

ORDINANCE NO. 2014-02-314

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AMENDING SECTION 34-45. DEVELOPMENT REVIEW COMMITTEE (DRC); AMENDING SECTION 34-50. ADMINISTRATIVE VARIANCE AND WAIVERS; AMENDING SECTION 34-59. ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURE; AMENDING SECTION 34-64. OVERLAY ZONING DISTRICTS AND MASTER PLANS; AMENDING SECTION 34-89. MANDATORY AND OPTIONAL REVIEW OF DEVELOPMENT ORDERS; AMENDING SECTION 34-97. IMPACT FEES; AMENDING SECTION 34-143. LICENSING REQUIREMENTS; AMENDING SECTION 34-219. DESIGN STANDARDS; AMENDING SECTION 34-287. USE REGULATIONS, GENERALLY; AMENDING ARTICLE IX, SECTION 34-287. PERMITTED USES; AMENDING SECTION 34-288. USES PERMITTED WITH EXTRA REQUIREMENTS; AMENDING SECTION 34-311. ACCESSORY USE TABLE; AMENDING SECTION 34-312. ADDITIONAL USES AND BUILDING STANDARDS; AMENDING ARTICLE XI. DEVELOPMENT STANDARDS GENERALIZED TABLE OF DEVELOPMENT STANDARDS; AMENDING SECTION 34-382. DIMENSIONAL REQUIREMENTS; AMENDING SECTION 34-388. COMMERCIAL, RECREATIONAL, BOATS AND VESSEL PARKING AREAS; AMENDING SECTION 34-389. COMMERCIAL, RECREATIONAL, BOAT VESSEL VEHICLE PARKING IN RESIDENTIALLY ZONED PROPERTIES RESTRICTED; AMENDING SECTION 34-440. LANDSCAPE PERMIT REQUIRED; AMENDING SECTION 34-444. LANDSCAPE, BUFFERING MINIMUM STANDARDS; AMENDING ARTICLE XIV, SECTION 34-444, TABLE 1. MINIMUM LANDSCAPE AND BUFFERING STANDARDS; AMENDING SECTION 34-445. EXTRA STANDARDS, EXCEPTIONS; AMENDING SECTION 34-446. FENCES, WALLS AND HEDGES, SAFETY BARRIERS FOR SWIMMING POOLS; DELETING SECTION 34-474. MASTER PLANS; AMENDING SECTION 34-531. SCHEDULE OF DEVELOPMENT INCENTIVES; DELETING SECTION 34-532. SPECIFIC INCENTIVE BONUS REGULATIONS; DELETING SECTION 34-590. UPGRADED TEN-FOOT-WIDE SIDEWALK REQUIRED; DELETING SECTION 34-655. ADMINISTRATIVE VARIANCES OF FIFTEEN PERCENT; AMENDING SECTION 34-670. PROHIBITED SIGNS; AMENDING SECTION 34-732. DEFINITIONS OF TERMS; AMENDING SECTION 34-733. MASTER USE LIST AND USE DEFINITIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

Added language is underlined. Deleted language is stricken through.

WHEREAS, on April 11, 2010 the City adopted the Land Development Regulations (LDR) to regulate land development and zoning in the City, and

WHEREAS, the LDR's were adopted specific to the development goals of the City to take advantage of the development opportunities along the major corridors, large commercial areas, and industrial parks, and

WHEREAS, city staff is proposing amendments to the regulations to better direct and achieve the City's development goals as well as address code compliance issues that arise, and

WHEREAS, the proposed amendments address corrections, re-organizing, and clarifications of the regulations for better implementation and interpretation,

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:** The Land Development Regulations as outlined in the City of Miami Gardens' Code of Ordinances is hereby amended in accordance with Exhibit "A attached hereto.

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

Added language is underlined. Deleted language is stricken through.

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

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

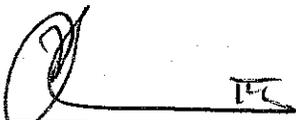
Section 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 11TH DAY OF DECEMBER, 2013.

PASSED ON SECOND READING ON THE 8TH DAY OF JANUARY, 2013.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 8TH DAY OF JANUARY, 2013.

Added language is underlined. Deleted language is stricken through.



OLIVER GILBERT, III, MAYOR

ATTEST:



RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY
SPONSORED BY: VICE MAYOR LISA DAVIS

Moved by: Councilman Williams
Second by: Councilwoman Odom

VOTE: 7-0

Mayor Oliver Gilbert, III	<u> X </u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u> X </u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	<u> X </u> (Yes)	_____ (No)
Councilman David Williams Jr	<u> X </u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	_____ (No)
Councilman Rodney Harris	<u> X </u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u> X </u> (Yes)	_____ (No)

Added language is underlined. Deleted language is stricken through.



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	January 8, 2014		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
		x				X	
			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes	No
			X			X	
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement:	Yes		No	
				X			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:	<i>(Enter #)</i>			
		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:	City Manager, Cameron Benson		Department:	Development Services and Enforcement			

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AMENDING SECTION 34-45. DEVELOPMENT REVIEW COMMITTEE (DRC); AMENDING SECTION 34-50. ADMINISTRATIVE VARIANCE AND WAIVERS; AMENDING SECTION 34-59. ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURE; AMENDING SECTION 34-64. OVERLAY ZONING DISTRICTS AND MASTER PLANS; AMENDING SECTION 34-89. MANDATORY AND OPTIONAL REVIEW OF DEVELOPMENT ORDERS; AMENDING SECTION 34-97. IMPACT FEES; AMENDING SECTION 34-143. LICENSING REQUIREMENTS; AMENDING SECTION 34-219. DESIGN STANDARDS; AMENDING SECTION 34-287. USE REGULATIONS, GENERALLY; AMENDING ARTICLE IX, SECTION 34-287. PERMITTED USES; AMENDING SECTION 34-288. USES PERMITTED WITH EXTRA REQUIREMENTS; AMENDING SECTION 34-311. ACCESSORY USE TABLE; AMENDING SECTION 34-312. ADDITIONAL USES AND BUILDING STANDARDS; AMENDING ARTICLE XI. DEVELOPMENT STANDARDS GENERALIZED TABLE OF DEVELOPMENT STANDARDS; AMENDING SECTION 34-382. DIMENSIONAL REQUIREMENTS; AMENDING SECTION 34-388. COMMERCIAL, RECREATIONAL, BOATS AND VESSEL PARKING AREAS; AMENDING SECTION 34-389. COMMERCIAL, RECREATIONAL, BOAT VESSEL VEHICLE PARKING IN RESIDENTIALLY ZONED PROPERTIES RESTRICTED; AMENDING SECTION 34-440. LANDSCAPE PERMIT REQUIRED; AMENDING SECTION

**ITEM N-1) QUASI-JUDICIAL ZONING HEARINGS
ORDINANCE/SECOND READING/PUBLIC HEARING
Development Review Committee**

34-444. LANDSCAPE, BUFFERING MINIMUM STANDARDS; AMENDING ARTICLE XIV, SECTION 34-444, TABLE 1. MINIMUM LANDSCAPE AND BUFFERING STANDARDS; AMENDING SECTION 34-445. EXTRA STANDARDS, EXCEPTIONS; AMENDING SECTION 34-446. FENCES, WALLS AND HEDGES, SAFETY BARRIERS FOR SWIMMING POOLS; DELETING SECTION 34-474. MASTER PLANS; AMENDING SECTION 34-531. SCHEDULE OF DEVELOPMENT INCENTIVES; DELETING SECTION 34-532. SPECIFIC INCENTIVE BONUS REGULATIONS; DELETING. SECTION 34-590. UPGRADED TEN-FOOT-WIDE SIDEWALK REQUIRED; DELETING SECTION 34-655. ADMINISTRATIVE VARIANCES OF FIFTEEN PERCENT; AMENDING SECTION 34-670. PROHIBITED SIGNS; AMENDING SECTION 34-732. DEFINITIONS OF TERMS; AMENDING SECTION 34-733. MASTER USE LIST AND USE DEFINITIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

The City adopted its' own Land Development Regulations (LDRs) in 2010 as a means to promote development and stable neighborhoods within the City. Regulations were adopted specific to the development goals of the City to take advantage of the development opportunities along the major corridors, large commercial areas, and industrial parks. Periodically, and as needed, amendments are proposed to the regulations to better direct and achieve the City's development goals as well as address code compliance issues that arise. The last significant set of amendments was made in 2010.

Current Situation

Though, several minor amendments have been made to the City's LDR since adoption, to better promote development and address code compliance issues that have arisen since the adoption of the LDRs, numerous amendments are being proposed. The purpose and intent of the amendments are as follows:

- To address corrections, re-organizing, and clarifications of the regulations for better implementation and interpretation of the LDRs;
- To address code compliance issues that require stronger regulations;
- Offer changes to specific regulations to better focus and guide land development due to the evolution of the City's development goals since the original adoption of the LDRs;

Proposed Action:

Recommend adoption of the Ordinance.

Attachments: Exhibit "A" – Proposed LDR Amendments

Exhibit "A" – Proposed LDR Amendment

Exhibit "A" Proposed Amendments to Land Development Regulations

Added language is underlined. Deleted language is ~~strikethrough~~.

ARTICLE II. ADMINISTRATION

Sec. 34-45. ~~Development review committee (DRC).~~ Development Approval. In all cases requiring site plan review, no structure, or part thereof, shall be erected or used, or land or water used, or any change of use consummated, nor shall any building permit be issued, unless a site plan has been reviewed and approved, and found to be in substantial compliance with the written standards included in this development code.

Sec. 34-45.1 Development Review Committee (DRC).

- (a) *Authority; establishment.* The development review committee (DRC) is hereby established with the express intent to review applications for development orders or permits relative to the requirements, regulations and standards of this chapter. The DRC shall approve, approve with conditions, or disapprove a ~~DRC~~-submittal on the basis of the criteria set forth herein this section. In the case of applications for which the DRC acts in an advisory capacity, it shall make recommendations for approval, approval with conditions, or disapproval. In all cases requiring site plan review, no structure, or part thereof, shall be erected or used, or land or water used, or any change of use consummated, nor shall any building permit be issued, unless a site plan has been reviewed and approved, and found to be in substantial compliance with the written standards included in this development code.
- (b) *Members.* The development review committee (DRC shall be administered and chaired by the administrative official and shall be composed of the following staff persons or their designees:
- (1) Planning and Zoning Manager ~~Director of planning and zoning.~~
 - (2) Director of public works.
 - (3) Director of parks and recreation.
 - (4) Police chief.
 - (5) Director of building and code compliance department.
 - (6) Any other city staff, or contractor which at the discretion of the administrative official, provides professional experience necessary to determine whether an application complies with the review criteria set forth herein.
 - (7) Representatives from the city manager and city attorney's offices, when determined appropriate by the administrative official.
- (c) *Duties and responsibilities.* The development review committee shall have the following duties and responsibilities:
- (1) Review and approve site plans for all new retail/commercial/industrial/office/institutional type construction, including enlargements and/or modifications of existing buildings and/or of a site that requires substantial re-configuration of site improvements prior to issuance of building permit.

- (2) Review and approve site plans for new construction of government facilities, community and civic centers, ALFs, hospitals and medical centers,, stadiums, places of public assembly, including enlargements and/or modifications of existing buildings and/or of the site that require substantial re-configuration of site improvements prior to issuance of building permit.
 - (3) Review and approve site plans for new construction within subdivisions of single-family homes of more than six units; all new construction of townhouse developments; all new construction of mixed-use and multifamily residential developments with more than three units; and any modifications to existing residential developments that require substantial re-configuration of site improvements prior to issuance of building permit.
 - (4) Review and approve site plans for all parking structure construction.
 - (5) Review all site plans accompanying special exception use approval requests, and make recommendations to the city council.
 - (6) Review all site plans accompanying PD planned development rezoning application and make recommendations to the city council.
 - (7) Review and approve all plans for development in GP Government Properties District.
 - (8) Review vacation/abandonment/dedications of rights-of-way, alleyways, and easements and make recommendations to city council.
 - (9) Review final plats, and waiver of plats and make recommendations to city council.
 - (10) Review and approve plans submitted for certificate of nonconformity as set forth in section 34-59.
 - (11) Review any other types of developments or projects that the administrative official determines to require DRC review and approval.
- (d) *Organization, rules, and procedures.* The development review committee (DRC) process shall consist of the following:
- (1) ~~Pre-application submittal~~ meeting. Upon request of the applicant, or upon determination of the administrative official, ~~pre-application submittal~~ meetings will be held with DRC members for the purpose of reviewing the proposed development prior to the formal submission of an application for development approval. Formal application or filing of an site plan application and plans with the planning and zoning department is not required for the ~~pre-application~~ submittal conference. Failure of staff to identify any requirements at a ~~pre-application~~ submittal conference shall not constitute waiver of any code provision of condition of approval that may later be required ~~by DRC~~ when reviewing the formal application submittal. The city shall notify the applicant of the date, time and place of the pre-application meeting.
 - (2) Application by owner of interest in subject property. The application for DRC ~~approval~~ pre-submittal meeting shall be submitted by the owner of an interest in the land, ~~which is to be developed on a~~ on a completed application form approved by the city, accompanied with the required fee.; if the applicant is not the fee simple property owner, a limited power of attorney from the fee simple property owner authorizing the applicant to act on his/her behalf is required. ~~The application shall be made on forms approved by the administrative official and shall be accompanied by such documentation as, in the judgment of the~~

administrative official, will be necessary to determine compliance with this chapter as well as minimum submission requirements found in this section. The application shall be made to the department of planning and zoning accompanied by the necessary fees and all applicable submittal requirements as set forth herein this section.

(3)

Submittal requirements. The following shall be required to be submitted with an application for DRC approval:

a.

Letter of intent. The applicant shall submit a detailed letter of intent with a statement of objectives indicating:

1.

The general purpose of the development;

2.

The density, number and type of dwelling units to be constructed;

3.

The method and time schedule of development and improvements to be made as part of the project;

4.

The type and square footage of nonresidential development including floor area ratios, pervious and impervious surface areas, and other standards as may be required; and

5.

For any site plan including 50 or more residential units, the applicant shall include a statement indicating whether the residential units are intended to be owner-occupied or rental units.

(4)

Survey. A boundary survey drawn to an appropriate engineering scale sufficient to show and to depict the location of existing property lines for both private and public property, existing contours shown at a contour interval of no greater than two feet, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, public utility easements, wooded areas, streams, lakes, marshes, and any other physical improvements and conditions on the site.

(5)

Site plan. A site plan shall be drawn to an appropriate engineer's scale showing:

a.

The proposed grading plan;

- b. The width, location, typical section, and names of proposed streets;
- c. The width, location and names of surrounding streets including any/all rights-of-way and easements;
- d. The zoning district categories and existing land uses on properties adjacent to the proposed development;
- e. The use, size, location and height of all proposed buildings and other structures;
- f. The location of phase lines indicating all applicable construction phases;
- g. The off street parking and loading plan;
- h. A circulation diagram showing vehicular and pedestrian movements including any special engineering features and traffic regulation devices;
- i. The location and size of common open spaces and public or quasi-public area; and
- j. Statistical information, including:
 - 1. Total acreage of the site;
 - 2. Maximum building coverage expressed as a percentage of the total site area;
 - 3. The area of land devoted to open space expressed as a percentage of the total site area;
 - 4. The calculated density in dwelling units/acre or intensity as F.A.R. for the project;
 - 5. Parking calculations for required parking and provided parking categorized by uses; and
 - 6.

The area of land devoted to rights of way, transportation easements, parking and other transportation facilities expressed as a percentage of the total site area.

(6)

Engineering plan. Civil engineering plans drawn to an appropriate engineer's scale depicting:

a.

Existing drainage and sewer lines;

b.

The disposition and/or retention of sanitary waste and stormwater;

c.

The source of potable water;

d.

The location and width of all utility easements and rights of way;

e.

All roadways, alleyways, driveways, improved and proposed; and

f.

All easements, reservations of easements of record and proposed.

(7)

Landscape plan. Landscaping plan drawn to an appropriate engineer's scale depicting:

a.

All landscape areas, including swale and abutting properties to be landscaped;

b.

All specimen trees or groups of specimen trees, indicating those to be retained, removed, or relocated;

c.

The location, height, and material for walks, fences, walkways, and other manmade landscape features; and

d.

Any special landscape features including but not limited to, manmade lakes, hardscape materials, land sculpture, and waterfalls.

(8)

Development phasing plan. Development phasing plan with schedule showing order of construction, proposed date for the beginning of construction and completion of the project as a whole and any phases thereof, and construction staging areas.

(9)

Covenants, grants, easements, dedications and restrictions. Submittal of any covenants, grants, easements, dedications and restrictions to be imposed on the land, buildings, and structures, including proposed easements for public utilities and instruments relating to the use and maintenance of common open spaces and private streets. Such instruments shall give consideration to access requirements of public vehicles for maintenance purposes.

(10)

School concurrency. For developments with a proposed residential component, the applicant shall submit a completed school impact analysis form.

(11)

Design standards. Plans of the design standards for the development depicting the following:

a.

Elevations of front and sides of buildings with indications of materials and dimensions;

b.

Elevations of accessory buildings, if proposed, with indications of materials and dimensions;

c.

Paving materials;

d.

Palette of exterior materials and their colors; and

e.

Color rendering in perspective.

(12)

Application and fee. Completed application on form approved by the city, accompanied with the required fee.

(13)

Additional information. Additional and relevant information, which is deemed to be appropriate by the city to ensure consideration of all relevant issues.

(e)

Waiver of submittal requirements. The administrative official shall have the discretion to waive, if deemed appropriate, any of the required submittal items.

(f)

Determination of completeness.

(1)

Within five working days after receipt of an application for site plan approval, the city shall determine whether the application contains all required information at the required level of detail. In the event it is determined that the

application is not complete, the city shall notify the applicant of the areas of insufficiency and shall specify the additional information and level of detail required in order to declare the application complete.

(2)

In the event that an applicant fails to submit the required additional information within 30 calendar days of notification of insufficiency, the city may consider the application to be withdrawn.

(3)

An extension may be granted by the city at the written request of the applicant provided that the applicant demonstrates just cause. Such extension shall be for a time certain.

(g)

Design review criteria. The DRC shall approve, approve with conditions, defer, or deny the application, or if acting in an advisory capacity, make a recommendation therefore, after consideration and review of the following:

(1)

The development, as proposed, conforms to the comprehensive development master plan for city, and is consistent with the recommendations of any applicable neighborhood or area studies or plans which have been approved by action of the city council, and is otherwise compatible with the existing area or neighborhood development;

(2)

The proposed development site plans, landscape plans, engineering plans and other required plans conform or will conform with all applicable city codes; including design standards as set forth in this chapter.

(3)

The development, as proposed, will efficiently use or not unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;

(4)

The development, as proposed, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, public streets, roads and highways, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads, streets, or highways; and

(5)

The development provides necessary and adequate vehicular circulation, pedestrian access, ingress/egress, and is configured in a manner to minimize hazards and impacts on adjacent properties and adjacent rights-of-way.

(h)

Imposition of conditions. Upon approval with conditions, or recommendation therefore, the DRC may impose conditions as deemed necessary to ensure compliance with code requirements or minimize or mitigate the impacts of the application on public facilities, adjacent properties and the surrounding neighborhood, including but not limited to the following:

(1)

Require city council approval as may be required for compliance with applicable code requirements.

(2)

Require the property be platted, or waiver of plat filed prior to issuance of building permit or issuance of certificate of occupancy.

(3)

Require submittal of revised and completed plans to the city meeting the conditions imposed by the DRC prior to issuance of building permit or prior to issuance of certificate of occupancy.

(4)

Require applicant to proffer a declaration of restrictive covenants inclusive of conditions of approval and other proffered restrictions on the development as required, or recommended as the case may be, by the DRC.

(5)

Require applicant to dedicate, reserve, or grant easements for future improvements as may be deemed necessary by the city.

(6)

Require applicant to proffer a unity of title for lands subject to the development as deemed necessary prior to issuance of building permit.

(7)

Require applicant to submit planning studies, traffic impact analysis, parking analysis, cost estimate studies, drainage studies, or other studies as deemed necessary by the city as requiring further review.

(8)

Require the applicant to post or bond or other form of surety for any improvements as deemed necessary prior to issuance of building permit or issuance of certificate of occupancy.

(9)

Require that all applicable fees, contributions, or proffered contributions be paid prior issuance of building permit or issuance of certificate of occupancy.

(10)

Impose any other condition that is deemed necessary in protecting the public health, safety and welfare, inclusive of mitigating, or minimizing impacts as result of the proposed development.

a.

Appeals. An applicant may appeal any order, requirement, decision or determination made by the development review committee by filing such petition with the zoning appeals board in accordance to [section 34-46](#)

b.

Modifications, deletions, revisions. Any modification, deletion, revision to a DRC approved plans or condition shall only be made upon a request being submitted to the department of planning and zoning, on a form approved by the administrative official requesting the modification, deletion, or revision. The administrative official shall determine if the modification, deletions, or revisions represent a substantial change to the approval. If it is determined that the modification, deletion, or revision are in substantial compliance the administrative official shall issue a substantial compliance statement to the applicant. In the event it is determined the modification, deletion, or revision is not substantially in compliance with the approval the administrative official may require the application be resubmitted and reviewed by the DRC in the manner set forth in this section.

Sec. 34-45.2 Site Plan Approval.

Submittal requirements. Application by owner of interest in subject property. The application for site plan approval shall be submitted by the owner of an interest in the land, which is to be developed on a on a completed application form approved by the city, accompanied with the required fee. ; if the applicant is not the fee simple property owner, a limited power of attorney from the fee simple property owner authorizing the applicant to act on his/her behalf is required. The application shall be made on forms approved by the administrative official and shall be accompanied by such documentation as, in the judgment of the administrative official, will be necessary to determine compliance with this chapter as well as minimum submission requirements found in this section. The application shall be made to the department of planning and zoning accompanied by the necessary fees and all applicable submittal requirements as set forth herein this section. The following shall be required to be submitted with an application for -site plan approval:

- (1) Letter of intent. The applicant shall submit a detailed letter of intent with a statement of objectives indicating:
 - a. The general purpose of the development;
 - b. The density, number and type of dwelling units to be constructed;

- c. The method and time schedule of development and improvements to be made as part of the project;
- d. The type and square footage of nonresidential development including floor area ratios, pervious and impervious surface areas, and other standards as may be required; and
- e. For any site plan for residential units, the applicant shall include a statement indicating whether the residential units are intended to be owner occupied or rental units.

(2) Survey. A boundary survey drawn to an appropriate engineering scale sufficient to show and to depict the location of existing property lines for both private and public property, existing contours shown at a contour interval of no greater than two feet, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, public utility easements, wooded areas, streams, lakes, marshes, and any other physical improvements and conditions on the site.

(3) Site plan. A site plan shall be drawn to an appropriate engineer's scale showing:

- a. The proposed grading plan;
- b. The width, location, typical section, and names of proposed streets;
- c. The width, location and names of surrounding streets including any/all rights-of-way and easements;
- d. The zoning district categories and existing land uses on properties adjacent to the proposed development;
- e. The use, size, location and height of all proposed buildings and other structures;
- f. The location of phase lines indicating all applicable construction phases;
- g. The off-street parking and loading plan;
- h. A circulation diagram showing vehicular and pedestrian movements including any special engineering features and traffic regulation devices;
- i. The location and size of common open spaces and public or quasi-public area; and
- j. Statistical information, including:
 - 1. Total acreage of the site;
 - 2. Maximum building coverage expressed as a percentage of the total site area;
 - 3. The area of land devoted to open space expressed as a percentage of the total site area;
 - 4. The calculated density in dwelling units/acre or intensity as F.A.R. for the project;
 - 5. Parking calculations for required parking and provided parking categorized by uses; and
 - 6. The area of land devoted to rights-of-way, transportation easements, parking and other transportation facilities expressed as a percentage of the total site area.

(4) Engineering plan. Civil engineering plans drawn to an appropriate engineer's scale depicting:

- a. Existing drainage and sewer lines;
- b. The disposition and/or retention of sanitary waste and storm water;
- c. The source of potable water;
- d. The location and width of all utility easements and rights-of-way;

- e. All roadways, alleyways, driveways, improved and proposed; and
- f. All easements, reservations of easements of record and proposed.

(5) Landscape plan. Landscaping plan drawn to an appropriate engineer's scale depicting:

- a. All landscape areas, including swale and abutting properties to be landscaped;
- b. All specimen trees or groups of specimen trees, indicating those to be retained, removed, or relocated;
- c. The location, height, and material for walks, fences, walkways, and other manmade landscape features; and
- d. Any special landscape features including but not limited to, manmade lakes, hardscape materials, land sculpture, and waterfalls.

(6) Development phasing plan. Development phasing plan with schedule showing order of construction, proposed date for the beginning of construction and completion of the project as a whole and any phases thereof, and construction staging areas.

(7) Covenants, grants, easements, dedications and restrictions. Submittal of any covenants, grants, easements, dedications and restrictions to be imposed on the land, buildings, and structures, including proposed easements for public utilities and instruments relating to the use and maintenance of common open spaces and private streets. Such instruments shall give consideration to access requirements of public vehicles for maintenance purposes.

(8) School concurrency. For developments with a proposed residential component, the applicant shall submit a completed school impact analysis form.

(9) Design standards. Plans of the design standards for the development depicting the following:

- a. Elevations of front and sides of buildings with indications of materials and dimensions;
- b. Elevations of accessory buildings, if proposed, with indications of materials and dimensions;
- c. Paving materials;
- d. Palette of exterior materials and their colors; and
- e. Color rendering in perspective.

(10) Application and fee. Completed application on form approved by the city, accompanied with the required fee.

(11) Additional information. Additional and relevant information, which is deemed to be appropriate by the city to ensure consideration of all relevant issues.

(e) Waiver of submittal requirements. The administrative official shall have the discretion to waive, if deemed appropriate, any of the required submittal items.

(f) Determination of completeness.

- (1) Within five working days after receipt of an application for site plan approval, the city shall determine whether the application contains all required information at the required level of detail. In the event it is determined that the application is not complete, the city shall notify the applicant of the areas of insufficiency and shall specify the additional information and level of detail required in order to declare the application complete.
- (2) In the event that an applicant fails to submit the required additional information within 30 calendar days of notification of insufficiency, the city may consider the application to be withdrawn.
- (3) An extension may be granted by the city at the written request of the applicant provided that the applicant demonstrates just cause. Such extension shall be for a time certain.

(g) *Design review criteria.* The Administrative Official may approve, approve with conditions, defer, or deny the application, or if acting in an advisory capacity, make a recommendation therefore, after consideration and review of the following:

- (1) The development, as proposed, conforms to the comprehensive development master plan for city, and is consistent with the recommendations of any applicable neighborhood or area studies or master plans which have been approved by action of the city council, and is otherwise compatible with the existing area or neighborhood development;
- (2) The proposed development site plans, landscape plans, engineering plans and other required plans conform or will conform with all applicable city codes; including design standards as set forth in this chapter.
- (3) The development, as proposed, will efficiently use or not unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;
- (4) The development, as proposed, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, public streets, roads and highways, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads, streets, or highways; and
- (5) The development provides necessary and adequate vehicular circulation, pedestrian access, ingress/egress, and is configured in a manner to minimize hazards and impacts on adjacent properties and adjacent rights-of-way.

(h) *Imposition of conditions.* Upon approval with conditions, or recommendation therefore, the DRC Administrative Official may impose conditions as deemed necessary to ensure compliance with code requirements or minimize or mitigate the impacts of the application on public facilities, adjacent properties and the surrounding neighborhood, including but not limited to the following:

- (1) Require city council approval as may be required for compliance with applicable code requirements.
- (2) Require the property be platted, or waiver of plat filed prior to issuance of building permit or issuance of certificate of occupancy.

- (3) Require submittal of revised and completed plans to the city meeting the conditions imposed by the DRC prior to issuance of building permit or prior to issuance of certificate of occupancy.
- (4) Require applicant to proffer a declaration of restrictive covenants inclusive of conditions of approval and other proffered restrictions on the development as required, or recommended as the case may be, by the DRC. Administrative Official.
- (5) Require applicant to dedicate, reserve, or grant easements for future improvements as may be deemed necessary by the city.
- (6) Require applicant to proffer a unity of title for lands subject to the development as deemed necessary prior to issuance of building permit.
- (7) Require applicant to submit planning studies, traffic impact analysis, parking analysis, cost estimate studies, drainage studies, or other studies as deemed necessary by the city as requiring further review.
- (8) Require the applicant to post or bond or other form of surety for any improvements as deemed necessary prior to issuance of building permit or issuance of certificate of occupancy.
- (9) Require that all applicable fees, contributions, or proffered contributions be paid prior issuance of building permit or issuance of certificate of occupancy.
- (10) Require that large scale residential developments provide park and recreation areas within the developments.
- (11) Impose any other condition that is deemed necessary in protecting the public health, safety and welfare, inclusive of mitigating, or minimizing impacts as result of the proposed development.

(i) Appeals. An applicant may appeal any order, requirement, decision or determination by filing such petition with the zoning appeals board in accordance to section 34-46.

(j) Modifications, deletions, revisions. Any modification, deletion, revision to approved plans or condition shall only be made upon a request being submitted to the department of planning and zoning, on a form approved by the administrative official requesting the modification, deletion, or revision. The administrative official shall determine if the modification, deletions, or revisions represent a substantial change to the approval. If it is determined that the modification, deletion, or revision are in substantial compliance the administrative official shall issue a substantial compliance statement to the applicant. In the event it is determined the modification, deletion, or revision is not substantially in compliance with the approval the administrative official may require the application be resubmitted and reviewed in the manner set forth in this section.

Sec. 34-50. Administrative variance and waivers.

(b) Authorized administrative variances and waivers. Notwithstanding any other provisions of this chapter to the contrary, the administrative official shall have the authority to, by administrative decision, approve, approve with conditions, or deny applications for the following administrative variances and waivers:

(1) A reduction-decrease in the setback for a principal structure or increase of any numerical requirements for not more than 25 percent.

(19) (a) Administrative variances for signage shall be limited to a maximum increase or decrease of 25 percent of the dimensional requirements.

(b) Petition for an administrative variance to signage shall be submitted on a form approved by the city and with the established fee. Submittal of the petition for administrative variance shall not be construed as a granting of approval of the variance.

(h) *Public notice, effective date and permit issuance.* Upon receipt of all necessary information including a staff report, the administrative official shall review the information and render a decision, approving, approving with conditions, or denying the administrative variance or waiver request. ~~A copy of said decision shall be published in a newspaper of general circulation.~~ No approvals or modifications shall be effective, nor shall any building permits be issued, until it has been determined that no timely appeal of the administrative official's decision as provided in subsection (i) of this section has been filed with the department. If a timely appeal of the administrative adjustment is filed, no approvals or modifications shall be effective, nor shall any building permit be issued, until final disposition of the appeal, including judicial review.

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

(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 Administrative Official 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 by the Administrative Official, subject to approval by resolution by the city council.~~

Sec. 34-64. Overlay Zoning Districts and Master plans.

The city council may, from time to time, adopt overlay zoning districts and master development plans for specific corridor areas and intersections for the purpose of establish development and design guidelines consistent with the purpose and intent of Land Development Regulations. Designated master plan areas shall be subject to review under the development guidelines.

ARTICLE III. CONCURRENCY MANAGEMENT, IMPACT FEES

Sec. 34-89. Mandatory and optional review of development orders.

(d) *Mandatory certification of final development orders.* All applicants for final development orders shall submit with such application and applicable concurrency review fee , or either a certificate of exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation.

Sec. 34-97. Impact fees.

(e) ~~*Partial waiver authorized.*~~ The city council may waive ~~all or any portion~~ 50% of an impact fee required by this division, if privately supplied parks and recreation, library, general government, police or fire and rescue services provided for the sole use of the residents or occupants of a project are of such a nature as to reduce the project's impact upon the city's capital needs for expansion of that particular public service. The amount waived under the authority of this provision shall not exceed the actual cost of such facilities, or ~~one-half~~ 50% of the applicable impact fee, whichever is less, credited against that category of impact fees receiving such reduced impact. The parks and recreation services impact fee reduction for a residential project shall be based upon a minimum of 35 45 square feet of enclosed recreation area per dwelling unit and a maximum of 200 square feet of enclosed recreation area per dwelling unit. A request for a waiver of impact fees in accordance to the is section shall be made on a form approved by the City and accompanied by an applicable fee.

~~(f) — *Parks and Recreation Impact Fee reduction.* The parks and recreation services impact fee reduction for a residential project shall be based upon a minimum of 35 45 square feet of enclosed recreation area per dwelling unit and a maximum of 200 square feet of enclosed recreation area per dwelling unit. If those conditions are fulfilled, the waiver of one-half of the parks and recreation impact fee shall be granted.~~

ARTICLE V. ALCOHOLIC BEVERAGES

Sec. 34-143. Licensing requirements.

(d) Authority to sign for property zoning. Under this article, the ~~zoning administrator~~ Planning and Zoning Manager will be the only person authorized to sign for the city as to the proper zoning as requested in the application to be filed with the state division of alcoholic beverages and tobacco for the corresponding state license. A request for authorization under this provision shall be accompanied by the applicable review fee.

ARTICLE VII. PLATS, SUBDIVISIONS, EXCAVATIONS, ADDRESS ASSIGNMENT

Sec. 34-219. Design standards

(g) Sidewalks. Sidewalks shall be designed and constructed in accordance with the manual of public works construction which shall require, but not be limited to the following:

(1) Minimum width of sidewalks shall be five feet, except that along the following roads, sidewalks shall be a minimum ~~ten feet~~ six feet (6.0) wide, and shall be of material and design approved by the public works department, which may include stamped concrete, pavers, or other acceptable materials:

- a. N.W. 2nd Avenue.
- b. N.W. 27th Avenue.
- c. N.W. 167th Street.
- d. U.S. 441/S.R. 7.
- e. Palmetto Expressway frontage roads.
- f. PCD district as set forth in section 34-590

(2) The minimum ~~ten-foot~~ six(6) foot width requirement shall apply to properties on intersections along said rights-of-way for a distance extending 100 feet along the intersecting right-of-way, or the distance of which the property extends along such intersecting right-of-way, whichever is greater.

ARTICLE IX. GENERALIZED SCHEDULE OF PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, SPECIAL EXCEPTION USES AND PROHIBITED USES

Sec. 34-287. Use regulations, generally.

(g) *Temporary uses.* Uses that are deemed temporary in nature, at the sole discretion of the administrative official and or regulated otherwise, by separate Ordinance, shall not be subject to the standards and requirements as set forth in this chapter, except that the Administrative Official may impose conditions, which may include, but not limited to, limiting the period of approval for such uses, imposing hours of operations, operation standards to minimize impacts on surrounding properties, and other conditions deemed necessary to minimize detrimental impacts to the welfare of the community.

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

(16) *Community residential facilities less than six residents.* Are permitted in a single dwelling unit provided:

- a. That the total number of resident clients on the premises shall not exceed six.
- b. That the operation of the facility shall be licensed, as provided in F.S. ch. 419, and that such sponsoring agency promptly notify the administrative official of said licensure no later than the time of home occupancy.
- c. That the community residential facility shall be located at least (1,000) feet from another existing, unabandoned legally established community residential facility with six or less residents. The 1,000-foot distance requirement shall be measured by following a straight line

<u>Drive-thru facilities</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>N/A</u>
<p>Legend: "P" indicates permitted. Blank indicates not permitted.</p>											
<p>Note: See additional standards and requirements and criteria for specific accessory uses set forth in section 34-312 and the master use list in appendix A of section 34-733</p>											

Sec. 34-312. Additional uses and building standards.

(33). Drive-thru facilities.

Drive-thru facilities may be permitted subject to site plan review, of which review shall include, but not be limited to, adequate access, vehicle stacking spaces, pedestrian safety, traffic circulation and other factors to minimize interruption and maintain traffic circulation and access to the site.

ARTICLE XI. DEVELOPMENT STANDARDS GENERALIZED TABLE OF DEVELOPMENT STANDARDS

Table 1. Development Standards			
Zoning Districts			
	R-1, Single-Family (See Figures 11-1, 11-2 for illustrations)	R-2, Two-Family; R-15, Multiple-Family; R-25, Multiple-Family; R-50, Multiple-Family	R-15, Multiple-Family; R-25, Multiple-Family; R-50, Multiple-Family
	Single-family Detached Two-Family	Townhouse	Multiple-family
<u>Patio slabs - brick pavers</u>			
<u>Rear (minimum)</u>	<u>5 ft.</u>	<u>5 ft.</u>	
<u>Interior side (minimum)</u>	<u>5 ft.</u>	<u>5 ft.</u>	
<u>Side street (minimum)</u>	<u>15 ft.</u>	<u>15 ft.</u>	

Coverage				
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
Maximum impervious area				
(% of lot area)	70% max.	80% 90% max.	80% 90% max.	70% 82% by right; up to 90% with incentive bonuses
Interior side setback (minimum)	25ft.—NC (where abutting residential use); 10 ft. from nonresidential 10 ft. - OF	7.5 ft.—OF	0 ft.	10 ft. by right 0 ft. with incentive bonus

ARTICLE XII. OFF-STREET PARKING, LOADING AND VEHICULAR CIRCULATION REQUIREMENTS

Sec. 34-382. Dimensional requirements.

(b) A minimum 25 feet spacing shall be required between ~~a right-of-way line~~ the edge of pavement and a intersecting drive aisle or off-street parking space.

Sec. 34-388. Commercial, recreational, boats and vessel parking areas.

In addition to words and terms defined herein this chapter, the following words and terms shall be used in the interpretation of parking of commercial vehicles:

(6) The term "prohibited vehicle" means:

A heavy truck;

A mobile home;

A trailer or semitrailer (excluding a boat trailer), travel trailer and camping trailer, of a length of greater than ten feet;

A truck tractor;

A bus;

A dump truck;

A park trailer;

Machinery, including but not limited to front-end loaders, back hoes and bulldozers; and

Any other motor vehicle that has been modified from its original design such that it includes any of the features of the above-enumerated prohibited vehicles.

Inoperable vehicle:

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

(b) *Permit required.* Commercial, recreational, boats, vessels vehicles parked or stored in a residential district may be permitted with a valid overnight parking permit from the city which shall be obtained for ~~all~~ up to two (2) vehicles or vessels parking parked in residentially zoned properties; subject to the following:

- (1) The vehicle is owned by the occupant of the residential property;
- (2) Unoccupied while parked or stored on the residential property;
- (3) Maintained in a neat and operable condition, provided that major repairs including but not limited to repairs of the internal engine, rear end, transmission, exhaust system, body and chassis shall not be performed while parked or stored on the residential property; and
- (4) Currently registered, licensed or permitted by the appropriate governing authority.
- (5) Parking permits shall remain valid providing the permit is renewed before October 1 of each subsequent year commencing 2014. Permits applied for or renewed after August 1st of each year shall be valid until September 30 the following year.

ARTICLE XIV. MINIMUM LANDSCAPE AND BUFFERING REQUIREMENTS; FENCES; WALLS; HEDGES

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

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

Table 1: Minimum Landscape And Buffering Standards Generalized Table											
Zoning district/ landscape requirement	R-1	R-2	R-15 R-25 R-50	NC	PCD*	OF	I-1***	I-2***	PD**	AU	GP
Landscaped Open space	n/a	n/a	Min. 20%	Min. 10% 30%	Min. 18%	Min. 18% 30%	Min. 10%	Min. 10%	Min. 30%	Min. 20%	n/a

Sec. 34-445. Extra standards, exceptions.

(2) Street tree requirements.

a. *Height, spacing and species.* Street trees shall be of a species as listed in the Landscape manual and which normally mature at a height of at least 20 feet. Street trees shall have a clear trunk of four feet, an overall height of 14 feet and a minimum caliper of three inches at time of planting, and shall be provided along all roadways at a maximum average spacing of 25 feet on center, except as otherwise provided in these tree regulations. The 25-foot average spacing requirement for multiple single-family units such as zero-lot-line and townhouse units shall be based on the total linear footage of roadway for the entire project and not based on individual lot widths. Street trees shall be planted no further apart than 60-foot intervals and no closer than 18 feet apart depending on the species.

b. *Location.* Street trees shall be installed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the administrative official within seven (7) feet of the property line. Street trees planted along private roadways shall be placed within seven feet of the edge of roadway pavement or, where present, within seven feet of the sidewalk. ~~Suggested canopy trees that are drought tolerant are strongly encouraged.~~ Appropriate types of street trees shall be in compliance as listed in the landscape manual.

c. ~~Street trees, arterials, collector streets.~~ In addition to other minimum landscape requirements, landscape and streetscape for roads classified as arterials and/or collector shall comply with the following criteria:

- ~~1. Street trees shall be royal palms which shall have at least 15 feet gray wood or of other species listed in the landscape manual for use on such streets.~~
- ~~2. Royal palms shall be 12 feet high with a minimum caliper of three inches at time of planting, and four feet of clear trunk.~~
- ~~3. They should not be planted in conflict with power lines.~~
- ~~4. Palms shall be provided at an average maximum spacing of 25 feet on center.~~

c. *Maintenance of street streets.* When trees are planted within the right-of-way, the owners of land adjacent to the areas where street trees are planted must maintain those areas including the trees, plants and sod, using pruning methods specified in this chapter. Where the city determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, they may require that said trees and landscape material be placed on private property.

d. Exceptions.

- (i) Power lines. Where the height and location of overhead power lines require the planting of low growing trees, street trees shall have a minimum height of eight feet, a minimum caliper of two inches at time of planting with a maximum average spacing of 25 feet on center.
- (ii) Street lights. No street trees shall be located closer than 12 feet from street lights, no palms may be closer than seven feet.

- (iii) Electric, utility lines. The spacing of trees from electric utility lines must follow those guidelines established by Florida Power and Light publication Right Tree, Right Place, available from the public works office.

Sec. 34-446. Fences, walls and hedges; safety barriers for swimming pools.

(h) *Measuring height of wall, fence, and hedge.* The height of a wall, fence or hedge shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, hedge or fence. The average elevation shall be measured along both sides of the wall, hedge or fence line. Virgin land may not be increased or decreased to affect the permitted (or required) height of a wall, hedge or fence unless the entire building site is graded to even out the level of the site or to increase it to the required the county flood criteria elevation. Average elevation shall be determined by taking elevations along both sides of the wall, hedge or fence line, at five-foot intervals and totaling the same and then dividing the total by the number of stations at which the elevations were taken. Decorative columns, or other types of architectural features shall not be measured as the fence or wall height provided said decorative columns or other types of architectural features do not exceed 20% of the permitted height of the fence or wall.

Sec. 34-451. Maintenance requirements.

(b) Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area, which shall include, but not be limited to, hat racking, defacing, , or painting of trees, and the proper trimming and pruning techniques as outlined in the City's Landscape Manual.

ARTICLE XV. PLANNED CORRIDOR DISTRICT (PCD)

~~Sec. 34-474. Master plans.~~

~~The city council may, from time to time, adopt master development plans for specific corridor areas and intersections for the purpose of establish development and design guidelines consistent with the purpose and intent of the PCD. Developments in designated master plan areas shall be subject to review under the development guidelines, but said master plans and guidelines shall not be construed to waive or vary the development regulations set forth in this article or otherwise in this chapter.~~

~~a.~~

~~*Miami Gardens Town Center Master Plan.* The adopted Miami Gardens Town Center Master Plan is established by the TCO, Town Center Overlay District as depicted on the Official Zoning Map, and in Appendix "A".~~

Sec. 34-531. Schedule of development incentives.

Available incentive bonuses	Development features that qualify for incentives							
	Building on 15' build-to-line	Mixed-use development	Compliant architecture	Urban open space	Market-rate housing	Transit Infrastructure	Sustainable Buildings	
							50% Credit Option	100% Credit Option
Increase impervious area (see section 34-532)								
5% increase					<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
10% increase	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>				
15% increase	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Reduce PCD arterial street LS buffer (see section 34-532)								
5 foot reduction		<u>X</u>	<u>X</u>				<u>X</u>	<u>X</u>
10 foot reduction	<u>X</u>							
Reduce side setback & LS buffer (see section 34-532)								
5-foot reduction		<u>X</u>	<u>X</u>					
Eliminate setback and buffer	<u>X</u>							
Reduce rear LS buffer (see section 34-532)	<u>X</u>							

2.5-foot reduction	<u>X</u>							
Eliminate interior parking lot LS islands (see section 34-532)	<u>X</u>							
Allow drive-thru service facility (see section 15-100)								
Increase height/density/FAR (see section 15-100)					<u>X</u>	<u>X</u>		
1 story increase								
2 story increase	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u>	
3 story increase								<u>X</u>
Allow flexible parking (see section 34-532)		<u>X</u>				<u>X</u>		
Reduce avg. dwelling unit area (see section 34-532)								
25 s.f. reduction							<u>X</u>	
50 s.f. reduction					<u>X</u>			<u>X</u>
Expedite permits (see section 34-532)				<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Sec. 34-532. Specific incentive bonus regulations.

(f) ——— Allowing drive through facilities incentive bonus. This bonus allows the establishment of drive-through service facilities.

~~Sec. 34-590. Upgraded ten foot wide sidewalk required.~~

~~A ten-foot sidewalk is required along all street rights-of-way within the district. In order to enhance the pedestrian experience and the appearance of the city's major street corridors, the sidewalk shall be constructed of stamped and colored concrete, or other material and/or design determined by the city council for the district or geographical divisions thereof. In order to provide for continuity within the district, the administrative official may authorize or require payment in lieu of sidewalk construction based upon the prevailing cost per square-foot of construction of such sidewalks according to a public works estimating publication deemed acceptable by the director of public works, as such costs may be adjusted for local material and labor cost conditions. Payment under this section shall be deposited in an account to be designated and maintained for sidewalk construction along the corridor or portion thereof for which the payment was made in lieu of construction.~~

ARTICLE XVII. SIGN REGULATIONS

~~Sec. 34-655. Administrative variances of 15 percent.~~

~~The administrative official shall be authorized to grant administrative variances to this article as set forth in section 34-50, when such variance involves a legally existing nonconforming sign as set forth below:~~

~~(1) Administrative variances shall be limited to a maximum increase or decrease of 15 percent of the dimensional requirements.~~

~~(2) Petition for an administrative variance to this article shall be submitted on a form approved by the city and with the established fee. Submittal of the petition for administrative variance shall not be construed as a granting of approval of the variance.~~

~~(3) The administrative official at its' sole discretion and after proper and fair consideration may deny a petition if it is determined the granting of the variance poses a health and safety hazard and/or is not in the best interest and welfare of the general public.~~

Sec. 34-670. Prohibited signs.

It shall be unlawful for any person to install, alter, erect, construct, post, paint, maintain, or relocate, within the municipal limits of the city any sign, without first having obtained a permit from the city, and/or have a valid permit for said work, unless otherwise exempt by this article.

(2) Before any permit is issued, an application for such permit shall be filed in a manner required by the city. Any sign that does not have or has not been issued a valid permit as may be required by this article shall be prohibited. In addition, the following signs shall be prohibited in the city:

gg. Any sign not specifically permitted by this chapter shall be deemed prohibited.

ARTICLE XIX. DEFINITIONS AND RULES OF CONSTRUCTION

Sec. 34-732. Definitions of terms.

Inoperable vehicle means a vehicle or trailer, which is incapable of being lawfully operated on the streets of the State, or is in a state of disrepair. A vehicle or trailer shall be deemed inoperative if one or more parts which are required for the operation of the vehicle are missing, dismantled, inoperative or not attached to the vehicle as designed. A vehicle or trailer without a license plate, with a license plate that is not registered to that vehicle, a license plate without a registration sticker affixed to the license plate, or that has a registration sticker that has been expired for a period of at least 90 days, shall be deemed to be an inoperable vehicle.

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
Outdoor storage—agriculture		Outdoor storage of vehicles and equipment associated with agricultural, aqua-cultural or horticultural production. <u>Including the storage of uninstalled trees and plants, planting materials such as soils, mulch, fertilizer, planting pots and planters, lawn decorations, fountains, ponds, and statues, and all other related items.</u>
Plant nursery, retail or wholesale	Greenhouses, nurseries, retail, wholesale, <u>vegetable gardens</u>	A place where plants are propagated and/or grown to usable size for retail sale or wholesale, or for experimentation, and which may include such accessory uses as the limited and incidental sale of

		<p>accessory items such as greenhouses, the provision of landscape design services, and delivery and installation of plants purchased from the nursery. Expressly excludes lawn and landscape maintenance businesses and mulching operations as commercial or principal uses. <u>Vegetable gardens may be an accessory use with a residential use providing said gardens are planted in the rear yards and for the sole use of the residents of the property.</u></p>
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