

ORDINANCE NO. 2011-21-263

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IMPLEMENTING THE CITY'S "GREEN CODE" AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 34-376, RELATING TO SUPPLEMENTAL PARKING; AMENDING SECTION 34-414 RELATING TO DESIGN STANDARDS FOR MULTI-FAMILY DISTRICTS; AMENDING SECTION 34-415 RELATING TO DESIGN STANDARDS FOR PLANNED CORRIDOR DISTRICTS AND NEIGHBORHOOD COMMERCIAL DISTRICTS; AMENDING SECTION 34-445 RELATING TO LANDSCAPE BUFFERS, AMENDING SECTION 34-531; AMENDING SECTION 34-532 RELATING TO EXPEDITED PERMITS; AMENDING SECTION 34-534 RELATING TO THE SUSTAINABLE DEVELOPMENT INCENTIVE BONUS; AMENDED SECTION 34-591 RELATING TO MIX-USE REGULATIONS; AMENDING SECTION 34-592 RELATING TO MINIMAL DWELLING AREA REQUIREMENTS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2010 the City received an Energy Efficiency and Conservation Block Grant from the Federal Government, and

WHEREAS, as a part of the implementation of the City's resulting Energy Efficiency and Conservation Plan, City staff analyzed the City's Codes regarding energy efficiency modifications, and

WHEREAS, City staff is making certain recommendations with respect to amendments to the Land Development Regulations,

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance.

Section 2. AMENDMENT: Section 34-376 of Chapter 34 of the City's Codes of Ordinances is hereby amended as follows:

* * * * *

Sec. 34-376. - General requirements.

- (d) *Supplemental parking.* Off-street parking spaces that are provided in excess of the number required in this article are discouraged. Additional parking spaces provided, and which do not meet the standards set forth in this article, may be permitted subject to approval of an administrative variance or waiver as set forth in section 34-49.

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Section 3. AMENDMENT: Paragraph (3) of Section 34-414 of the Code of Ordinances shall be amended as follows:

* * * * *

Sec. 34-414. - Design standards for multifamily districts.

- (3) *Roof variations.* Each multifamily building shall provide a change or variation in the roof line. For buildings that are less than three stories or 40 feet in height, flat roofs should be avoided where possible, unless a vegetative roof is used, and roof material should be tile, standing metal seam or other architecturally interesting material. Roof materials should have solar reflectance index (SRI) for 75% of the roof area as follows: low slope (less than 2:12) 78 SRI; steep slope (greater than 2:13) 29 SRI.

* * * * *

Section 4. AMENDMENT: Paragraph (3) of Section 34-415 of the Code of Ordinances shall be amended as follows:

Sec. 34-415. - Design standards for planned corridor district and neighborhood commercial district.

* * * * *

- (3) *Roof variations.* Each building shall provide a change or variation in the roof line. For buildings that are less than 41 feet in height, flat roofs should be avoided where possible, unless a vegetative roof is used, and roof material should be tile, standing metal seam or other architecturally interesting material. Roof materials should have solar reflectance index (SRI) for 75% of the roof area as follows: low slope (less than 2:12) 78 SRI; steep slope (greater than 2:13) 29 SRI.

* * * * *

Section 5. AMENDMENT: Paragraph (10) of Section 34-415 of the Code of Ordinances shall be amended as follows:

* * * * *

- (10) *Green building practices.*
 - a. Green building practices are generally consistent with the techniques used to achieve LEED certification, Green building practices are generally consistent with the techniques used to achieve LEED certification and would be LEED certifiable, but do not necessarily need to apply to have certification. ~~have to comply with the specific criteria required for LEED certification. LEED is the U.S. Green Building Council rating system for environmentally sustainable buildings also known as leadership in environmental energy and design.~~

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Section 6. AMENDMENT: Paragraph (9) of Section 34-445 of the Code of Ordinances shall be amended as follows:

Sec. 34-445. - Extra standards, exceptions.

* * * * *

- (9) *Landscape buffers.* A continuous landscaped greenbelt, except for penetrations for permitted ingress and egress points at the width

set forth in the article shall be provided within the required yard setback areas, and should be designed as stormwater filters or bioswales in compliance to the following standards, except as otherwise be permitted as set forth in article XV of this chapter:

* * * * *

Section 7. AMENDMENT: Section 34-531 of the Code of Ordinances shall be amended as follows:

Section 34-531. Schedule of development incentives.

The image shows a large table that has been almost entirely obscured by heavy blacking out. On the right side, a grid of white and black cells is visible, which likely represents the schedule of development incentives mentioned in the text above. The grid consists of approximately 10 columns and 15 rows, with some cells filled with black, indicating specific provisions or restrictions. The rest of the table is completely illegible due to the blacking out.

Section 8. AMENDMENT: Paragraph (j) of Section 34-532 of the Code of Ordinances shall be amended as follows:

Sec. 34-532. - Specific incentive bonus regulations square feet with this incentive bonus.

* * * * *

(j) *Expedited permits bonus.* The city may offer expedited permitting for building plans review, site plan review and other reviews in attempt to expedite the development or meet time constraints of the applicant, including mix-use developments and developments that are part of an master plan in accordance with Section 34-474 of this chapter.

* * * * *

Section 9. AMENDMENT: Paragraphs (b) of Section 34-534 of the Code of Ordinances shall be amended as follows:

Sec. 34-534. - Rules and procedure for awarding sustainable development incentive bonus.

(a) *Intent and applicability.* Sustainable building practices refers to building and building site design, materials and construction techniques that minimize demand for natural resources, and minimize the generation of waste products, pollution and stormwater runoff. The city's sustainable building program is a voluntary program that developers may choose to participate in, for which incentives bonuses shall be awarded.

(b) *Credit.* Credit for sustainable ("green") building practices shall be awarded based upon qualifying site design, construction and possibly, as applicable, operational practices. Green building practices are generally consistent with the techniques used to achieve LEED certification and would be LEED certifiable, but do not necessarily need to apply to have certification. ~~have to comply with the specific criteria required for LEED certification. LEED is the U.S. Green Building Council rating system for environmentally sustainable buildings also known as leadership in environmental energy and design.~~

* * * * *

Section 10. AMENDMENT: Paragraphs (g) of Section 34-534 of the Code of Ordinances shall be amended as follows:

Sec. 34-534. - Rules and procedure for awarding sustainable development incentive bonus.

* * * * *

(g) *Incentives.*

(1) Developments may satisfy all of the criteria for certification under a third party program, plus the additional point margin to be established administratively by the city for maximum possible incentive credit in table x under the "100 percent credit option."

~~(2) Developments that qualify for at least one-half of the total number of points required for third party certification, plus the additional point margin to be established administratively by the city shall qualify for partial incentive credit in table x under the "50 percent credit option."~~

* * * * *

Section 11. AMENDMENT: Paragraph (3) of Section 34-591 of the Code of Ordinances shall be amended as follows:

Sec. 34-591. - Mixed-use regulations.

Mixing of uses is optional. Whenever a development will contain a mix of residential and commercial uses, the mixing of uses shall be subject to the provisions of this section.

* * * * *

(3) The ground story frontage of the building facing the PCD arterial must be designed for occupancy by "active uses." "Active uses" are any combination of permitted retail, service, food and beverage uses, or indoor entertainment uses. Section 34-414 415 includes design standards for active-use ground stories.

* * * * *

Section 12. AMENDMENT: Section 34-592 of the Code of Ordinances shall be amended as follows:

Sec. 34-592. - Minimum dwelling area requirement.

All residential dwelling units shall comply with the minimum floor area requirements of article ~~II~~ XI of this chapter, ~~including minimum floor area standards.~~ unless qualified for incentive of reduction in dwelling unit size may in accordance to Section 34-531 of this chapter.

Section 13. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 14. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 15. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 16. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

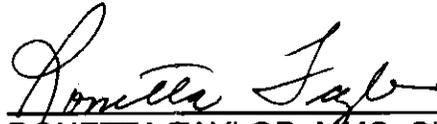
PASSED ON FIRST READING ON THE 7TH DAY OF SEPTEMBER, 2011.

PASSED ON SECOND READING ON THE 5TH DAY OF OCTOBER, 2011.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 5TH DAY OF OCTOBER, 2011.


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: Councilwoman Davis
Second by: Councilman Andre Williams

VOTE: 6-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell, Jr.	<u> X </u> (Yes)	<u> </u> (No)
Councilman David Williams Jr.	<u> </u> (Yes)	<u> </u> (No) (not present)
Councilwoman Lisa Davis	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	<u> </u> (No)
Councilman Andre Williams	<u> X </u> (Yes)	<u> </u> (No)



City of Miami Gardens Zoning Agenda Memo

Zoning Board Meeting Date:	October 5, 2011		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
					X		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading		2 nd Reading	
		x				x	
			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes	No
						x	
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement:	Yes		No	
				X			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:				
		X					
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area: 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"/>	Strategic Plan Obj./Strategy: N/A			
		X					
Sponsor Name:	Dr. Danny Crew, City Manager		Department:	Planning and Zoning Department			

Short Title:

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**ITEM 9-A) ORDINANCE
SECOND READING/PUBLIC HEARING
Green Code**

Staff Summary:

Background

In 2010 the City received an Energy Efficiency and Conservation Block Grant from the federal government. As a condition of the Grant, the City was required to develop an Energy Efficiency Conservation Strategy document (EECS) that outlined its long-term commitment to energy efficiency. One of the activities reflected in the EECS was an analysis of the City's Zoning Codes with the intent to drive future development towards a more energy efficient focus. A major piece of the analysis was the City's recently adopted Zoning Code, especially the, Planned Corridor Development zoning district along the city's major arterial roadways. The Zoning Code Analysis was completed by Shaw Environmental, the consulting firm hired by the City to complete the EECS and assist the City with the adoption of Zoning Code amendments.

Current Situation

Given the recent adoption of the Zoning Code (April 2010), a number of the consultant's suggestions for design criteria and standards had already been incorporated into the document. Notwithstanding, many of the consultant's recommended amendments are proposed in order to enhance the Code's energy efficiency provisions. These amendments are considered to be minor in nature. The proposed amendments are primarily focused on developments that would take place in the Planned Corridor Development Zoning District and in landscape and buffer standards.

The proposed Zoning Code amendments are summarized as follows:

1. Discourage the provision of extra parking spaces
2. Provide for vegetative roofs
3. Clarify LEED certification applicability
4. Incentivize expedited permitting bonus in PCD Zone
5. Clarify minimum dwelling area incentive references in the PCD Zone

Proposed Action:

Staff recommends that the Council approve the proposed Ordinance amendment

Attachments:

- Exhibit "B", LDR Amendments

EXHIBIT "B", LDR AMENDMENTS

**EXHIBIT “B” LAND DEVELOPMENT REGULATIONS AMENDMENTS
FOR ENERGY EFFICIENCY**

NOTE: Text additions are denoted as underlined, deletions are denoted by ~~strikethroughs~~.

 Denotes addition to table.

Sec. 34-376. - General requirements.

(d)

Supplemental parking. Off-street parking spaces that are provided in excess of the number required in this article are discouraged. Additional parking spaces provided, ~~and~~ which do not meet the standards set forth in this article, may be permitted subject to approval of an administrative variance or waiver as set forth in section 34-49.

Sec. 34-414. - Design standards for multifamily districts.

(3)

Roof variations. Each multifamily building shall provide a change or variation in the roof line. For buildings that are less than three stories or 40 feet in height, flat roofs should be avoided where possible, unless a vegetative roof is used, and roof material should be tile, standing metal seam or other architecturally interesting material. Roof materials should have solar reflectance index (SRI) for 75% of the roof area as follows: low slope (less than 2:12) 78 SRI; steep slope (greater than 2:13) 29 SRI.

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(10)

Increase height/density/FAR (see Section 15-100)								
▶1 story increase								
▶2 story increase								
▶3 story increase								
Allow flexible parking (see Section 34-532)								
Reduce avg. dwelling unit area (see Section 34-532)								
▶25 s.f. reduction								
▶50 s.f. reduction								
Expedite permits (see Section 34-532)								

Sec. 34-532. - Specific incentive bonus regulations

square feet with this incentive bonus.

(j)

Expedited permits bonus. The city may offer expedited permitting for building plans review, site plan review and other reviews in attempt to expedite the development or meet time constraints of the applicant, including mix-use developments and developments that are part of an master plan in accordance with Section 34-474 of this chapter.

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(g)

Incentives.

(1)

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established administratively by the city for maximum possible incentive credit in table x under the "100 percent credit option."

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