASEMENT, agrees for itself, its successors and assigns, that it will be responsible for the cost of any and all repairs, replacements, maintenance or restoration for landscaping and/or improvements including sodding, located on the Easement Land, removed or destroyed by Grantee's activities, except any and all repair and replacement caused or required by Grantor's activities, within a reasonable time period, which shall be the responsibility of the Grantor. Grantor hereby agrees that no permanent above ground structures are permitted within the Easement Land. Grantee hereby agrees that it will take no action on or to the Easement Land which will unreasonably interfere with Grantor's ingress, egress or other use of the Easement Land or of any property owned by Grantor, its successors or assigns. Grantor hereby reserves for itself, its successors and assigns the right to use the Easement Land for any use which does not conflict with or adversely impair Grantee's easement rights hereunder.

This Easement is subject to the terms, conditions, restrictions and limitations set forth herein and in other recorded easements, reservations, rights-of-way, licenses, restrictions, conditions and limitations affecting the Easement Land.

This Easement shall be construed in accordance with and governed by the laws of the State of Florida.

TO HAVE AND TO HOLD the Easement hereby granted unto said Grantee, its successors and assigns, so long as this Easement is used for the purposes stated herein (and for no other purpose).

IN WITNESS WHEREOF, the undersigned have executed this Easement effective as of this day of FEBRUARY, 2011.

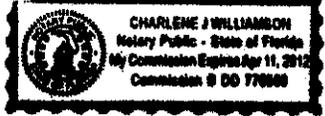
|                                      |                                     |
|--------------------------------------|-------------------------------------|
| Witnesses: <u>[Signature]</u>        | <u>L.P. EVANS MOTORS WPB, INC.,</u> |
| Print Name: <u>Rosa Thosp</u>        | a Florida corporation               |
| Witness: <u>[Signature]</u>          | By: <u>[Signature]</u>              |
| Print Name: <u>Laure Day Robello</u> | Name: <u>Jeffrey Shupert</u>        |
|                                      | Title: <u>Authorized Agent</u>      |

MTA

STATE OF FLORIDA  
COUNTY OF ~~DADE~~ BROWARD

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of FEBRUARY, 2011, by JEFFREY SHUPERT as AUTHORIZED AGENT of L.P. EVANS MOTORS WPB, INC., a Florida corporation, on behalf of the corporation. He/~~She~~ is personally known to me or produced a driver's license as identification.

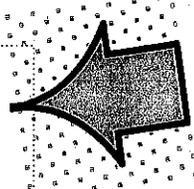
Charlene J. Williamson  
Notary Public, State of Florida  
Name: CHARLENE J. WILLIAMSON



ACCEPTANCE OF EASEMENT

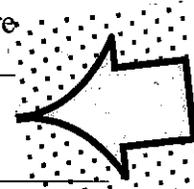
The CITY OF MIAMI GARDENS, a local government of the State of Florida, hereby accepts the provisions of this Grant of Drainage Easement.

|                   |  |
|-------------------|--|
| ATTEST:           | <b>CITY OF MIAMI GARDENS</b> , a local |
| By: _____         | government of the State of Florida     |
| Print Name: _____ | By: _____                              |
|                   | Name: _____                            |
|                   | Title: _____                           |



STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged this \_\_\_\_ day of \_\_\_\_\_, 2010, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared \_\_\_\_\_ as \_\_\_\_\_ of the City of Miami Gardens, and \_\_\_\_\_, who are personally known to me or produced \_\_\_\_\_ and \_\_\_\_\_ as identification.



\_\_\_\_\_  
Notary Public, State of Florida  
Name: \_\_\_\_\_



**City of Miami Gardens  
Agenda Cover Memo**

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

**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**

At the February 2, 2011 Zoning Meeting the City Council deferred this ordinance to the March 2, 2011 Zoning Meeting.

**ITEM 8-A) ORDINANCE  
FIRST READING  
Heat Island Effect**

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 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.

At the February 2, 2011 Zoning Meeting the City Council requested Staff to provide an analysis of the proposed ordinance’s potential effect upon development. That analysis is attached.

Based on discussion with the LDR Stakeholders on February 16, 2011, the proposed ordinance was revised so that it does not impact existing businesses and only applies to new construction.

**Proposed Action:**

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

**Attachment:**

Smart Growth Heat Island Brochure  
Staff Analysis of Heat Island Effect Ordinance – Cost Analysis

ORDINANCE NO. 2011 \_\_\_\_\_

1  
2  
3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
4 MIAMI GARDENS, FLORIDA, AMENDING ARTICLE XIII OF  
5 CHAPTER 34 (“ZONING AND LAND DEVELOPMENT CODE”) TO  
6 CREATE SECTION 34-421 ENTITLED “HEAT ISLAND EFFECT-  
7 NON ROOF” AND TO PROVIDE REGULATIONS RELATING TO  
8 ENVIRONMENTALLY RESPONSIBLE METHODS FOR COOLING  
9 AND SHADING OF HARDSCAPES IN CERTAIN DISTRICTS  
10 WITHIN THE CITY OF MIAMI GARDENS; PROVIDING FOR  
11 ADOPTION OF REPRESENTATIONS; REPEALING ALL  
12 ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY  
13 CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING  
14 AN EFFECTIVE DATE

15  
16 WHEREAS, the City of Miami Gardens is committed to doing its part to  
17 reduce energy consumption, and

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

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

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

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

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

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

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

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

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

43  
44 A. Intent

45  
46 The requirements of this ordinance are intended to reduce the "heat island effect"  
47 from hardscapes in the City of Miami Gardens and to consequently reduce  
48 energy consumption and electric bills for buildings within the City.

49  
50 B. Definitions

- 51  
52 1. Hardscape means the nonliving portions of a building's landscaping, such  
53 as roads, sidewalks, courtyards and parking lots.  
54 2. Heat Island Effect is an elevated temperature over an urban area when  
55 compared to rural areas, typically caused by the increased presence of  
56 dark, heat-absorbing materials, such as asphalt and dark roofs in urban  
57 areas.  
58 3. Solar reflectance is the fraction of solar energy reflected by a material.  
59 4. Pervious Pavement System is a porous surface system with a stabilized  
60 base that allows water from precipitation and other sources to pass  
61 directly through, thereby reducing the runoff from a site, allowing  
62 groundwater recharge, and naturally cooling the surface through  
63 evaporation of water from pavement voids or from beneath.  
64

65 C. Applicability

66  
67 The provisions of this section are applicable in all zoning designations except the  
68 I-1 and I-2 Zoning Districts. All newly constructed buildings shall comply with  
69 these requirements, provided that, single family, duplex, townhouse dwelling  
70 units, and industrial parks, are exempt from these requirements. Additionally,  
71 new developments, where asphalt and paving already exist, or where compliance  
72 would otherwise require the removal of existing asphalt, are exempt from these  
73 requirements. New construction that is a part of an overall larger site plan, with  
74 existing asphalt shall be permitted to match the hardscape to the existing asphalt  
75 to create a cohesive development. All new and replacement hardscape shall be  
76 reviewed by the Planning & Zoning Department for compliance with this  
77 Ordinance.

78  
79 D. Solar reflectance

80  
81 Solar reflectance shall be determined as follows:

82  
83 a. For parking lot roofing covering materials, all roof exterior surfaces and  
84 building materials used to comply with Section 34-421(D) shall have a  
85 minimum solar reflectance as specified in Sections 34-421(D) when (i)  
86 tested in accordance with American Society for Testing and Materials  
87 ("ASTM E1918"), (ii) tested with a portable reflectometer at near  
88 ambient conditions, (iii) labeled by the Cool Roof Rating Council, or (iv)  
89 labeled as an Energy Star qualified roof product. Any product that has  
90 been rated by the Cool Roof Rating Council or by Energy Star shall  
91 display a label verifying the rating of the product.

92  
93 b. For paving materials, all paving materials used to comply with Section  
94 34-421(D) shall have a minimum solar reflectance as specified in  
95 Sections 34-421(D) when (i) tested in accordance with ASTM E903 or  
96 ASTM E1918, (ii) tested with a portable reflectometer at near ambient  
97 conditions, or (iii) default values of solar reflectance for listed materials  
98 may be used as follows:

99  
100 **TABLE INSET:**

101  
102 **Material Solar** **Reflectance**  
103  
104 Typical new gray concrete 0.35  
105 Typical weathered gray concrete 0.20  
106 Typical new white concrete 0.70  
107 Typical weathered white concrete 0.40  
108 New asphalt 0.05  
109 Weathered asphalt 0.10

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129

E. Requirements

Sites with new construction, except as provided under Section C above, 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.

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

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

137 Section 5. INCLUSION IN CODE: It is the intention of the City  
138 Council of the City of Miami Gardens that the provisions of this Ordinance shall  
139 become and be made a part of the Code of Ordinances of the City of Miami  
140 Gardens and that the section of this Ordinance may be renumbered or relettered  
141 and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or

142 such other appropriate word or phrase, the use of which shall accomplish the  
143 intentions herein expressed.

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

146 PASSED ON FIRST READING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
147 2011.

148 PASSED ON SECOND READING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
149 2011.

150

151 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF  
152 MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE \_\_\_\_\_ DAY OF  
153 FEBRUARY, 2011.

154

155

156

157

158

159

160 **ATTEST:**

161

162

163

164 \_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

165

166 PREPARED BY: SONJA K. DICKENS, ESQ., CITY ATTORNEY

167

168 SPONSORED BY: COUNCILMAN ANDRE' WILLIAMS

169

170

171 Moved by: \_\_\_\_\_

172 Second by: \_\_\_\_\_

173

174 **VOTE:** \_\_\_\_\_

175

|     |                                |                     |                    |
|-----|--------------------------------|---------------------|--------------------|
| 176 | Mayor Shirley Gibson           | <u>      </u> (Yes) | <u>      </u> (No) |
| 177 | Vice Mayor Aaron Campbell, Jr. | <u>      </u> (Yes) | <u>      </u> (No) |
| 178 | Councilwoman Lisa Davis        | <u>      </u> (Yes) | <u>      </u> (No) |
| 179 | Councilman Oliver Gilbert, III | <u>      </u> (Yes) | <u>      </u> (No) |
| 180 | Councilwoman Sharon Pritchett  | <u>      </u> (Yes) | <u>      </u> (No) |
| 181 | Councilwoman Felicia Robinson  | <u>      </u> (Yes) | <u>      </u> (No) |
| 182 | Councilman Andre' Williams     | <u>      </u> (Yes) | <u>      </u> (No) |
| 183 |                                |                     |                    |



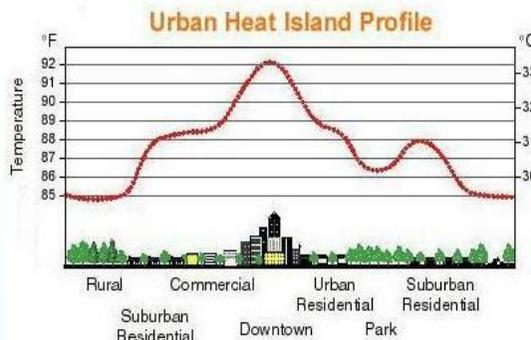
# Smart Growth and Urban Heat Islands

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. <sup>2</sup>

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 <sup>1</sup>

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.<sup>3</sup>

- **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 ft<sup>2</sup> 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](http://www.epa.gov/heatisland), [www.hotcities.org](http://www.hotcities.org), and <http://eetd.lbl.gov/HeatIsland>.

For more information on smart growth, see [www.smartgrowth.org](http://www.smartgrowth.org) and [www.epa.gov/smartgrowth](http://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.

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<sup>1</sup> "Cooling Our Communities – A Guidebook On Tree Planting and Light-Colored Surfacing" U.S. Environmental Protection Agency 22P-2001, January 1992.  
<sup>2</sup> Kalkstein, LS, 1993. Health and Climate Change: Direct Impacts in Cities. *The Lancet* 342:1397-99.  
<sup>3</sup> 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."



**Page 29 of 110**  
**The City of Miami Gardens**  
*Planning and Zoning Department*

DATE: February 23, 2011

TO: Mayor and City Council

VIA: Danny Crew, City Manager

FROM: Jay R. Marder, AICP, Development Services Director

CC: Daniel Rosemond, Assistant City Manager/Community Development Director  
Sonja Dickens, City Attorney  
Shellie Ransom, Building Official  
Tom Ruiz, Public Works Director

SUBJECT: Heat Island Effect Ordinance – Cost Analysis

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**BACKGROUND AND PURPOSE**

Councilman Andre’ Williams has sponsored a Heat Island Effect ordinance that is based on similar City of Miami regulatory provisions. The provisions are proposed to be incorporated into the Zoning Code by amending Design Standards section. The draft ordinance was deferred at the Zoning Meeting of February 2, 2011 to allow City Staff to develop a more comprehensive analysis of the issues and to give Council more time to review the proposed ordinance. The ordinance will be heard on first reading at the Zoning Meeting of March 2, 2011.

Staff has been asked to analyze the Heat Island Effect ordinance in terms of its potential cost impact upon businesses and the City’s development review process.

**A Brief Explanation of the Proposed Ordinance**

What is the “Heat Island Effect” – A definition by the United States Environmental Protection Agency is attached.

The proposed ordinance regulates the hardscape of a given development which primarily includes parking and traffic circulation areas. The ordinance does not affect the principal building or buildings. The proposed specifications require hardscape/pavement to provide and maintain a minimum 30% reflective surface per the national standards established by Leadership in Energy & Environmental Design (LEED: an internationally recognized green building certification system). In short, that means that hardscape must be white concrete material or other similarly reflective surfaces such as pervious concrete pavement that meet the 30% requirement. Grey concrete is not considered because over time it will diminish in the percentage of reflection and will no longer provide the required reflectance. In general asphalt is not known to meet the 30% requirement unless the asphalt is coated with a 30% reflective coating.

## Cost Comparison and Estimates of White Concrete and Asphalt Paving

### Cost Analysis/Comparison

- Asphalt Paving in a Typical Parking and Traffic Surface:
  - Total to Install Asphalt per Square Yard (SY): \$22.00
  - Includes Subgrade, Limerock, and Asphalt
- White Concrete Paving in a Typical Parking and Traffic Surface:
  - Total to install white concrete per SY: \$34.32
  - Includes Subgrade, Forming, Concrete, Finishing and Sawcutting
- Cost Difference: White concrete costs 56% more than asphalt in the typical parking and traffic surface calculation.

\* Source: Miami Gardens Public Works Department, Miami Gardens Building Services

Sample Estimates: These projects are currently permitted and under construction.

- Mariner Parking Lot, 1100 Park Center Boulevard/NW 12 Avenue (Adjacent to Roma Hotel)
  - Number of Spaces: 126
  - Surface Parking Area: 4,284 SY
  - Estimated Cost of Asphalt: \$94,248
  - Estimated Cost of White Concrete: \$147,027
- FMU Dormitories, Florida Memorial University
  - Number of Spaces: 189
  - Surface Parking Area: Approximately 9,000 SY
  - Estimated Cost of Asphalt: \$198,000
  - Estimated Cost of White Concrete: \$308,880
- Again, as noted above, there is a 56% cost differential between white concrete and asphalt.

Potential Future Development Projects – Specific developments that could be impacted by the proposed Heat Island Effect ordinance:

- Solabella: 13 buildings; 92 new units
- Planned Projects by the City of Miami Gardens:
  - Paving Projects such as Vista Verde
  - City Hall
  - Rolling Oaks Park: 600 spaces
  - Bunche Park Pool Redevelopment

## **DEVELOPMENT REVIEW IMPACT (Potential Costs to the City of Miami Gardens)**

- Development Review – Plan review by the Planning and Zoning Department to confirm that heat island specifications are met will not increase development review costs.
- Inspections - The cost of inspecting concrete parking lots will be covered in the permit cost. Thus, there is no initial financial impact to the City.

**City of Miami** - Per Staff's research, the City of Miami's Zoning Division reviews plans to insure that the heat island effect standards are included on the plans. As with other projects, the project engineer ensures that the project is built according to plan. According to LEED references, white concrete maintains its reflective quality for many years and does not need to be inspected.

## **CONCLUSIONS**

Based on the information gathered from various sources, the following are staff's conclusions:

- The City of Miami Gardens does not meet the Environmental Protection Agency's definition of an Urban Heat Island. This definition is more in line with condensed downtown developments such as City of Miami or Fort Lauderdale.
- The City's Zoning Code provides for a landscape provision requiring additional tree canopies in both residential and commercial districts. It has been well documented that providing additional shading through the use of tree canopies is just as effective as the proposed amendments to the Zoning Code.
- The cost implication of this ordinance is indicated in the above analysis. Any significant increase in development costs to private sector commercial developers would seem to work in stark contrast to the City's goal of maintaining and increasing its tax base. Moreover, the ordinance as proposed would also create a cost burden to existing commercial developments during the maintenance of their hardscape areas.
- Finally, a stand-alone ordinance related to reducing heat island effect is limited in its true environmental impact as compared to a more comprehensive amendment of our Building and Zoning Codes to include Green Design Standards. These anticipated amendments will incentivize property owners to make these improvements, rather than simply requiring them. Staff anticipates bringing this recommendation to Council once the consultant completes all the related tasks tied to the scope of work.

## Attachment 1: Heat Island Definition



[Contact Us](#) **Search:** ( ) All EPA (X) This Area [Go]

- You are here: [EPA Home](#)
- [Heat Island Effect](#)
- Basic Information

<hr size=0 width=11 style='width: 7.9pt' align=center>

## Basic Information

You will need the free Adobe Reader to view some of the files on this page.  
See [EPA's PDF page](#) to learn more.

### More Information on Urban Heat Islands

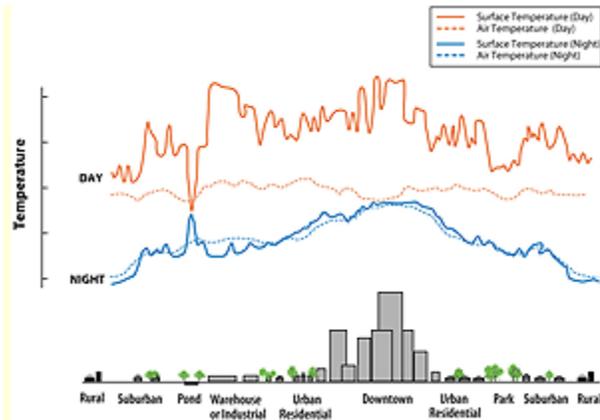
- [Heat Island Basics Chapter from EPA's Reducing Urban Heat Islands: Compendium of Strategies \(PDF\)](#) (22 pp, 1.5MB)
- [Measuring Heat Islands](#)
- [Heat Island Video Segments](#)

### What Is an Urban Heat Island?

As urban areas develop, changes occur in their landscape. Buildings, roads, and other infrastructure replace open land and vegetation. Surfaces that were once permeable and moist become impermeable and dry.<sup>1</sup> These changes cause urban regions to become warmer than their rural surroundings, forming an "island" of higher temperatures in the landscape.

Heat islands occur on the surface and in the atmosphere. On a hot, sunny summer day, the sun can heat dry, exposed urban surfaces, such as roofs and pavement, to temperatures 50–90°F (27–50°C) hotter than the air,<sup>2</sup> while shaded or moist surfaces—often in more rural surroundings—remain close to air temperatures. Surface urban heat islands are typically present day and night, but tend to be strongest during the day when the sun is shining.

In contrast, atmospheric urban heat islands are often weak during the late morning and throughout the day and become more pronounced after sunset due to the slow release of heat from urban infrastructure. The annual mean air temperature of a city with 1 million people or more can be 1.8–5.4°F (1–3°C) warmer than its surroundings.<sup>3</sup> On a clear, calm night, however, the temperature difference can be as much as 22°F (12°C).<sup>3</sup>



[view a larger version of this image](#)

Surface and atmospheric temperatures vary over different land use areas. Surface temperatures vary more than air temperatures during the day, but they both are fairly similar at night. The dip and spike in surface temperatures over the pond show how water maintains a fairly constant temperature day and night, due to its high heat capacity.

\* Note: The temperatures displayed above do not represent absolute temperature values or any one particular measured heat island. Temperatures will fluctuate based on factors such as seasons, weather conditions, sun intensity, and ground cover.

To view images of surface and atmospheric heat islands, and to learn more about how scientists measure them, visit the [Measuring Heat Islands](#) page.

The heat island sketch pictured here shows how urban temperatures are typically lower at the urban-rural border than in dense downtown areas. The graphic also shows how parks, open land, and bodies of water can create cooler areas within a city.

For additional information on urban heat islands:

- read the [Heat Island Basics chapter \(PDF\)](#) (22 pp, 1.5MB) from EPA's Reducing Urban Heat Islands: Compendium of Strategies, which explains the different types of urban heat islands and their causes, describes the impacts of heat islands, and provides resources for more information;
- learn [how heat islands are measured](#); and
- watch two short [video segments](#) that EPA developed in partnership with The Weather Channel cable television network.

## Why Do We Care About Heat Islands?

Elevated temperature from urban heat islands, particularly during the summer, can affect a community's environment and quality of life. While some heat island impacts seem positive, such as lengthening the plant-growing season, most impacts are negative and include:

- Increased energy consumption: Higher temperatures in summer increase energy demand for cooling and add pressure to the electricity grid during peak periods of demand. One

study estimates that the heat island effect is responsible for 5–10% of peak electricity demand for cooling buildings in cities.<sup>3</sup>

- Elevated emissions of air pollutants and greenhouse gases: Increasing energy demand generally results in greater emissions of air pollutants and greenhouse gas emissions from power plants. Higher air temperatures also promote the formation of ground-level ozone.
- Compromised human health and comfort: Warmer days and nights, along with higher air pollution levels, can contribute to general discomfort, respiratory difficulties, heat cramps and exhaustion, non-fatal heat stroke, and heat-related mortality.
- Impaired water quality: Hot pavement and rooftop surfaces transfer their excess heat to stormwater, which then drains into storm sewers and raises water temperatures as it is released into streams, rivers, ponds, and lakes. Rapid temperature changes can be stressful to aquatic ecosystems.

For more information on the effects of heat islands, visit the [Heat Island Impacts](#) page.

## What Can Be Done?

Communities can take a number of steps to reduce the heat island effect, using four main strategies:

- increasing [tree and vegetative cover](#);
- creating [green roofs](#) (also called "rooftop gardens" or "eco-roofs");
- installing [cool—mainly reflective—roofs](#); and
- using [cool pavements](#).

Typically heat island mitigation is part of a community's energy, air quality, water, or sustainability effort. Activities to reduce heat islands range from voluntary initiatives, such as cool pavement demonstration projects, to policy actions, such as requiring cool roofs via building codes. Most mitigation activities have multiple benefits, including cleaner air, improved human health and comfort, reduced energy costs, and lower greenhouse gas emissions.

For more information on heat island mitigation strategies and activities:

- visit the [Urban Heat Island Mitigation](#) page;
- read the [Heat Island Reduction Activities chapter \(PDF\)](#) (23 pp, 2.7 MB) from EPA's Reducing Urban Heat Islands: Compendium of Strategies;
- use the [Community Actions Database](#) to see what communities around the United States are doing to reduce the urban heat island effect; and
- learn about [EPA's Clean Energy-Environment State and Local Program](#).

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## Footnotes and References

1. This change in landscape may differ in regions such as deserts, where moisture may increase in urban areas if development introduces grass lawns and other irrigated vegetation.

2. Berdahl P. and S. Bretz. 1997. Preliminary survey of the solar reflectance of cool roofing materials. *Energy and Buildings* 25: 149-158.

3. Akbari, H. 2005. [Energy Saving Potentials and Air Quality Benefits of Urban Heat Island Mitigation \(PDF\)](#) (19 pp, 251K). Lawrence Berkeley National Laboratory.



## City of Miami Gardens Zoning Agenda Memo

|   |                                |    |   |  |           |                         |    |
|---|--------------------------------|----|---|--|-----------|-------------------------|----|
| Zoning Board Meeting Date:                | March 2, 2011                  |    | Item Type: <i>(Enter X in box)</i>            | Resolution   | Ordinance | Other                   |    |
|   |                                |    |   |  | x         |                         |    |
| Fiscal Impact:<br><i>(Enter X in box)</i> | Yes                            | No | Ordinance Reading:<br><i>(Enter X in box)</i> | 1 <sup>st</sup> Reading  |           | 2 <sup>nd</sup> Reading |    |
|   |                                | x  |   |  |           |                         | x  |
|   |                                |    | Public Hearing:<br><i>(Enter X in box)</i>    | Yes  | No        | Yes                     | No |
|   |                                |    |   |  |           | x                       |    |
| Funding Source:                           | <i>(Enter Fund &amp; 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:<br>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 9-A) ORDINANCE  
SECOND READING/PUBLIC HEARING  
Amendments to the City Land Development  
Regulation**

# Page 37 of 110

Amendments to the Land Development Regulations  
PH-2010-000052, Second Reading

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 February 2, 2011, the City Council adopted the amendments to the Land Development Regulations (LDRs) on first reading. This process started at the meeting on April 7, 2010 when the City Council adopted the Land Development Regulations (LDRs) with direction with direction to staff to address concerns raised during that public hearing by numerous attorneys and property owners, referred to as “stakeholders” herein. Staff returned to Council on July 7, 2010 with recommendations for amendments to the LDRs. Council deferred those LDR amendments to allow staff and stakeholders to address additional concerns, in particular the landscape/buffer and knee-wall requirements.

### Current Situation

As approved on first reading by Council, the proposed LDR amendments (Exhibit “A”) 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: The 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.
  - 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.

## Proposed Action:

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

**Attachments:**

- Exhibit "A", Proposed Amendments to the Land Development Regulations

ORDINANCE NO. 2011 \_\_\_\_\_

1  
2  
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 2<sup>ND</sup> DAY OF FEBRUARY, 2011.

13 PASSED ON SECOND READING ON THE \_\_\_\_ DAY OF \_\_\_\_\_,  
14 2011.

15 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF  
16 MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE \_\_\_\_ DAY OF  
17 \_\_\_\_\_, 2011.

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\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

**ATTEST:**

\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

1 Prepared by SONJA KNIGHTON DICKENS, ESQ.  
2 City Attorney

3  
4 SPONSORED BY:

5  
6  
7 Moved by: \_\_\_\_\_  
8 Second by: \_\_\_\_\_

9  
10 **VOTE:** \_\_\_\_\_

|    |                                |             |            |
|----|--------------------------------|-------------|------------|
| 11 |                                |             |            |
| 12 | Mayor Shirley Gibson           | _____ (Yes) | _____ (No) |
| 13 | Vice Mayor Aaron Campbell, Jr. | _____ (Yes) | _____ (No) |
| 14 | Councilwoman Lisa Davis        | _____ (Yes) | _____ (No) |
| 15 | Councilman Oliver Gilbert, III | _____ (Yes) | _____ (No) |
| 16 | Councilwoman Felicia Robinson  | _____ (Yes) | _____ (No) |
| 17 | Councilman Andre' Williams     | _____ (Yes) | _____ (No) |
| 18 |                                |             |            |

### 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.

- (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 (3)(e) 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 section 7-110 (B) "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  |
| Awnings, canopies, carports, roof overhangs, balconies, architectural structures | <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)**

# Page 50 of 110

*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.~~

~~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)

~~Only 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.

(a)

# Page 52 of 110

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:

- (1) The vehicle shall have a valid motor vehicle, truck registration, heavy truck or any and all other required motor vehicle registration with the state;
- (2) The vehicle shall be operable;
- (3) The vehicle shall be parked in a designated and paved private parking space;
- (4) The vehicle shall not encroach on rights-of-way, sidewalk or landscaped areas;
- (5) 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                               |   |  |   |
|---|---|--|---|
| <b>Zoning Districts</b>                                       |   |  |   |
| 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-15, Multiple-Family; R-25, Multiple-Family; R-50, Multiple-Family          |   |
| Single-family Detached  | Two Family  | Townhouse  | Multiple-family   |
| <b>Lot and Density Parameters</b>                             |   |  |   |
| Minimum Dimensions Per Development Site                       | Not applicable  | 10,000 sf  | 10,000 sf   |
| Lot frontage, Minimum <del>(interior lots)</del>              | 75 ft.  | <del>96</del> <u>85 ft.(block)</u><br><u>22 ft. individual interior lot;</u> | 100 ft.   |
| Lot frontage, Minimum (corner lots and townhome end lots)     | <del>82</del> <u>75 ft.</u>                                   | <u>37 ft individual lot</u>  | 100 ft  |
| Lot Area (net), Minimum                                       | 7,500 sf  | <del>2,200</del> <u>3145</u> 3700 sf. for corner and end lots                | 10,000 sf   |
| Density, Maximum (net)  | Up to 6 du/ac   | Up to 15 du/ac   | R-15 up to 15 du/ac<br>R-25 up to 25 du/ac<br>R-50 up to 50 du/ac |
| <b>Lot coverage and Permitted Impervious areas</b>            |   |  |   |
| Lot Coverage Principal building                               | 40% max.  | 70 max. per lot  | 60 max.   |

# Page 53 of 110

|   |   |  |  |
|---|---|--|--|
| Required Front yard   | 50% max. impervious area  | 90 max. impervious area  | Not applicable   |
| Lot Coverage<br>Accessory building<br>within required rear<br>yard) | 30% max.  | 30% max.   | Not applicable   |
| Rear yard   | 70% max. impervious area  | 70 % max. impervious area  | Not applicable   |
| <b>Maximum Height</b>   |   |  |  |
| Principal Building(s)   | 35 ft./2 stories  | 40 ft/3 stories  | R-15: 40 ft./3 stories<br>R-25: 50 ft./4 stories<br>R-50: 120 ft./10 stories       |
| Accessory Building (s)  | 14 ft.  | 14 ft.   | 20 ft.   |
| <b>Principal Building Size, Setbacks and Spacing</b>                |   |  |  |
| Building Length<br>(maximum)  | Not applicable  | 155 ft.  | Greater than 150 ft. requires administrative approval for massing and articulation |
| Front Setback<br>(minimum)  | 25 ft.  | 20 ft.   | 25 ft.   |
| Rear setback<br>(minimum)   | 25 ft.  | 15 ft.   | 25 ft.   |
| Interior Side Setback<br>(minimum)                                  | 7.5 ft. min. or 10% of lot width<br><u>whichever is greater but not less than 5 ft.</u> | 15 ft.   | 15 ft.   |
| Side Street Setback<br>(minimum)                                    | 15 ft.  | 15 ft.   | 20 ft.   |
| Spacing Between<br>Principal Buildings<br>(minimum)                 | Not applicable (only 1 dwelling per lot)  | <del>15 ft.</del> <u>20 ft. without openings; 30 ft. with openings</u> | <del>15 ft.</del> <u>20 ft. without openings; 30 ft. with openings</u>             |
| <b>Accessory Building Setbacks and Spacing</b>                      |   |  |  |
| Front Setback<br>(minimum)  | <u>75 ft.</u>   | <u>75 ft.</u>  | <u>25 ft.</u>  |
| Rear Setback<br>(minimum)   | 5 ft  | 5 ft.  | 5 ft.  |
| Interior Side Setback<br>(minimum)                                  | 7.5 ft.   | 5 ft.  | 15 ft.   |
| Side Street Setback<br>(minimum)                                    | 20 ft.  | 20 ft.   | 20 ft.   |
| Between Accessory<br>Building & any other<br>Building (minimum)     | 10 ft.  | 10 ft.   | 20 ft.   |
| <b>Carport Setbacks</b>   |   |  |  |
| Front (minimum)   | 5 ft.   | 5 ft.  | 5 ft.  |
| Rear (minimum)  | 5 ft.   | 5 ft.  | 5 ft.  |
| Interior Side<br>(minimum)  | 5 ft.   | 5 ft.  | 5 ft.  |
| Side Street (minimum)   | 5 ft.   | 5 ft.  | 10 ft.   |
| <b>Swimming Pool Setbacks</b>                                       |   |  |  |
| Front setback<br>(minimum)  | <u>75 ft.</u>   | <u>75 ft. individual lot</u><br><u>25 ft. on common</u><br><u>area</u> | <u>25 ft.</u>  |
| Rear (minimum)  | 7.5 ft.   | 7.5 ft.  | 10 ft.   |
| Interior Side<br>(minimum)  | 10 ft.  | 10 ft.   | 10 ft.   |

|                                  |        |         |         |
|----------------------------------|--------|---------|---------|
| Side Street (minimum)            | 20 ft. | 20 ft.  | 25 ft.  |
| <b>Screen Enclosure Setbacks</b> |        |         |         |
| 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.  |

**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                        |
| <b>Lot and Density Parameters</b>              |   |                         |                         |  |
| Lot frontage, Minimum                          | 50 feet   | 125 ft                  | 75 ft                   | 150 ft   |
| Lot area (net), Minimum                        | 5, 000 sf   | 10,000 sf               | 10,000 sf               | <del>45,000</del> <u>10,000</u> sf                       |
| <b>Principle Building Setbacks and Spacing</b> |   |                         |                         |  |
| Front Setback                                  | 10 ft. (minimum)  | 20 ft. (minimum)        | 20 ft. (minimum)        | Two options:<br>15 ft. (build-to); or<br>25 ft (minimum) |
| Rear Setback (minimum)                         | 10 ft.  | 20 ft.                  | 20 ft.                  | 10 ft. by right<br>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<br>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 at 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; obtains 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.

| <b>Table 1: Minimum Landscape And Buffering Standards Generalized Table</b> |                  |            |            |                |             |           |           |              |           |               |               |              |           |             |
|---|------------------|------------|------------|----------------|-------------|-----------|-----------|--------------|-----------|---------------|---------------|--------------|-----------|-------------|
| <b>Zoning district/ requirement</b>   | <b>landscape</b> | <b>R-1</b> | <b>R-2</b> | <b>R-15 50</b> | <b>R-25</b> | <b>R-</b> | <b>NC</b> | <b>PCD *</b> | <b>OF</b> | <b>I-1***</b> | <b>I-2***</b> | <b>PD **</b> | <b>AU</b> | <b>GPOV</b> |

\*\*\* 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 adopted in the City's 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:

- ~~a. 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)

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><br><u>Banquet Hall</u><br><u>Funeral Homes</u><br><u>Places of religious assembly</u><br><u>Private club, not public</u><br><u>Theater, (movie, performing arts)</u><br><u>Meeting Halls</u><br><u>Fraternal Lodges</u><br><u>Museums</u><br><u>Libraries</u><br><u>Art galleries</u><br><u>Theaters</u><br><u>Concert halls</u><br><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> |



## City of Miami Gardens Zoning Agenda Memo

|   |                                |                                    |   |                                |                         |     |
|---|--------------------------------|------------------------------------|---|--------------------------------|-------------------------|-----|
| Zoning Board Meeting Date:                | March 2, 2011                  | Item Type: <i>(Enter X in box)</i> | Resolution<br>x                                     | Ordinance                      | Other                   |     |
| Fiscal Impact:<br><i>(Enter X in box)</i> | Yes                            | No                                 | Ordinance Reading:<br><i>(Enter X in box)</i>       | 1 <sup>st</sup> Reading        | 2 <sup>nd</sup> Reading |     |
|   |                                | x                                  | Public Hearing:<br><i>(Enter X in box)</i>          | Yes                            | No                      | Yes |
| Funding Source:                           | <i>(Enter Fund &amp; Dept)</i> |                                    | Advertising Requirement:                            | Yes                            | No                      |     |
| Contract/P.O. Required:                   | Yes                            | No                                 | RFP/RFQ/Bid #:                                      |                                |                         |     |
|   |                                | X                                  |   |                                |                         |     |
| Strategic Plan Related:                   | Yes                            | No                                 | Strategic Plan Priority Area:                       | N/A                            |                         |     |
|   | X                              |                                    | Enhance Organizational <input type="checkbox"/>     |                                |                         |     |
|   |                                |                                    | 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 Department |                         |     |

### Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AMENDING THE CITY'S REVENUE MANUAL REGARDING LANDSCAPE DISCOUNT FEES IN ACCORDANCE WITH EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

### Staff Summary:

#### Background

The City's Revenue Manual establishes fees for City services including Building, Planning and Zoning fees. The City adopted the latest version of the Revenue Manual for FY 2010-2011 on September 22, 2010.

#### Current Situation

This memorandum assumes that those certain proposed amendments to the Land Development Regulations (LDRs) adopted on first reading at the February 2, 2011 Zoning Meeting, are now adopted on second reading.

**ITEM 10-A) RESOLUTION  
PUBLIC HEARINGS  
Amending the City's Revenue  
Manual**

## Revise Revenue Manual for Planning and Zoning Fees

In addition to the LDR amendments, the stakeholders identified the need to revise the timing of LDR fee discounts for landscape. The fee discounts are provided to incentivize and encourage early compliance with the new code. Recognizing that the landscape requirements were being amended, many property owners delayed submitting landscape plans and therefore could not take advantage of the first year fee discounts for early submittal. The stakeholders requested that the timeframe for the first year's fee discount be extended to coincide with the adoption of the LDR Amendments in order to give a full year for such discounts. Exhibit "A" provides the proposed date changes for the discount landscape fees.

### **Proposed Action:**

City Staff recommends Council approval of a resolution to revise the effective date of landscape discount fees as set forth in Exhibit "A".

### **Attachments:**

- Exhibit "A", Recommended Amendments to Revenue Manual

EXHIBIT "A"  
PROPOSED AMENDMENT TO MIAMI GARDENS REVENUE MANUAL  
LANDSCAPE DISCOUNT FEES

Proposed additions are reflected in **bold italicized and underlined text** with ~~strikeout text~~ for deletions.

| <u>LANDSCAPE PLANS AND INSTALLATION AMORTIZED PER LANDSCAPE REGULATIONS</u>   |             |
|---|-------------|
| Discount for all landscape related planning and building fees per the following percentages:  |             |
| Applications made between <del>April 7, 2010</del> <b><u>March 1, 2011</u></b> and <del>April 6, 2011</del> <b><u>March 1, 2012</u></b> | 80%         |
| Applications made between <del>April 7, 2011</del> <b><u>March 2, 2012</u></b> and April 6, 2012  | 60%         |
| Applications made between April 7, 2012 and April 6, 2013   | 40%         |
| Applications made between April 7, 2013 and April 6, 2014   | 20%         |
| Applications made between April 7, 2014 and April 6, 2015   | 10%         |
| Applications made after April 7, 2015   | No discount |

1  
2 RESOLUTION NO. 2011\_\_\_\_  
3

4 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI  
5 GARDENS, FLORIDA AMENDING THE CITY'S REVENUE MANUAL  
6 REGARDING LANDSCAPE DISCOUNT FEES IN ACCORDANCE WITH  
7 EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION  
8 OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.  
9

10 WHEREAS, the City's Revenue Manual establishes City fees for City services  
11 including Building and Planning and Zoning fees, and

12 WHEREAS, the latest version of the Revenue Manual for Fiscal Year 2010-2011  
13 was adopted by the City Council on September 22, 2010, and

14 WHEREAS, City staff is recommending that the Revenue Manual be updated to  
15 include fee discounts for early compliance with landscaping requirements, whereby  
16 property owners who comply with the new land development code regulations early, will  
17 receive a discount on application fees,

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

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

23 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens  
24 hereby amends the City's Revenue Manual as it relates to landscape discount fees in  
25 accordance with Exhibit "A" attached hereto.

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

28 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI  
29 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 Felicia Robinson  | _____ (Yes) | _____ (No) |
| Councilman Andre' Williams     | _____ (Yes) | _____ (No) |
| _____                          | _____ (Yes) | _____ (No) |



## City of Miami Gardens Zoning Agenda Memo

|   |                                |                                    |  |  |                         |
|---|--------------------------------|------------------------------------|--|--|-------------------------|
| Zoning Board Meeting Date:                | March 2, 2011                  | Item Type: <i>(Enter X in box)</i> | Resolution<br>X  | Ordinance                                | Other                   |
| Fiscal Impact:<br><i>(Enter X in box)</i> | Yes                            | No                                 | Ordinance Reading:<br><i>(Enter X in box)</i>  | 1 <sup>st</sup> Reading                  | 2 <sup>nd</sup> Reading |
|   |                                | x                                  | Public Hearing:<br><i>(Enter X in box)</i>   | Yes<br>X                                 | No<br>                  |
| Funding Source:                           | <i>(Enter Fund &amp; 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:<br>Enhance Organizational <input type="checkbox"/><br>Bus. & Economic Dev <input type="checkbox"/><br>Public Safety <input type="checkbox"/><br>Quality of Education <input type="checkbox"/><br>Qual. of Life & City Image <input type="checkbox"/><br>Communication <input type="checkbox"/> | Strategic Plan Obj./Strategy:<br><br>N/A |                         |
|   | X                              |                                    |  |  |                         |
| Sponsor Name:                             | Dr. Danny Crew, City Manager   |                                    | Department:  | Planning and Zoning Department           |                         |

**Short Title:**

RESOLUTION NO. 2011 \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION SUBMITTED BY ST. THOMAS UNIVERSITY FOR A VARIANCE OF SECTION 34.660.3(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW A ENTRANCE FEATURE WALL SIGN PLACED 45.0' ABOVE GRADE ON A ARCHITECTURAL TOWER WHERE ONLY 6.0' ABOVE GRADE IS PERMITTED FOR ENTRANCE FEATURE WALL SIGNS; A VARIANCE OF SECTION 34-660.6(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW A ENTRANCE FEATURE WALL SIGN TO BE LOCATED 575.0' FROM AN ENTRANCEWAY WHERE MAXIMUM SPACING OF 25.0' FROM AN ENTRANCEWAY IS PERMITTED; A VARIANCE OF SECTION 34-660.2(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW FOUR (4) ENTRANCE FEATURE WALL SIGNS WHERE A 64 SQUARE FEET WALL SIGN IS PERMITTED, FOR PROPERTY LOCATED AT 16401 N.W. 37<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

**ITEM 10-B) RESOLUTION  
PUBLIC HEARING  
Application submitted by  
St. Thomas University**

## **Background**

In February 2008 the City adopted new sign regulations with an intent and purpose that the *“display of signs should be appropriate to the land, building or use they identify and be adequate, but not excessive, for the intended purpose of identification or advertisement.”* The sign regulations were developed to be primarily applicable to the commercial centers and businesses along the City’s major roadways and not necessarily applicable to large properties and institutional type uses. A sign variance process was adopted as part of the regulations to allow the City Council to evaluate whether the intent and purpose of the regulations are being met, where in certain situations the regulations cannot be complied with, or may not be practical.

## **Current Situation**

The applicant, St. Thomas University, due to its’ large property size (140 acres), institutional use, and location is one of those uses that the applicability of the regulations may not be practical and hence variances are being requested for the University to have the signage desired. St. Thomas University is proposing a 53.0’ high four sided architectural tower with the school’s name placed at the top to act as an entrance feature to the university. The tower will be located at the northwest corner of 140 acre site with visibility from N.W. 167 Street and the Palmetto Expressway. St. Thomas University currently benefits from a monument and entrance feature monument sign located at the main entranceway to the University on N.W. 37 Avenue and another entrance feature monument sign located at the northwest corner of the property at the same general location as the proposed architectural tower entrance feature wall signs. There is also a monument sign located at the secondary entranceway off N.W. 32 Avenue, and a small identification along N.W. 167 Street. From the heavily travelled Palmetto Expressway the existing entrance feature monument sign offers little identification or recognition that the large 140 acre property is the campus of St. Thomas University. The University’s intent of the proposed architectural tower sign is to provide the identification that creates a landmark feature for the University bringing recognition to the University and the City of Miami Gardens.

## **Proposed Action:**

City Staff recommends Council approval of the Resolution that permits the requested sign variances subject to the following conditions:

1. That the applicant submit and obtain sign plan approval from the Planning and Zoning Department for all required signs on the property, said sign plan to be substantially in compliance with plans submitted with this public hearing variance application. Said approval shall be obtained prior to the issuance of building permit for the proposed architectural tower entrance wall sign.
2. That the applicant removes from the property the sign labeled “E” on the submitted plans prior to final zoning inspection for the architectural tower entrance feature wall sign.

## **Attachments:**

- Exhibit “A”, Legal Description
- Exhibit “B”, Staff Recommendation

**RESOLUTION**

RESOLUTION NO. 2011\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION SUBMITTED BY ST. THOMAS UNIVERSITY FOR A VARIANCE OF SECTION 34.660.3(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW A ENTRANCE FEATURE WALL SIGN PLACED 45.0' ABOVE GRADE ON A ARCHITECTURAL TOWER WHERE ONLY 6.0' ABOVE GRADE IS PERMITTED FOR ENTRANCE FEATURE WALL SIGNS; A VARIANCE OF SECTION 34-660.6(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW A ENTRANCE FEATURE WALL SIGN TO BE LOCATED 575.0' FROM AN ENTRANCEWAY WHERE MAXIMUM SPACING OF 25.0' FROM AN ENTRANCEWAY IS PERMITTED; A VARIANCE OF SECTION 34-660.2(B) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW FOUR (4) ENTRANCE FEATURE WALL SIGNS WHERE A 64 SQUARE FEET WALL SIGN IS PERMITTED, FOR PROPERTY LOCATED AT 16401 N.W. 37<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, St. Thomas University ("Applicant") is proposing a 53.0' high four (4) sided architectural tower with the Applicant's name to be placed at the top of the sign as an entrance feature to the University, and

WHEREAS, the Applicant is seeking the following approval,

1. A variance of Section 34-660.3(B) of the Land Development Regulations, to allow an entrance feature wall sign to be placed 45.0' above grade on an architectural tower where only 6.0' above grade is permitted, for entrance feature wall signs;

2. A variance of Section 34-660.6(B) of the Land Development Regulations, to allow an entrance feature wall sign to be located 575.0' from an entrance way where a maximum spacing of 25.0' of an entrance way is permitted; and

3. A variance of Section 34-660.2(B) of the Land Development Regulations, to allow four (4) entrance feature wall signs 64 sq. ft. each where only one (1) 64 sq. ft. wall sign is permitted,

WHEREAS, City staff has determined that the variances are consistent with the comprehensive Development Master Plan and recommends approval of the Application, and

44 WHEREAS, the City Council has considered the testimony of the Applicant, if  
45 any, and

46 WHEREAS, the City Council has also considered the testimony of the City's  
47 Planning and Zoning staff and the Staff Report attached hereto as Exhibit "B", and  
48 incorporated herein by reference,

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

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

54 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens  
55 hereby approves the application submitted by St. Thomas University as follows:

56 1. A variance of Section 34-660.3(B) of the Land Development  
57 Regulations, to allow an entrance feature wall sign to be placed 45.0'  
58 above grade on an architectural tower where only 6.0' above grade is  
59 permitted, for entrance feature wall signs;

60  
61 2. A variance of Section 34-660.6(B) of the Land Development  
62 Regulations, to allow an entrance feature wall sign to be located 575.0'  
63 from an entrance way where a maximum spacing of 25.0' of an entrance  
64 way is permitted;

65  
66 3. A variance of Section 34-660.2(B) of the Land Development  
67 Regulations to allow four (4) entrance feature wall signs 64 sq. ft. each  
68 where only one (1) 64 sq. ft. wall sign is permitted for property located at  
69 16401 N.W. 37<sup>th</sup> Avenue, more particularly described on Exhibit "A"  
70 attached hereto.  
71

72 Section 3: CONDITIONS: The City Council's approval of the variances  
73 contained herein, are conditioned upon the Applicant complying with the following:

74 1. That the Applicant submit and obtain Sign Plan approval  
75 from the Planning and Zoning Department for all required signs on the  
76 property, said Sign Plan to be substantially in compliance with plans

77 submitted with this public hearing variance application. Said approval  
78 shall be obtained prior to the issuance of building permit for the proposed  
79 architectural tower entrance wall sign.

80  
81 2. That the Applicant remove from the property the sign labeled  
82 "E" on the submitted plans prior to final zoning inspection for the  
83 architectural tower entrance feature wall sign.

84  
85 Section 4: EFFECTIVE DATE: This Resolution shall take effect immediately  
86 upon its final passage.

87 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI  
88 GARDENS AT ITS ZONING MEETING HELD ON \_\_\_\_\_, 2011.

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91 SHIRLEY GIBSON, MAYOR  
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96 **ATTEST:**

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99 \_\_\_\_\_  
100 RONETTA TAYLOR, MMC, CITY CLERK

101  
102  
103 PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

104  
105  
106 SPONSORED BY: DR. DANNY O. CREW. CITY MANAGER

107  
108 Moved by: \_\_\_\_\_

109  
110 **VOTE:** \_\_\_\_\_

|     |                                |             |            |
|-----|--------------------------------|-------------|------------|
| 111 |                                |             |            |
| 112 | Mayor Shirley Gibson           | _____ (Yes) | _____ (No) |
| 113 | Vice Mayor Aaron Campbell      | _____ (Yes) | _____ (No) |
| 114 | Councilwoman Lisa Davis        | _____ (Yes) | _____ (No) |
| 115 | Councilman Oliver Gilbert, III | _____ (Yes) | _____ (No) |
| 116 | Councilwoman Felicia Robinson  | _____ (Yes) | _____ (No) |
| 117 | Councilman Andre' Williams     | _____ (Yes) | _____ (No) |
| 118 | _____                          | _____ (Yes) | _____ (No) |

119

**EXHIBIT “A”  
LEGAL DESCRIPTION**

## EXHIBIT "A" LEGAL DESCRIPTION

[34-2116-000-0090](#) 16 52 41 41.04 AC BEG 150FT S & 35FT E OF NW COR OF SEC ELY & SELY AD 857.14FT E191.86FT S1147.13FT W1544.32FT N1184.04FT TO POB F/A/U 30-2116-000-0090;  
and

[34-2116-000-0050](#) 16 52 41 47.62 AC N2349.06FT OF E1034.82FT OF NW1/4 LESS BEG 570FTS & 585.22FTW OF NE COR OF NW1/4 CONT W330FT N370FT TO S/R/W/L OF SR 826 ELY AD 330.20FT S382.48FT;  
and

[34-2116-000-0041](#) 16 52 41 35.957 AC BEG 1334.06FT S & 1034.82FT W OF NE COR OF NW1/4 TH S1015FT W 1577.395FT N1015FT E1579.32FT TO POB LESS W35FT FOR ST F/A/U 30-2116-000-0041

**EXHIBIT "B"**  
**STAFF RECOMMENDATION**

STAFF RECOMMENDATION  
PH-2010-000060

## APPLICATION INFORMATION

Applicant: St. Thomas University  
Property Location: 16401 N.W. 37 Avenue  
Property Size: 140 gross acres  
Future Land Use: Neighborhood  
Existing Zoning: AU, Agricultural and Utilities District  
Requested Action(s):

1. Variance of Section 34-660.3(b) of the Land Development Regulations to allow an entrance feature wall sign placed 45.0' above grade on an architectural tower where only 6.0' above grade is permitted for entrance feature wall signs.
2. Variance of Section 34-660.6(b) of the Land Development Regulations to allow a entrance feature wall sign to be located 575.0' from an entranceway where maximum spacing of 25.0' from an entranceway is permitted.
3. Variance of Section 34-660.2(b) of the Land Development Regulations to allow four (4) entrance feature wall signs 64 square feet each where one (1) 64 square feet wall sign is permitted.

---

## **RECOMMENDATION:**

Recommend approval of the requested variances by Resolution subject to the following conditions:

1. That the applicant submit and obtain sign plan approval from the Planning and Zoning Department for all required signs on the property, said sign plan to be substantially in compliance with plans submitted with this public hearing variance application. Said approval shall be obtained prior to the issuance of building permit for the proposed architectural tower entrance wall sign.
2. That the sign labeled "E" on the submitted plans be removed from the property prior to final zoning inspection for the architectural tower entrance feature wall sign.

## **REVIEW AND ANALYSIS**

### Neighborhood Land Use Characteristics

| Property | Future Land Use | Zoning   | Existing Use           |
|----------|-----------------|--|------------------------|
| Site     | Commerce        | AU, Agricultural and Utilities District                  | University Campus      |
| North    | Commerce        | I-2, Industrial-Heavy, PCD, Planned Corridor Development | Industrial, Commercial |

|              |              |  |   |
|--------------|--------------|--|---|
| <b>South</b> | Commerce     | AU - Agriculture                                 | Religious;<br>Institutional;<br>Educational |
| <b>East</b>  | Neighborhood | R-1, Single-Family Dwelling Residential District | Single-Family Home                          |
| <b>West</b>  | Neighborhood | R-1, Single-Family Dwelling Residential District | Single-Family Home                          |

The 140 acre property is developed as a university campus with related buildings and facilities. The Marian Center, a religious and educational complex is located to the south of the site. Directly abutting to the north is the Palmetto Expressway, with industrial and commercial uses developed on the north side of the Palmetto Expressway. The areas east and west of the site are developed with established single family neighborhoods.

### **Project Summary/Background**

- St. Thomas University is a 140 gross acre campus site that spans between Eastbound N.W. 167 Street to the north, N.W. 32 Avenue to the east, N.W. 37 Avenue to the west, and N.W. 159 Street to the south.
- The property is developed with multiple university buildings and campus facilities with access off N.W. 37 Avenue with a secondary access of N.W. 32 Avenue. The University site is directly visible from the Palmetto Expressway. There is a large natural tree preserve located along the northerly portion of the site.
- There are five (5) existing monument and monument type entrance feature signs located on the property. At the main entrance off N.W. 37 Avenue there is an existing monument sign and a monument entrance feature sign. At the secondary entrance off N.W. 32 Avenue there is also a monument sign, and along N.W. 167 Street there is a small identification sign. At the location of the proposed architectural tower entrance feature wall sign at the northwest corner of the property there is the fifth sign, a monument entrance feature sign.
- Access to the property from the Palmetto Expressway primarily warrants exiting at N.W. 47 Avenue and travelling east along N.W. 167 Street and then south on N.W. 32<sup>nd</sup> or N.W. 37 Avenue to the university entrances. The proposed architectural tower entrance feature wall sign will be visible from the Palmetto Expressway as vehicles travel past the University site and as vehicles travel easterly along N.W. 167 Street toward the University.

### **Zoning History**

Several previous zoning approvals have been granted by Miami-Dade County to the St. Thomas University property approving the existing signage including 4-ZAB-8-69, Z-68-86, Z-140-96, and EF-9-00. These approvals over time have approved the monument signs, entrance feature signs and the guard tower at the main entrance off N.W. 37 Avenue.

### **Consistency with City of Miami Gardens Comprehensive Development Master Plan**

The proposed architectural tower entrance feature wall sign does not impact or change the use or the development on the property in a manner that is inconsistent with the Neighborhood

designation of the property in the Future Land Use Element of the of the City of Miami Gardens Comprehensive Development Master Plan (CDMP).

**Conclusion:** The request is not inconsistent with the objectives and policies of the CDMP.

## **Zoning Review and Analysis**

*Section 34-47 Granting Variances and Waivers*, states in relevant terms that:

*(A) Purpose and intent. A variance or waiver of the code is a departure from the dimensional or numerical requirements of this chapter where such variance or waiver will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a the result of the action of the applicant, a literal enforcement of the requirement would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted due to the presence of nonconformities in the zoning district or adjoining zoning districts.*

*(B) Authorized variances and waivers. The zoning appeals board shall have the authority to grant the following variances:*

- (1) A variance in the numerical yard or area requirements of any district where there are unusual and practical difficulties in carrying out these provisions due to an irregular shape of the lot, topography, or other conditions. However, such variance shall not seriously affect any adjoining property or the general welfare.*
- (2) A variance when an owner can demonstrate that a strict application of the terms of the LDR relating to the construction or alteration of buildings or structures, the use of or relating to the use of the land will impose unusual and impractical difficulties, but not reduced financial value alone.*

The requests for variances are all related to one (1) proposed architectural tower entrance feature wall sign the will be located at the northwest corner to provide identification and recognition to the St. Thomas University campus that spans 140 acres between N.W. 167 Street to the north, N.W. 32 Avenue to the east, N.W. 37 Avenue to the west, and N.W. 155 Street to the south. The actual St. Thomas University sign will be sixty-four (64) square feet in size but located on an fours sides of the architectural tower that is 53.1' high.

“*Section 34-649(a) – Purpose and Intent*” states:

“(a)

*These sign regulations and requirements are the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare, and to protect the character of residential, business and industrial areas throughout the city, and to conserve the taxable value of land and buildings and to protect the character and maintain the stability of residential, business, and industrial areas within the city and to promote the orderly and beneficial development of such areas. The display of signs should be appropriate to the land, building or use they identify and be adequate, but not excessive, for the intended purpose of identification or advertisement.”*

Considering the relatively large size of the University campus at 140 acres, and the large natural tree preserve along N.W. 167 Street the proposed 53.0' high entrance feature wall sign is

appropriate to the scale of the property and adequate, but not excessive, for the intended purpose of identification. The architectural tower entrance feature wall sign though located well outside the permitted 25.0' of the entrance way will also promote the general welfare and appearance of the City of Miami Gardens by creating a recognized landmark symbolic of St. Thomas University which is in the City of Miami Gardens along the majorly travelled Palmetto Expressway.

**Conclusion:** The requests for variances will not be contrary to the purpose and intent for the granting of variances and waivers stated in Section 34-47 of the Land Development Regulations.

### **Anticipated Facilities Impact**

The subject application pertains to a proposed architectural tower entrance feature wall sign and does not add any additional use development on the property that as such, will not create additional impact upon the existing public services and facilities.

### **Public Notification/Comments**

In accordance with Section 34-46(d)(7)(a) of the City's Zoning and Land Development Code, notification of the applicant's requests was mailed to all abutting property owners to provide them an opportunity to comment on the application. No comments were received from any one of them. (See Mailed Notice Radius Map, attached).

#### Attachments:

- Public Hearing Checklist
- Letter of Intent
- Hearing Map-Zoning
- Hearing Map-Aerial
- Mailed Notice Affidavit
- Mailed Notice Radius Map
- Zoning History
- Submitted Plans and Survey
- Transmittal Notice

## **PUBLIC HEARING CHECKLIST**



Page 77 of 110  
**The City Of Miami Gardens**

**Planning and Zoning**  
**Public Hearing Departmental Checklist**

**APPLICATION INFORMATION**

Applicant Name: ST. THOMAS UNIVERSITY

Project Name: SIGN VARIANCE

Project Location: N.W. 16401 37 AVENUE

Process Number: PH-2010-000060

Public Hearing Scheduled Date: MARCH 2, 2011

Public Hearing Representative: JUAN ZAMORA

**APPLICANT'S REQUEST**

- Rezoning  Variance  Special Exception  Small-Scale Amendment  
 Modification of Resolution  Modification of Declaration or Covenant  
 Other \_\_\_\_\_

**DEPARTMENT REVIEW**

**Departmental procedures prior to public hearing**

**Mandatory**

- Completed Application  
 Letter of Intent  
 Legal Description (electronic)  
 Fees Collected  
 2 Sets of Original Plans  
 1 set of 8½ x 11 of Plans  
 Digital copies of plans  
 Survey

Site Plan Review

1. Electronic Plans (.pdf & .dwg)
2. Site Plan
3. Floor Plan
4. Elevation Plan
5. Landscape Plan
6. Survey
7. Architectural Renderings

**If applicable**

- School Checklist  
 School Board Report  
 Traffic Study  
 Economic Impact Analysis  
 Environmental Impact Statement  
 Neighborhood Outreach  
 Proffered Community Amenities  
 Liquor Survey

**ADMINISTRATIVE ACTIONS**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> DRC Meeting (if applicable)          | <input checked="" type="checkbox"/> 1 <sup>ST</sup> Notice   | <input checked="" type="checkbox"/> Posting Signs (Public Works)     |
| <input checked="" type="checkbox"/> Radius Map                | <input type="checkbox"/> 2 <sup>ND</sup> Notice              | <input checked="" type="checkbox"/> Staff Recommendation             |
| <input checked="" type="checkbox"/> Zoning Map                | <input checked="" type="checkbox"/> Full Legal Advertisement | <input checked="" type="checkbox"/> Notify Applicant                 |
| <input checked="" type="checkbox"/> Aerial Map                |  | <input checked="" type="checkbox"/> Proposed Resolution or Ordinance |
| <input checked="" type="checkbox"/> Site Visit Date: 02/09/11 |  |  |
| By: CYRIL SAIPHOO   |  |  |
| Title: ZONING   |  |  |
| ADMINISTRATOR   |  |  |

**RECOMMENDATION OUTLINE**

**1. Summary**

**2. City Council Action**

**3. Recommendation**

**4. Review and Analysis**

- Neighborhood Land Use Characteristics
- Zoning History
  - City
  - County
- Land Use Analysis (consistency with CDMP)
- Zoning Analysis (compliance with zoning code)
- Concurrency Analysis (water & sewer, traffic, schools and/or drainage/irrigation)
- Code Enforcement Violation Notice
  - Yes (attached)
  - No

**5. Attachments**

- Letter of Intent
- Zoning Map
- Aerial Map
- Radius Map
- Plans
- School Board Report (if any)
- Traffic Study (if any)
- Economic Analysis (if any)
- Environmental Impact Statement (if any)
- Historical Information - (if any)
  - Declaration of Restriction
  - Unity of Title
  - Resolution

**ZONING AGENDA DECISION**

**Date:**

- Action:  Introduction  Deferred  Rescheduled  Resolution  1<sup>st</sup> Reading  2<sup>nd</sup> Reading
- Result:  Approved  Approved with Conditions  Denied

**Date:**

- Action:  Introduction  Deferred  Rescheduled  Resolution  1<sup>st</sup> Reading  2<sup>nd</sup> Reading
- Result:  Approved  Approved with Conditions  Denied

**Date:**

- Action:  Introduction  Deferred  Rescheduled  Resolution  1<sup>st</sup> Reading  2<sup>nd</sup> Reading
- Result:  Approved  Approved with Conditions  Denied

**LETTER OF INTENT**



February 10, 2011

City of Miami Gardens  
Planning and Zoning Department  
Cyril Saiphoo, AICP  
Zoning Administrator  
1515 N.W. 167 St. Building 5, Suite 200  
Miami Gardens, FL 33169

Re: Letter of Intent  
St Thomas University – Sign Variance  
16401 NW 37<sup>th</sup> Avenue  
Miami Gardens, Florida 33054

Mr. Saiphoo

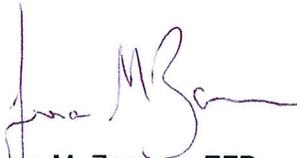
It is the intent of St Thomas University to build a 16' x 16' x 53'-2" High Monument Tower with signage on all four sides (refer to sheet A-1 of 1). In addition to include all existing property signage to comply with the new guidelines set forth by the City of Miami Gardens.

The following are the requests for variance for the St. Thomas University sign variance:

1. Variance of Section 34-660.3(b) of the Land Development Regulations to allow a entrance feature wall sign placed 45.0' above grade on a architectural tower where only 6.0' above grade is permitted for entrance feature wall signs.
2. Variance of Section 34-660.6(b) of the Land Development Regulations to allow a entrance feature wall sign to be located 575.0' from an entranceway where maximum spacing of 25.0' from an entranceway is permitted.
3. Variance of Section 34-660.2(b) of the Land Development Regulations to allow four entrance feature wall signs 64 square feet each where only one 64 square feet wall sign is permitted.

We respectfully request the approval of these variances since we feel they will help the University be more recognizable and at the same time create a beacon for the City.

Respectfully,

A handwritten signature in blue ink, appearing to read "Juan M. Zamora". The signature is fluid and cursive, with a long horizontal stroke at the end.

Juan M. Zamora, EFP  
Director of Physical Plant  
St. Thomas University

**HEARING MAP-ZONING**



**HEARING MAP- AERIAL**



**MAILED NOTICE AFFIDAVIT**



# The City of Miami Gardens

## Development Services Department

### AFFIDAVIT FOR MAILING OF NOTICES

Re: Hearing No.: PH - 2011 - 00060

Applicant Name: ST. THOMAS UNIVERSITY

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

- 500'
- 1/2 mile
- 1 mile

minimum radius of the property described in the above-referenced file has been input into the computer system prior to the deadline for the mailing of notices.

Name (Print): BHAIRAVI PANDYA

Signature: B.A. Pandya  
(GIS Analyst)

Date: 2/16/2011

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were emailed and/or otherwise delivered to Post-It Inc. 1440 NE 131 Street North Miami FL 33161 info@postitinc.com for postmarking and mailing.

Name (Print): Marilyn Guinness

Signature: [Handwritten Signature]  
(Zoning Technician)

Date: 2/16/11

I, as the undersigned individual, do hereby affirm that on the date referenced below, a notice for the aforementioned file was received from and postmarked date: 02/16/11 through the US Postal Service.

Name (Print): CYRIL SAIPHOO

Signature: [Handwritten Signature]  
(Zoning Administrator)

Date: 02/16/11

**MAILED NOTICE RADIUS MAP**



**ZONING HISTORY**

RESOLUTION NO. Z-68-86

The following resolution was offered by Commissioner Barbara M. Carey, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

|                       |        |                       |        |
|-----------------------|--------|-----------------------|--------|
| Barbara M. Carey      | aye    | Barry D. Schreiber    | aye    |
| Clara Oesterle        | absent | Sherman S. Winn       | aye    |
| Beverly B. Phillips   | absent | Jorge (George) Valdes | aye    |
| James F. Redford, Jr. | aye    | Stephen P. Clark      | absent |
| Harvey Ruvin          | aye    |                       |        |

WHEREAS, BISCAYNE COLLEGE A/K/A ST. THOMAS UNIVERSITY, had applied for the following:

- (1) A district boundary change from AU (Agricultural) to RU-4A (Apartments, Apartment Hotel, Hotels and Motels).

OR IN THE ALTERNATIVE:

- (2) USE VARIANCE to permit a hospital and a medical office building in connection therewith in the AU zone as would be permitted in the RU-4A zone.

AND WITH EITHER REQUEST:

- (3) SPECIAL EXCEPTION requesting site plan approval for a proposed hospital and a medical office building in connection therewith.
- (4) NON-USE VARIANCE OF SUBDIVISION REGULATIONS to permit a private drive as secondary access to the subject property; such private road providing access to a public street and transversing RU-1 and AU parcels of land.
- (5) NON-USE VARIANCE OF SIGN REGULATIONS to permit a 33.3 square foot detached sign (24 square foot sign permitted) and to permit a second detached sign (none permitted).
- (6) NON-USE VARIANCE OF SIGN REGULATIONS to permit a 76.86 square foot wall sign (57.6 square foot sign permitted).
- (7) NON-USE VARIANCE OF SIGN REGULATIONS to permit directional signs on a parcel of land with an area of 9.94 acres (10 acres required) and to permit one directional sign with an area of 22.15 square feet (18 square feet permitted).
- (8) NON-USE VARIANCE OF ZONING REGULATIONS to permit the aforementioned medical office building (accessory use to the hospital) in front of the hospital building.

OR IN THE ALTERNATIVE OF REQUESTS #1 - #8 THE FOLLOWING:

- (9) UNUSUAL USE to permit a hospital and a medical office building in connection therewith.
- (10) NON-USE VARIANCE OF LOT COVERAGE REGULATIONS to permit a lot coverage of 20% (15% permitted).
- (11) NON-USE VARIANCE OF SPACING REQUIREMENTS to permit the aforementioned proposed hospital complex to be used also in connection with the existing university for research and studies purposes and to permit such hospital building to be spaced less than 250' from property lines.
- (12) NON-USE VARIANCE OF ZONING REGULATIONS to permit the aforementioned medical office building (accessory use to hospital) in front of the hospital building.
- (13) NON-USE VARIANCE OF SUBDIVISION REGULATIONS to permit a private drive as a secondary access to the subject property; such private road providing access to a public street and transversing RU-1 and AU lands.

- (14) NON-USE VARIANCE OF SIGN REGULATIONS to permit a 33.3 square foot detached sign (1 1/2 square foot sign permitted) and to permit a second detached sign on the rear portion of the property (none permitted).
- (15) NON-USE VARIANCE OF SIGN REGULATIONS to permit a 76.86 square foot wall sign (none permitted).
- (16) NON-USE VARIANCE OF SIGN REGULATIONS to permit directional signs on a parcel of land with an area of 9.94 acres (10 acres required) and to permit one directional sign with an area of 22.15 square feet (18 square feet permitted).
- (17) NON-USE VARIANCE OF HEIGHT AND NUMBER OF STORIES permitted in the AU zone to permit a maximum building height of 40.5' (35' permitted) and a total of 3 stories (2 stories permitted).

Plans are on file and may be examined in the Zoning Department entitled "Republic General Hospital", as prepared by Yearwood and Johnson Architects, Inc., dated 2/3/86, consisting of 9 pages.

SUBJECT PROPERTY: A portion of the NW 1/4 of Section 16, Township 52 South, Range 41 East, being more particularly described as follows:

Commence at the north 1/4 corner of said Section 16; thence run S87°15'25"W, along the north line of the NW 1/4 of said Section 16, for 35'; thence run S2°26'50"E, along a line parallel to and 35' W/ly of, as measured at right angles to, the east line of the NW 1/4 of said Section 16, for 150.14' to a point on the S/ly right-of-way line of Palmetto Feeder Road (State Road No. 826), Plat book 60, Page 91, said point also being a Point of intersection with a circular curve concave to the south, said point bearing N3°6'38"W from the center of said circular curve; thence run SW/ly, along the S/ly right-of-way line of said Palmetto Feeder Road, along a circular curve to the left, having for its elements a central angle of 4°12'1" and a radius of 5,579.65', for an arc distance of 409.04' to a Point of reverse curvature; thence run SW/ly, along the S/ly right-of-way line of said Palmetto Feeder Road, along a circular curve to the right, having for its elements a central angle of 4°35'4" and a radius of 5,879.65', for an arc distance of 470.45' to a Point of tangency; thence run S87°16'25"W, along the S/ly right-of-way line of said Palmetto Feeder Road, for 202.09' to the Point of beginning of the herein described parcel; thence run S2°43'35"E at right angles to the last and next described courses, for 652'; thence run S87°16'25"W for 460' to a Point of curvature; thence run SW/ly along a circular curve to the left having a radius of 525' and a central angle of 22°23'34" for an arc distance of 205.18'; thence run N2°43'35"W for 691.8' to a point on a circular curve, said point bears S2°14'21"E from the center of said circular curve; thence run E/ly along a circular curve to the left having a radius of 5,879.65' and a central angle of 0°29'14" for an arc distance of 50' to a Point of tangency; thence run N87°16'25"E for 610' to the Point of beginning (the last mentioned two courses being coincident with the S/ly right-of-way line of said Palmetto Feeder Road).

LOCATION: Lying south of Palmetto Feeder Road and approximately 850' east of N.W. 37 Avenue, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-4A (Item #1) would be incompatible with the neighborhood and area concerned and would be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and that the alternate requested use variance (Item #2) and

special exception and non-use variances (Items #3, 4, 5, 6, 7 and 8) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance and should be denied without prejudice, but that the requested unusual use and non-use variances would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved, subject to conditions;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to RU-4A (Item #1) be and the same is hereby denied without prejudice;

BE IT FURTHER RESOLVED that the alternate requested use variance (Item #2) and the requested special exception and non-use variances (Items #3, 4, 5, 6, 7, 8) be and the same are hereby denied without prejudice;

BE IT FURTHER RESOLVED that the requested unusual use and non-use variances (Items #9, 10, 11, 12, 13, 14, 15, 16, and 17) be and the same are hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Department. The plan shall include, but not be limited to: location of building, signs, light standards, parking areas, exits and entrances, driveways, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the same by the applicant, General Hospital, as prepared by Yearwood and Johnson Architects, Inc., dated 2/3/86, consisting of 9 pages.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.
5. That the dedication of right-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. The amount of such right-of-way in order to comply with the requirements of the Code of Metropolitan Dade County and in accordance with the requirements of the Public Works Department, as may be deemed lacking, desirable and necessary by the Public Works Director. That the dedication and improvement be made at such time as requested by the Public Works Director.
6. That the private drive connect to N.W. 37 Avenue as acceptable to the Public Works Department.
7. That the use comply with all requirements of the Department of Environmental Resources Management.

BISCAYNE COLLEGE

Page Four

16-52-41

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 20th day of March, 1986.

March, 1986  
No. 86-3-CC-13  
mr  
5/15/86

DADE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS  
Richard P. Brinker, Clerk

By \_\_\_\_\_  
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 23rd day of May 1986.

May 23, 1986

Biscayne College A/K/A St. Thomas University  
16400 N.W. 32nd Avenue  
N. Miami, FL 33161

Re: Hearing No. 86-3-CC-13; Lying south of Palmetto Feeder Road and  
approximately 850' east of N.W. 37 Avenue

Gentlemen:

Enclosed, herewith, is a copy of Resolution No. Z-68-86, adopted by the Board of County Commissioners, which approved, with conditions, your requested Items #9, 10, 11, 12, 13, 14, 15, 16, 17 and denied without prejudice the balance of your application on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance, therewith, will be required.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this office in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

You are, hereby, advised that the decision of the Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the submission of the resolution to the Clerk of the County Commission. You are, further, advised that in the event that an appropriate appeal is timely filed in the Circuit Court, any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Very truly yours,

Chester C. Czebrinski  
Assistant Director

CCC/mr

Enclosure

cc: J. J. DellaPorta, Inc.  
11820 W. Dixie Highway  
N. Miami, FL 33161

Department of Public Works  
Department of Environmental Resources Management

DECISION OF THE JOINT DIRECTORS OF THE MIAMI-DADE COUNTY PLAT DIVISION

ON

AN APPLICATION FOR AN ENTRANCE FEATURE

Application Number: 00-EF-09
Applicant's Name: St. Thomas University, Inc.
Address of Property: 16400 NW 32nd Avenue
Legal Description: See attached application

DIRECTORS DECISION

Approved subject to the following conditions: To be constructed in accordance with plans prepared by PBS & J consisting of 23 sheets dated received by the Public Hearing Section on March 31, 2000 and subject to the following requirements.

- 1. Tree removal permit required. Contact Forest Resources Program (DERM) at (305) 372-6585 for details.
2. Landscape plans and sign lettering to be approved by the Planning Section prior to building permit.
3. Contact Fire Department regarding minimum width road requirements.

Note: Be advised that the required building permit for the Entrance Feature will be held up pending recording of the Maintenance Agreement reflecting the approved set of plans. Please contact the Zoning Hearings Section as soon as possible for instructions regarding the submittal of the Maintenance Agreement, the current Opinion of Title and Joinders by Mortgagees for review by Legal Counsel.

APPROVED

RAP

Director, Miami-Dade County Public Works Department

4/26/00

Date

Director, Miami-Dade County Department of Planning and Zoning

5/1/2000

Date

Decision Effective Wednesday, June 28, 2000

JD:al
WP7/DRS/00EF09 APPROVED



STEPHEN P. CLARK CENTER

DEPARTMENT OF PLANNING AND ZONING  
111 NW FIRST STREET  
SUITE 1110  
MIAMI FLORIDA 33128-1974  
(305) 375-2800  
FAX (305) 375-2795

June 14, 2000

Suzanne A. Dockerty, Esq.  
J. Patrick Fitzgerald, P.A.  
110 Merrick Way, Suite 3B  
Coral Gables, FL 33134

RE: **ST. THOMAS UNIVERSITY**  
**E2000000009**

Dear Ms. Dockerty:

This department has processed your application for entrance feature. Attached please find the report from staff who approved your application. The legal advertisement of your request will be in the Miami Daily Business Review on Wednesday, June 14, 2000.

The deadline for the receipt of appeals from an aggrieved property owner is Wednesday, June 28, 2000.

If further information is desired please call (305) 375-2640.

Sincerely,

A handwritten signature in cursive script that reads "Lynne Talleda".

Lynne V. Talleda, Supervisor  
Zoning Hearings Section

LVT/sbl

**SUBMITTED PLANS AND SURVEY**





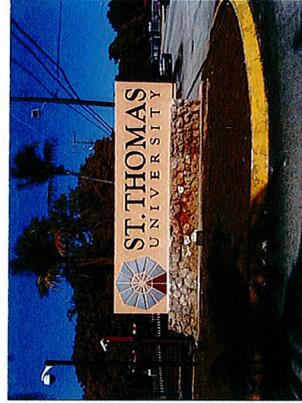
ST. THOMAS UNIVERSITY CAMPUS SITE  
 16401 NW 37th AVENUE - MIAMI GARDENS, FLORIDA 33054



SIGNS 'A' \_\_\_\_\_ NTS  
 AT MAIN ENTRANCE ON 31st AVENUE



SIGNS 'D' \_\_\_\_\_ NTS  
 AT MAIN ENTRANCE ON 37th AVENUE



SIGNS 'D' \_\_\_\_\_ NTS  
 AT MAIN ENTRANCE ON 37th AVENUE



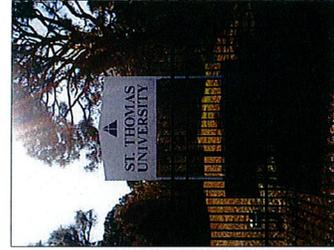
SIGNS 'B' \_\_\_\_\_ NTS  
 AT MAIN ENTRANCE ON 31st AVENUE



SIGNS 'B' and 'C' \_\_\_\_\_ NTS  
 AT MAIN ENTRANCE ON 31st AVENUE



SIGNS 'C' \_\_\_\_\_ NTS  
 AT MAIN ENTRANCE ON 31st AVENUE



SIGNS 'E' \_\_\_\_\_ NTS  
 AT MAIN ENTRANCE ON 31st AVENUE

SIGNAGE PLAN VARIANCE APPLICATION

- EXISTING SIGNS ON PROPERTY REFER TO PICTURES ON SHEET 1  
 SIGN 'A' - AT MAIN ENTRANCE ON 31st AVENUE  
 SIGN 'B' - AT MAIN ENTRANCE ON 31st AVENUE  
 SIGN 'C' - AT UNIVERSITY ENTRANCE ON 31st AVENUE  
 SIGN 'D' - AT UNIVERSITY ENTRANCE ON 37th AVENUE  
 SIGN 'E' - AT UNIVERSITY NORTH PROPERTY LINE  
 PROPOSED SIGNS ON PROPERTY REFER TO SHEET A-1 OF 1  
 SIGN 'F' - MONUMENT TOWER AT NW CORNER OF PROPERTY

|            |
|------------|
| REVISIONS: |
|            |
|            |
|            |
|            |
|            |

ST THOMAS UNIVERSITY  
 SIGN VARIANCE APPLICATION  
 SIGNAGE SITE PLAN  
 16401 NW 37th Avenue  
 MIAMI GARDENS, FL 33054-0004

Corporation License  
 # AA000589  
 SEAL  
 NO. APPROVED  
 DATE L. WILLIAMS

VILLA & ASSOCIATES INC.  
 ARCHITECTURE - PLANNING - LANDSCAPE ARCHITECTURE  
 7544 SW 49 STREET - MIAMI FL 33155 - (305) 661-1818  
 CONSULTANT:



|               |          |             |         |
|---------------|----------|-------------|---------|
| DATE:         | 07-28-11 | SHEET:      | P - 107 |
| SIGN VARIANCE |          | Site 2 of 2 |         |

**TRANSMITTAL NOTICE**

**Cyril Saiphoo**

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**From:** Cyril Saiphoo  
**Sent:** Friday, February 11, 2011 2:04 PM  
**To:** 'Horacio Carlos Huembes'  
**Cc:** 'Zamora, Juan M.'; Nixon Lebrun  
**Subject:** RE: St. Thomas University Sign Variance  
**Attachments:** 030211staffrecommendation.draft.docx; 030211CouncilMemo.StThomasSign.docx; image001.png; image002.gif; image003.jpg

Carlos, attached is the draft recommendation and Council memo less the attachments. Please note the conditions of approval, let me know if you concur with the conditions or will be debating them at the meeting. Thanks. A final complete recommendation will be available mid next week.



*Cyril Saiphoo*

Cyril Saiphoo, AICP  
Zoning Administrator  
Planning and Zoning Department  
City of Miami Gardens  
1515 N.W. 167 St. Building 5, Suite 200  
Miami Gardens, FL 33169  
305-622-8000 ext. 2677  
305-622-8857 fax

---

**From:** Horacio Carlos Huembes [mailto:hcarlos@bellsouth.net]  
**Sent:** Friday, February 11, 2011 12:08 PM  
**To:** Cyril Saiphoo  
**Cc:** 'Zamora, Juan M.'; Nixon Lebrun  
**Subject:** St. Thomas University Sign Variance

I apologize, here it goes.

Letter of Intent and remaining funds shall follow shortly.

Horacio Carlos Huembes, Architect  
Villa & Associates, Inc.  
7344 SW 48th Street, # 201  
Miami, Florida 33155  
305-661-8181 Office  
305-661-8710 Fax

---

**From:** Cyril Saiphoo [mailto:csaiphoo@miamigardens-fl.gov]  
**Sent:** Friday, February 11, 2011 10:12 AM  
**To:** Horacio Carlos Huembes  
**Cc:** Zamora, Juan M.; Nixon Lebrun  
**Subject:** RE: St. Thomas University Sign Variance



## City of Miami Gardens Zoning Agenda Memo

|   |                                |                                    |   |   |                         |
|---|--------------------------------|------------------------------------|---|---|-------------------------|
| Zoning Board Meeting Date:                | March 2, 2011                  | Item Type: <i>(Enter X in box)</i> | Resolution<br>X   | Ordinance   | Other                   |
| Fiscal Impact:<br><i>(Enter X in box)</i> | Yes                            | No                                 | Ordinance Reading:<br><i>(Enter X in box)</i>           | 1 <sup>st</sup> Reading   | 2 <sup>nd</sup> Reading |
|   |                                | x                                  | Public Hearing:<br><i>(Enter X in box)</i>              | Yes<br>X  | No<br>                  |
| Funding Source:                           | <i>(Enter Fund &amp; 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:<br>2.5.1 Adopt revised Zoning Code/Land Development Regulations by 2009, including the incorporation of new sign code |                         |
|   | X                              |                                    | Enhance Organizational <input type="checkbox"/>         |   |                         |
|   |                                |                                    | Bus. & Economic Dev <input checked="" 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 Department  |                         |

### Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING A REQUEST BY FLORIDA MEMORIAL UNIVERSITY FOR A WAIVER OF ONE-HALF (1/2) OF THE PARKS AND RECREATION IMPACT FEE FROM THREE HUNDRED, THIRTEEN THOUSAND, SEVEN HUNDRED EIGHTY-TWO DOLLARS AND 60/100 (\$313,782.60), TO ONE HUNDRED FIFTY-SIX THOUSAND, EIGHT HUNDRED NINETY-ONE DOLLARS AND 30/100 (\$156,891.30), IN ACCORDANCE WITH SECTION 34-97 OF THE CITY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

### Staff Summary:

#### Background

Section 34-97(e)(f), *Impact Fees* of the City's Land Development Regulations (LDRs) provides for a partial reduction of an impact fee. For example, if privately supplied parks and recreation facilities or services are provided for the use of the residents or occupants of a project and are of such a nature as to reduce

**ITEM 10-C) RESOLUTION  
PUBLIC HEARING  
Florida Memorial University request  
for waiver of impact fee**

the project's impact upon the city's capital expansion needs, up to one-half of the applicable fee may be credited against that service receiving the reduced impact.

## **Current Situation**

Regarding Florida Memorial University's new dormitory buildings, the City's Building Official determined the parks and recreation impact fees are applicable to the 170 room dormitory development for a total fee of \$313,782.60. Details are provided in the attached spreadsheet.

Florida Memorial University is requesting the City Council waive one-half of the parks and recreation impact fee. After inspection of the property by the City's Building Official and the Zoning Administrator it was concluded that the privately supplied parks and recreation space provided on the Florida Memorial University campus qualifies for the waiver of the one-half of the parks and recreation impact fee as calculated. The one-half waiver results in a parks and recreation impact fee of \$156,891.30.

## **Proposed Action:**

Staff recommends City Council approval of the attached resolution approving the waiver of one-half of the Parks and Recreation Impact Fee.

## **Attachments:**

- EXHIBIT "A" Request Letter from FMU

RESOLUTION NO. 2011\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING A REQUEST BY FLORIDA MEMORIAL UNIVERSITY FOR A WAIVER OF ONE-HALF (1/2) OF THE PARKS AND RECREATION IMPACT FEE FROM THREE HUNDRED, THIRTEEN THOUSAND, SEVEN HUNDRED EIGHTY-TWO DOLLARS AND 60/100 (\$313,782.60), TO ONE HUNDRED FIFTY-SIX THOUSAND, EIGHT HUNDRED NINETY-ONE DOLLARS AND 30/100 (\$156,891.30), IN ACCORDANCE WITH SECTION 34-97 OF THE CITY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 34-97(e), Impact Fees of the City's Land Development Regulations provide that the City Council may reduce an impact fee in the event privately supplied Parks and Recreation facilities or services are provided for the use of the residents or occupants of a project and are of a such a nature as to reduce the project's impact on the City's capital expansion needs, and

WHEREAS, Section 34-97(f) provides for a waiver of up to one-half (1/2) of the applicable fee to be credit against that service receiving the reduced impact, and

WHEREAS, the City's building official has determined that the Parks and Recreation Impact Fee applicable to the 170 room dormitory development at Florida Memorial University equates to a fee of Three Hundred, Thirteen Thousand, Seven Hundred Eighty-two Dollars and 60/100 (\$313,782.60), and

WHEREAS, Florida Memorial has requested that the City Council waive one-half of the required impact fee, and

WHEREAS, upon inspection by the City's building official and zoning administrator, it was concluded that the privately supplied Parks and Recreation space on the Florida Memorial University campus qualifies for the waiver of one-half (1/2) of the Parks and Recreation impact fee as calculated, which would result in a reduced fee

32 of One Hundred Fifty-Six Thousand, Eight Hundred Ninety-One Dollars and 30/100  
33 (\$156,891.30), and

34 WHEREAS, City staff recommends that the City Council approve the waiver of  
35 one-half (1/2) of the Parks and Recreation impact fee,

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

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

41 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens  
42 hereby approves a waiver request by Florida Memorial University of one-half (1/2) of the  
43 Parks and Recreation Impact Fee from Three Hundred Thirteen Thousand, Seven  
44 Hundred Eighty-Two Dollars and 60/100 (\$313,782.60), to One Hundred Fifty Six  
45 Thousand, Eight Hundred Ninety-One Dollars and 30/100 (\$156,891.30) in accordance  
46 with Section 34-97 of the City's Land Regulations.

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

49 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI  
50 GARDENS AT ITS ZONING MEETING HELD ON \_\_\_\_\_, 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: 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 Felicia Robinson | _____ (Yes) | _____ (No) |
| Councilman Andre' Williams    | _____ (Yes) | _____ (No) |
| _____                         | _____ (Yes) | _____ (No) |

**EXHIBIT "A"**  
**REQUEST LETTER FROM FMU**

**FLORIDA  
MEMORIAL  
UNIVERSITY**

A PROMISE. A FUTURE.

RECEIVED  
2/24/11

February 22, 2011

Dear Mayor and Council Members:

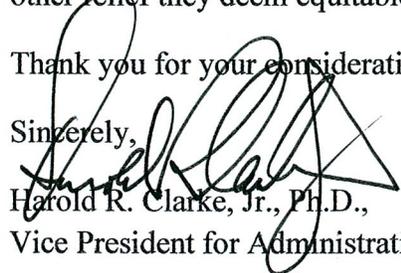
Please accept this letter as an amendment to our Appeal Request to appear before the Miami Gardens City Council regarding the applicable/discounted Impact Fees on our student living facilities currently under construction. As you may recall, Florida Memorial University has expressed concerns pertaining to the City's Land Development Regulations Section pertaining to Impact Fees for Park and Recreation. We raised our concerns in August 25, 2010 and received some consideration in a September 2, 2010 response from the City Manager. We support the City Manager's decision not to require full payment of assessed fees until or before the issuance of any occupancy certificate.

Subsequent to the City Manager's September 2, 2010 response, we have continued our dialogue with Staff in an effort to reduce the Park and Recreation Impact fees and/or to determine if a portion of these fees can be waived. In December, representatives from the Building Services Department and the Planning and Zoning Department visited the Florida Memorial University Campus to inspect existing campus recreation facilities: Gymnasium, Baseball Field with an outfield that accommodate multi-purpose use in support of Soccer and Flag Football; Tennis courts, and Student Activity Center. As a result of this site visit, Staff concluded that Florida Memorial University has sufficient recreational facilities to qualify for a partial waiver of Parks and Recreation Fees. We met with Staff on January 12, 2011 to confirm their findings and our eligibility for a partial waiver.

As a result of these discussions and in pursuance of the City's Land Development Regulations, Section 34-97(e), Florida Memorial University (FMU) respectfully request a partial waiver for the recreation and open space impact fee for our new dormitories. As alluded to above, FMU has on-campus supplied parks and recreation facilities that is provided for the sole use of students who reside in on-campus dormitories. These on-campus facilities reduce the new dormitories impact upon the city's capital needs for expansion of recreation and open spaces facilities and services. Specifically, FMU requests that the amount waived be one-half (50%) of the assessed fee. Further, we request that the City Council support this reduction and extend any other relief they deem equitable and just.

Thank you for your consideration and support.

Sincerely,

  
Harold R. Clarke, Jr., Ph.D.,  
Vice President for Administration

*Member - The College Fund/UNCF*